



Agenda

Jefferson County Planning Commission

Tuesday, November 4, 2025 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,
Public Participation is available in-person only.
The meeting will be broadcast live via ZOOM for viewing purposes only.**

In-Person Meeting Location: County Commission Meeting Room located in the main level of the Jefferson County Government Complex (entrance on East side of the building)
393 North Lawrence Street, Charles Town, WV 25414

ZOOM Broadcast Information*: Meeting ID: 814 6008 0046
Meeting Link: <https://us02web.zoom.us/j/81460080046>

**If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

1. **Approval of Meeting Minutes:** September 23, 2025 and October 14, 2025 meetings.
2. **Request for postponement**
3. **Planning Commission Email Training**
 - a. Distribution of County Email Accounts

The following items are open for public comment

4. **Public Hearing:** Variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance, which requires a Final Plat Public Hearing every two years for the Aspen Greens Subdivision. The applicant is asking for an extension to January 11, 2028. Property Owner: Roderick Planes, LLC / Attn: Maurice Gladhill. Property Location: Northeasterly Old Country Club Road & Flowing Springs Road Intersection, Charles Town, WV. Parcel ID: 02000400190000; Size: 55 acres; Zoning District: Rural (File #25-2-PCV).
5. **Public Hearing:** Waiver from Section 20.201 of the Subdivision Regulations, requesting to process a 6-Lot Subdivision as a minor subdivision instead of as a Major Cluster Subdivision development. Property Owner: Vincent & Alicia Secatello. Property Location: 132 Autumn Ridge Lane, Kearneysville, WV. Parcel ID: 07000500020002; Size: 37.43 acres; Zoning District: Rural (File #25-28-PCW).
6. **Public Hearing:** STA25-03 is a proposed text amendment to Section 20.201, Section 20.203C, Section 21.105C, Section 22.208A, Section 22.208B, and Appendix B, Division 5.1 of the Subdivision Regulations. ZTA25-03 is a proposed text amendment to the Table of Contents, Article 2, Section 4.10B, Section 5.1, Section 5.5, Section 5.7, Section 6.3, Section 8.14, Section 9.5, Section 10.5, Section 11.2, Appendix A, Appendix B, and Appendix C of the Zoning Ordinance. The purpose of these amendments are to establish and create the necessary criteria regarding the proposed Rural Residential Zoning District. (File #STA25-03 & File #ZTA25-03).
7. **Public Hearing:** STA25-04 is a proposed text amendment to Section 21.105 and Section 22.208B of the Subdivision Regulations. ZTA25-03 is a proposed text amendment to the Table of Contents, Section 4.6, Section 5.1, Section 5.9, Section 9.5, Appendix A, Appendix B, and Appendix C of the Zoning Ordinance. The purpose of these amendments are to establish and create the necessary criteria regarding the proposed Residential Commercial Zoning District. (File #STA25-04 & File #ZTA25-04).

- 8. Public Hearing:** ZTA25-05 is a proposed text amendment to Section 5.17 and Appendix C of the Zoning Ordinance. The purpose of this amendment is to update the Office Commercial portion of the Zoning Ordinance and its connectivity to the Subdivision Regulations. (File #ZTA25-05).

There is no public comment for the following items.

- 9. Discussion and Approval:** FY 2027 Planning and Zoning Budget Memo for submission to the County Commission.
- 10. Discussion and Approval:** Planning and Zoning 1st Quarterly Report for FY 2025-2026 for the County Commission. (*To be distributed at the meeting*)

11. Reports from Legal Counsel

- a. Discussion on Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission) with legal counsel.

12. Planner's Memo

13. President's Report

14. Actionable Correspondence

15. Nonactionable Correspondence

Draft Meeting Minutes
Jefferson County Planning Commission
September 23, 2025

The Jefferson County Planning Commission met on September 23, 2025, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Tim Smith; Donnie Fisher; J Ware; Bruce Chrisman; and Daniel Hayes were present in person.

Staff members present included Luke Seigfried, Chief County Planner; Jonathan Saunders, County Engineer; Andy Beall, Zoning Administrator, Nathan Cochran, County Attorney; and Colin Uhry, County Planner.

Mr. Shepp called the meeting to order at 7:00 pm and confirmed a quorum was present.

1. Approval of Meeting Minutes: August 12, 2025 meeting

Mr. Shepp moved the minutes were approved as presented, which carried unanimously.

2. Request for postponement

None.

15. Reports from Legal Counsel:

Mr. Cochran requested Agenda Item 15 be discussed at the beginning of the meeting in executive session. Mr. Shepp motioned to bring the meeting into executive session at 7:01 pm. Mr. Louthan seconded the motion, which carried unanimously. Mr. Howell recused himself from the executive session.

Mr. Shepp motioned to bring the meeting out of executive session at 7:56 pm. Mr. Chrisman seconded the motion, which carried unanimously.

3. Concept Plan Public Workshop for the Ghazwa's Forest Subdivision. The proposal consists of a Major Residential Subdivision with 81 lots and associated infrastructure. Property Owner: IG Totonji Holding, LLC. Developer: Golden Eagle Group, Inc. Property Location: Vacant lot located on the Southwest corner of Flowing Springs Road and Zoar Lane, Shenandoah Junction, WV. Parcel ID: 02000300090004. Size: 31.48 ac. Zoning District: Residential Growth (File #25-28-SD).

4. Public Hearing: Request for a Waiver from Section 21.101A, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street. Property Owner: IG Totonji Holding, LLC. Developer: Golden Eagle Group, Inc. Property Location: Vacant lot located on the Southwest corner of Flowing Springs Road and Zoar Lane, Shenandoah Junction, WV. Parcel ID: 02000300090004. Size: 31.48 ac. Zoning District: Residential Growth (File #25-24-PCW).

Mr. Seigfried provided an overview of the staff report for Files #25-28-SD and #25-24-PCW.

Ms. Brooke Perry was present in person to state the nature of the request. The members of the audience noted difficulty hearing the applicant.

Mr. Shepp opened the floor for public comment. The following members were signed up to provide public testimony: Sarah Grove, Colin Stine. Mr. Uhry resolved the technical difficulties regarding the audio system, which stayed functional for the remainder of the meeting. Mr. Shepp closed the floor for public comment.

Addressing the public comments, Ms. Perry proffered conducting a pre/post blasting survey within Lots 4 and 5 of the Concept Plan and to meet two of the recommendations made by Staff in the Planning Commission's Staff Report.

Mr. Hayes moved to approve the waiver request to allow for the proposed subdivision to exceed six lots in length on one side of the street and send the Concept Plan to the Preliminary Plat stage with the following conditions of approval:

1. Conduct a pre/post blasting survey on the stone area located at Lot 4 and Lot 5 of the Concept Plan
2. Provide pedestrian access to Open Space C between Lot 71 and Lot 72 to provide dual access to Open Space C and establish a pedestrian trail.
3. Provide details of what equipment or amenities will be included in the active recreation areas.

Mr. Louthan seconded the motion, which carried unanimously.

- 5. Public Hearing:** Waiver request from Section 20.203B.1.a to increase the maximum footprint of an addition from 1200 square feet to 1700 square feet to allow a proposed expansion to process without a site plan. Property Owner: Executive Emergency Lighting LLC. Property Location: 21 Southpaw Ln, Shepherdstown, WV. Parcel ID: 09014BWAT10000; Size: ~2.4 acres; Zoning District: Rural (File #25-23-PCW).

Mr. Uhry provided an overview of the staff report for File #25-23-PCW. Mr. Saunders explained the criteria for processing as a No Site Plan.

Mr. Raymund Muth and Mr. Dan Thomas were present in person to state the nature of the request.

Mr. Shepp opened the floor for public comment. The following members were signed up to provide public testimony: Mary Casciotti, Michal Vaeth, Tom Williamson, OCS Cominuts, Michael Bass. Mr. Shepp closed the floor for public comment.

Addressing the public comments, Mr. Muth noted Executive Emergency Lighting had no need for parking and it was addressed in a previous meeting with County Staff. Mr. Hayes questioned if the applicant was willing to remove the new parking area, Mr. Muth confirmed the company's willingness to remove parking.

Mr. Saunders and Mr. Seigfried provided the Planning Commission with Staff's recommendation.

Mr. Fisher moved to approve the waiver request to allow for the maximum footprint of a 1700 square foot addition to process without a site plan with the following conditions of approval:

1. Remove the proposed parking area from the No Site Plan
2. The Owner/Developer must process a Site Plan for any additional structures or expansion of parking on the site.
3. No outdoor storage of equipment, tools, or materials in the area adjacent to 480.
4. No further expansion of vehicular parking or building construction in the area adjacent to 480.

Mr. Louthan seconded the motion, which carried unanimously.

- 6. Public Hearing:** Request by the applicant via the Amended Completeness Determination Policy Signed 2/27/25 and waiver from Section 24.113, Section 24.113G, and Section 24.113H of the Subdivision Regulations to allow for the Planning Commission to deem the Preliminary Plat of the proposed Media Farm Subdivision (25-5-SD) as essentially complete. Property Owner: Harvest Homes, LLC. Property Location: 261, 278, and 391 Media Farm Lane, Ranson, WV. Parcel IDs: 02000400110000, 02000400130000, 0200040010001. Combined Size: ~126 ac. Zoning District: Residential Growth (File #: 25-25-PCW).

Mr. Shepp introduced Agenda Item #6.

Mr. Seigfried provided an overview of the staff report for File #25-25-PCW.

Mr. Paul Raco, consultant from P.J. Raco Consulting, Mr. Connor Hill, Project Manager from Integrity Federal Services, and Mr. Dave Lutman, applicant, were present in person to state the nature of the request.

Mr. Shepp opened the floor for public comment. Mr. Shepp closed the floor for public comment as no members of the public were signed up to speak.

Ms. Keys moved to deem the Media Farm Subdivision Preliminary Plat as essentially complete and send it to the Public Hearing stage of the major subdivision process. Mr. Louthan seconded the motion, which carried unanimously.

7. **Public Hearing:** Waiver from Section 20.102B of the Subdivision Regulations to allow site grading to commence prior to site plan approval for the proposed Media Farm Subdivision (25-5-SD). Property Owner: Harvest Homes, LLC. Property Location: 261, 278, and 391 Media Farm Lane, Ranson, WV. Parcel IDs: 02000400110000, 02000400130000, 0200040010001. Combined Size: ~126 ac. Zoning District: Residential Growth (File #25-26-PCW).

Mr. Seigfried provided an overview of the staff report for File #25-26-PCW.

Mr. Paul Raco, consultant from P.J. Raco Consulting, Mr. Connor Hill, Project Manager from Integrity Federal Services, and Mr. Dave Lutman, applicant, were present in person to state the nature of the request.

Mr. Shepp opened the floor for public comment. Mr. Shepp closed the floor for public comment as no members of the public were signed up to speak.

Mr. Hayes moved to approve the waiver request to allow for site grading to commence prior to site plan approval for the proposed Media Farm Subdivision, with the following conditions of approval:

1. A grading permit is issued to allow the owner to perform site grading in preparation for the roadway and other earth work improvements, which is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading permit and a NPDES permit is obtained.
2. The Owner/Developer assumes all risk for “jump-starting” the project and understands that the final Preliminary Plat design approved by the Planning Commission might necessitate some changes and additional construction cost.
3. Provide bonding of all proposed site improvements related to sediment and erosion control/SWM pertaining to the permit.

Ms. Keys seconded the motion, which carried unanimously.

8. **Public Hearing:** Waiver request from Section 24.115C of the Subdivision Regulations to allow for the Final Plat of the proposed Media Farm Subdivision (25-5-SD) to process concurrently with the Preliminary Plat. Property Owner: Harvest Homes, LLC. Property Location: 261, 278, and 391 Media Farm Lane, Ranson, WV. Parcel IDs: 02000400110000, 02000400130000, 0200040010001. Combined Size: ~126 ac. Zoning District: Residential Growth (File #25-27-PCW).

Mr. Seigfried provided an overview of the staff report for File #25-27-PCW.

Mr. Paul Raco, consultant from P.J. Raco Consulting, Mr. Connor Hill, Project Manager from Integrity Federal Services, and Mr. Dave Lutman, applicant, were present in person to state the nature of the request.

Mr. Shepp opened the floor for public comment. Mr. Shepp closed the floor for public comment as no members of the public were signed up to speak.

Ms. Keys moved to approve the waiver request from Section 24.115C of the Subdivision Regulations to allow for the Final Plat of the proposed Media Farm Subdivision (25-5-SD) to process concurrently with the Preliminary Plat, with the following condition of approval:

1. Owner/Developer accepts all risks for beginning processing prior to approval of the Preliminary Plat and understands that the final Preliminary Plat design approved by the Planning Commission might necessitate some changes and additional construction cost.

Mr. Hayes seconded the motion, which carried unanimously.

- 9. Public Hearing:** Proposed Amendment to Section 24.113, “Major Subdivision Preliminary Plat – Application Submission and Completeness Review”, Section 24.122, “Major Site Plan Application – Submission and Completeness Review”, and Division 26.200, “Definition of Terms”, of the Jefferson County Subdivision and Land Development Regulations to further elaborate on establishing the necessary criteria regarding Historical Resource Protection (File #STA 25-01).

Mr. Seigfried provided an overview of the staff report for File #STA25-01. The proposed text amendment updated the vague language currently included in Section 24.113.B.10 and realigns the criteria towards the requirements listed by the West Virginia State Historic Preservation Office, defined a Phase I Archaeological Study in Section 26.200, as well as fix minor spelling and terminology mistakes in Sections 24.113 and 24.122 of the Subdivision Regulations.

Mr. Shepp opened the floor for public comment. Mr. Shepp closed the floor for public comment as no members of the public were signed up to speak.

Mr. Chrisman moved to send the Proposed Amendment to Sections 24.113, 24.122, and Division 26.200 to a public hearing at the County Commission, Mr. Louthan seconded the motion, which carried unanimously.

10. Discussion and Action on the Cochran Properties (General Commercial) Zoning Map

Amendment Request: Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the combined 51.57 acre Four Seas of WV, LLC properties from Rural (R) to General Commercial (GC) is consistent with the *2045 Comprehensive Plan*. (File #25-3-Z)

Mr. Seigfried provided an overview of the staff report for File # 25-3-Z, noting that the request had gone in front of the County Commission and it was directed for the Planning Commission to recommend whether or not the General Commercial zoning district would be consistent with the 2045 Comprehensive Plan.

Mr. Brett Cochran, property owner, was present in person to state the nature of the request.

Mr. Shepp made note that the Planning Commission is only giving a recommendation to the County Commission and are not approving or denying the rezoning request.

Mr. Seigfried provided the recommendation from staff stating the rezoning request is consistent with the 2045 Comprehensive Plan.

Mr. Howell moved to find the rezoning proposal consistent with the 2045 Comprehensive Plan, Mr. Louthan seconded the motion, which carried unanimously.

11. Discussion and Possible Action: Draft amendment to the Zoning and Land Development Ordinance regarding the creation of the new Rural Residential zoning district.

Mr. Seigfried provided an overview of the current draft of the proposed Rural Residential zoning district's text amendment to the Subdivision Regulations and Zoning Ordinance.

Mr. Hayes moved to schedule the Public Hearing for the proposed Rural Residential zoning district text amendment for the November 4, 2025 Planning Commission meeting, Mr. Louthan seconded the motion, which carried unanimously.

12. Discussion and Possible Action: Draft amendment to the Zoning and Land Development Ordinance regarding the creation of the new Residential Commercial zoning district.

Mr. Seigfried provided an overview of the current draft of the proposed Residential Commercial zoning district's text amendment to the Subdivision Regulations and Zoning Ordinance.

The Planning Commission expressed desire in making commercial development required on parcels zoned as Residential Commercial, noting that required 25% of development in the zoning district be designated as commercial uses.

Ms. Keys moved to schedule the Public Hearing for the proposed Residential Commercial zoning district text amendment for the November 4, 2025 Planning Commission meeting with the condition that staff include language to require at least 25% of land to be developed as commercial uses in the zoning district. Mr. Chrisman seconded the motion, which carried unanimously.

13. Discussion and Possible Action: Draft amendment to the Zoning and Land Development Ordinance regarding the updates to the Office/Commercial mixed use zoning district.

Mr. Seigfried provided an overview of the current draft of the updates to the Office Commercial zoning district currently in the Zoning Ordinance.

Mr. Fisher moved to schedule the Public Hearing for the Office Commercial zoning district text amendment for the November 4, 2025 Planning Commission meeting, Mr. Ware seconded the motion, which carried unanimously.

14. Discussion and Possible Action: Staff discussion regarding a proposed text amendment to revise language on Solar Energy Facilities in the Zoning & Land Development Ordinance Section 8.20 and Appendix C and add specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations.

Mr. Beall provided an overview of the Memo and requested clarification on the Planning Commission's direction for how restrictive proposed changes to the Subdivision Regulations and the Zoning Ordinance.

After discussion regarding the Conditional Use Permit process, the Planning Commission directed staff to stop any proposed changes to the Zoning Ordinance and leave it in the current state, while creating language that would require all solar projects to process a Major Site Plan for development.

Mr. Shepp motioned to include the Major Site Plan language in the proposed Solar Energy Facilities text amendment and bring the changes back to the Planning Commission at a later date, as well as stop any proposed changes to the Zoning Ordinance, Mr. Louthan seconded the motion, which carried unanimously.

15. Reports from Legal Counsel

- a. Discussion on Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission) with legal counsel.

This item was discussed at the beginning of the meeting during executive session.

16. Planner's Memo

Mr. Seigfried noted that due to technical difficulties at the September 9, 2025 meeting, all trainings for the Planning Commissioners has been postponed. The Planning Commission scheduled all required trainings for the October 14, 2025 Planning Commission meeting.

17. President's Report

None.

18. Actionable Correspondence

19. Non-Actionable Correspondence

- a. Todd Milliron
- b. David Tabb

Mr. Louthan motioned to adjourn the meeting at 10:34 pm. Mr. Ware seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, County Planner.

Draft Meeting Minutes
Jefferson County Planning Commission
October 14, 2025

The Jefferson County Planning Commission met on October 14, 2025, at 6:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Tim Smith; Donnie Fisher; J Ware; Bruce Chrisman; and Daniel Hayes were present in person.

Staff members present included Luke Seigfried, Chief County Planner; Jonathan Saunders, County Engineer, Jessica Gormont, GIS Lead/CAD Administrator; Nathan Cochran, County Attorney; Colin Uhry, County Planner; and Patti Richardson, Planning Clerk.

Mr. Shepp called the meeting to order at 6:00 pm and confirmed a quorum was present.

1. Approval of Meeting Minutes: September 23, 2025 meeting

Mr. Seigfried noted minutes will be available for approval for next meeting on November 4, 2025.

2. Request for postponement

None.

3. Planner's Memo

Mr. Shepp introduced Agenda Item #3

Mr. Uhry provided all Planning Commissioners with their Self Evaluation Report, which was collected at the conclusion of the meeting.

Mr. Seigfried provided the Planning Commission with the direction the County Commission provided Staff and Planning Commission from the September 18, 2025 meeting. This direction was included in the Agenda Packet.

Mr. Seigfried notified the Planning Commission that the Historical Resources text amendment (STA25-01) has been scheduled for a Public Hearing at the County Commission's meeting on December 4, 2025.

4. Training Presentation by the Office of GIS/Addressing

Mr. Shepp introduced Agenda Item #4

Ms. Gormont provided a training on GIS, how Jefferson County utilizes it, and further resources that are available for Planning Commissioners and the public to take advantage of.

5. Training Presentation by the Office of Planning and Zoning

Mr. Cochran stated that after speaking with Mr. Uhry, they agreed to hold Agenda Item #5 in open session and advised holding Item #6 in closed session.

Mr. Shepp introduced Agenda Item #5

Mr. Uhry provided a training on the basics of Roberts Rules of Order, how Jefferson County utilizes it, and further resources that are available for Planning Commissioners and the public take advantage of.

6. Training Presentation and Legal Advice by Legal Counsel

Mr. Shepp moved Item #6 to closed session at end of meeting.

7. Review and Approval

Mr. Shepp introduced Agenda Item #7

Mr. Seigfried presented the Planning Commission Calendar for year 2026. Mr. Hayes motioned to accept, Mr. Ware seconded the motion, which carried unanimously.

8. Discussion and Possible Action

Mr. Shepp, introduced Agenda Item #8.

Mr. Saunders discussed a proposed text amendment to revise language on Solar Energy Facilities in the Zoning and Land Development Ordinance Section 2.2 Section 4.13, and Section 8.20 and specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations. Mr. Saunders stated he had three questions for the Commission.

1. Mr. Saunders asked if there should be a limit for residential solar and what acreage would be enough. Mr. Shepp stated it is not his intent to limit solar for individual use. Ms. Keys asked if there are limits to the amount of buffer on residential. Mr. Saunders stated there are no regulations on buffers. Mr. Shepp requested more research to be done and to submit a recommendation at the next meeting.
2. Mr. Saunders asked if commercial solar would follow the residential process or have different requirements. Mr. Shepp stated there would be no reason to go through a site plan process. The Planning Commission asked Mr. Saunders to research how much energy a house takes in one year.
3. Mr. Saunders asked if a solar development should be able to stockpile supplies on the property or if a process would need to be followed. Ms. Keys stated she would like such situations to be reviewed on a case-by-case basis. Mr. Chrisman stated it may be a question of where the stockpile would be located. Mr. Saunders asked if the question should be addressed at the concept plan.

9. Discussion and Recommendation: Draft FY 26 Planning and Zoning Budget recommendation for use by the Department of Engineering, Planning, and Zoning. Mr. Seigfried distributed draft at the meeting.

Mr. Seigfried provided the Planning Commission with a draft budget for FY 2026. Mr. Shepp expressed interest in requesting the max budget necessary to account for outside text amendment contracting. The Planning Commission directed staff to return with a finalized draft budget to approve to send to the County Commission.

11. President's Report

None

12. Actionable Correspondence

None

13. Non-Actionable Correspondence

10 Reports from Legal Counsel:

Mr. Shepp moved to bring the meeting into Executive Session at 7:48. Mr. Smith seconded the motion, which carried unanimously. Mr. Howell recused himself. Mr. Louthan moved to bring the

Planning Commission Minutes

October 14, 2025

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meeting out of executive session at 7:57 pm, Mr. Fisher seconded the motion, which carried unanimously.

The Planning Commission noted that two Special Meetings are to be held in the coming weeks, they are as follows:

1. Wednesday, October 29, 2025 at 9:00 am
2. Wednesday, November 5, 2025 at 6:00 pm

Mr. Shepp motioned to adjourn the meeting at 7.49 pm. Mr. Louthan seconded the motion, which carried unanimously.

6 Training Presentation and Legal Advice by Legal Counsel

Mr. Shepp called Agenda Item #6 to closed session. This item was held outside of the meeting.

These minutes were prepared by Patti Richardson, Planning Clerk.

Jefferson County Email Setup & Microsoft 365 E1 Capabilities

For New Staff | Web-Based Access Only

Step 1: Sign In to Outlook Web Access

1. **Go to the Outlook Web Portal**
 - Open your browser and visit: <https://outlook.office.com>
 2. **Enter Your Jefferson County Email Address**
 - Format: `firstname.middleinitial.lastname@jeffcowv.gov`
 - Example: `john.a.doe@jeffcowv.gov`
 3. **Enter Your Assigned Password**
 - Provided by IT or HR during onboarding
 4. **Click “Sign In”**
-

Step 2: Complete Mandatory Multi-Factor Authentication (MFA)

- MFA is required for all Jefferson County accounts
 - Follow on-screen prompts to verify your identity
 - Choose a method:
 - Mobile app (Microsoft Authenticator)
 - Text message
 - Phone call
 - Complete setup to secure your account
-

Step 3: Update Your Password

- Create a secure new password
 - Confirm and continue to your mailbox
-

Step 4: Access Your Email

- You'll land in **Outlook on the Web**
 - You can now:
 - Send and receive emails
 - Use shared calendars
 - Organize folders and rules
-

Step 5: What You Can Do with Microsoft 365 E1

Web-Based Office Apps

- Use **online versions** of:
 - Word
 - Excel
 - PowerPoint
 - Outlook
 - OneNote
- Real-time collaboration and autosave via OneDrive

Email & Calendar

- 50 GB mailbox
- Shared calendars and scheduling
- Email signature setup via ⚙️ (top right)

Cloud Storage

- **OneDrive for Business**
 - 1 TB personal cloud storage
 - Secure file sharing
 - Version history and recovery

Collaboration Tools

- **SharePoint Online**
 - Departmental sites and document libraries
 - Ideal for SOPs, inspection-ready docs, and deputy handoff
- **Microsoft Teams**
 - *Note: Not included by default in E1 — must be added separately*

Security & Compliance

- MFA required
- Data encryption at rest and in transit
- 99.9% uptime guarantee

AI-Powered Assistance

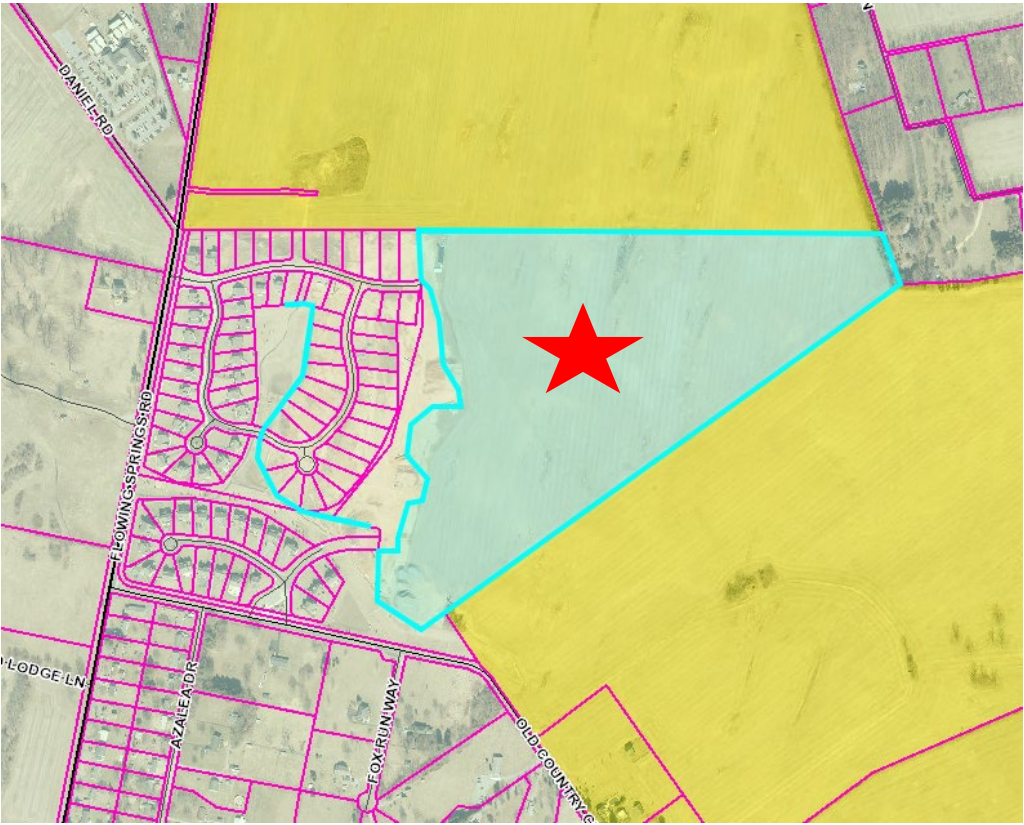
- Web-based **Copilot in Word, Excel, Outlook**
 - Summarization, writing help, and data insights
-

Optional: Customize Your Experience

- Click the gear icon (⚙️) in the top right to:
 - Set your email signature
 - Adjust time zone and language
 - Configure mail rules or forwarding

Staff Report
 Jefferson County Planning Commission Meeting
 November 4, 2025
Aspen Greens Variance Request (File #25-2-PCV)

Item #4: Public Hearing: Subdivision Variance request from Article 6; Section 6.3 of the 1979 Subdivision Ordinance, which requires a Final Plat Public Hearing every two years, for an additional two year extension from January 11, 2026 to January 11, 2028.

Owner/Applicant:	Roderick Planes, LLC / Maurice Gladhill
Surveyor/Engineer:	Gates Associated, Inc. / Fred W. Gates
Parcel Information and Zoning District:	<p>NE corner of Old Country Club Road & Flowing Springs, Charles Town, WV; Parcel ID: 02000400190000; Size: 55.03 acres; Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, South: Residential Growth, East and West: Rural</i>
Proposed Activity:	203 lots (total for all phases)/85 lots currently Final platted (see below); Requesting extension for the next required Final Plat Public Hearing from January 11, 2024 to January 11, 2026.
History:	
Conditional Use Permit (File #Z02-06)	Approved Official Issuance Signature: 12/20/07 BZA Variance Approved to Extend CUP to: 12/20/10; 7/01/12 Recordation of the Phase 1A Final Plat deems CUP to be “commenced”
Community Impact Statement	PC Approval: 03/25/08 PC Variance Approved to Extend CIS to: 12/31/09; 12/20/10; 07/01/2012; 4/10/15; 12/08/2015; 6/10/20; 6/10/22 (the time required to hold a FP PH for the next phase)

Staff Report
 Jefferson County Planning Commission Meeting
 November 4, 2025
Aspen Greens Variance Request (File #25-2-PCV)

Preliminary Plat	Staff Approved: 11/16/21 (Phase IIB; File #20-1-SD; 39 lots) Staff Approved: 04/19/23 (Phase IIB & Phase IA Redline Revision; File #22-2-RR; CON/SPAN Bridge) Staff Approved: 03/16/15 (Phase IIA; PC File # 14-01; 26 lots) Staff Approved: 04/10/12 (Phase IA; PC File #07-15; 20 lots)
Final Plat	Phase IIB FP (File #20-1-SD), PC approved, 01/11/22 (recorded 2/22/22) Phase IIA FP (PC File #14-01) PC approved: 06/09/15 (recorded 8/31/15) Phase 1A FP (PC File # 07-15) PC approved: 6/12/12 (recorded 9/6/12)
Planning Commission Variance	PV Variances to extend CIS/CUP –see dates above PCV 18-01: PC appr. 3/13/18; to reduce the required slope from 0.5 to 0.27 19-1-PCV: PC Approved 04/09/19; to allow 66 lots on a single entrance including Phases IIA and IIB. 20-2-PCV: PC approved 06/02/20; Early Grading Permit for Phase IIB. 23-3-PCV: PC approved 08/08/23; Two year extension for the Final Plat Public Hearing required by the 1979 Subdivision Ordinance

Background:

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Because this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations. The CUP and CIS are approved for a build-out of 203 total lots.

To date, Phases IA, IIA, and IIB have been approved and recorded:

- Phase IA consists of Lots 1-20 (20 lots) and access to these lots is via Quaking Aspen Way off of Old Country Club Road; approved, bonded and recorded 9/6/12.
- Phase IIA consists of Lots 21-46 (26 lots) and access to these lots is via Wintergreen Way off of Flowing Springs Road; approved, bonded and recorded 8/31/15. Phase IIA included partial construction of Ladysthumb Circle.
- Phase IIB consists of Lots 47-85 (39 lots) and completed Ladysthumb Circle and a portion of Wintergreen Way; approved, bonded and recorded 2/22/22.

Future phases include Phase IB (35 lots) and Phase III (82 lots) which include the connection of Quaking Aspen Way and Wintergreen Way and which will provide the required two Access Points for subdivisions with more than 50 lots (Section 8.2a(2) of the 1979 Subdivision Ordinance).

Summary of Request:

The applicant is requesting an additional two-year extension, from January 11, 2026 to January 11, 2028, to advance through the next Final Plat public hearing for this development. Per Section 6.3 of the 1979 Jefferson County Subdivision Ordinance, a Final Plat public hearing is required to be processed within 24 months of the previous phase. The applicant’s last Final Plat approval (Phase IIB) was at the January 11, 2022 Planning Commission meeting. Based on this approval, the next Final Plat is required to have a Public Hearing before the Planning Commission by January 11, 2024.

The current variance application is requesting that the requirement for the next Final Plat Public Hearing before the Planning Commission be extended from the previously approved extension to January 11, 2026 for two additional years until January 11, 2028.

Staff Report
Jefferson County Planning Commission Meeting
November 4, 2025
Aspen Greens Variance Request (File #25-2-PCV)

It should be noted that the Aspen Greens project was not impacted by changes in the state law in 2010, often referred to as Senate Bill 595, which provided automatic extensions of time for certain projects because it did not meet the definition of “valid” and “outstanding” as of January 1, 2010. As a result, this project must process a variance in order to be provided with an extension of time. All projects which did qualify for those extensions are currently complete or expired.

Variance Requirements:

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance the following four criteria must be met. The applicant has addressed these points in their attached application:

- a) The request is not contrary to the public interest.*
- b) A literal enforcement of this Ordinance will result in unnecessary hardship.*
- c) The request is not the result of a self-imposed hardship.*
- d) The spirit of this Ordinance will be observed and substantial justice done.*

Staff Comments:

Staff agrees that the request for a variance of an additional two years to extend the time limit to hold a Final Plat Public Hearing is not contrary to the public interest. The applicant intends to continue the development in accordance with the CUP and CIS approved by the Planning Commission. It should be noted that the applicant has been working on plans for a significant crossing of the storm drainage channel required to serve other phases of this development and has continued to make a good faith effort towards approval of the next phase of the development.

A literal enforcement of the 1979 Subdivision Ordinance would require the applicant to start the project over under the 2008 Subdivision Regulations if a Final Plat for the next phase is not scheduled for a public hearing by January 11, 2024. Beginning the process over would not likely change the layout of the project from the currently approved preliminary layout and the Final Plats that have been recorded, but may require reengineering to meet current standards. Plans related to the bridge design and bonding have been processed as well as an early grading permit for Phase IIB. A project of this size and scope requires significant work and communication between the applicant and various departments and agencies. It may not require the full two years to process the next phase through the Final Plat Public Hearing, but the extension does seem reasonable.

Recommendation:

Since the variance is only for a time extension and not a variance of the site layout, Staff recommends granting the variance for an additional two years (to January 11, 2028).

The next step for this project is completion of the Preliminary Plat with construction documents for Phase IB or Phase III. Under the 1979 Ordinance, Preliminary Plats are administratively approved. The Final Plat can be submitted once the Preliminary Plat has been approved and scheduled for a Public Hearing once staff review is complete.



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
P.O. Box 716
Charles Town, West Virginia 25414

File #: 25-2-PCV
Mtg Date: 11/4/25
Date Rec'd: 10/1/25
Fees Paid: \$150.00
Staff Int: PR
List of Adjoiners: [checked]

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

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

Subdivision Ordinance Variance Request

Variations must comply with Article 17 of the 1979 Subdivision Ordinance, as amended.

Property Owner Information

Owner Name: Maurice Gladhill, Managing Partner
Business Name: Roderick Planes, LLC
Mailing Address: 5509 Mt. Zion Road, Box 777, Frederick, MD 21705
Phone Number: 1-301-663-6060 Email: mgladhill@aol.com

Applicant Contact Information

Applicant Name: (above) Same as owner: [checked]
Business Name:
Mailing Address:
Phone Number: Email:

Consultant Information

Name: Fred W. Gates, P.S.
Business Name: Gates Associated, Inc.
Mailing Address: 153 Venice Way, Shepherdstown, WV 25443
Phone Number: 1-304-876-6124 Email: gatesassociated@aol.com

Physical Property Details

Physical Address: Northeastly Old Country Club Road & Flowing Springs Road Intersection. Vacant Lot: []
Tax District: 2 - Charles Town Map No: 4 Parcel No: 19
Parcel Size: 55 +/- ac. Deed Book: 952 Page No: 565
Zoning District: Agricultural - (Residential on proposed draft) RURAL

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

[] Included [X] Not applicable (include a vicinity map if a sketch is not applicable)

Which Section of the Subdivision Ordinance are you requesting to vary?

1979 Subdivision Ordinance; Art. 6; Sect 6.3

Briefly Describe the Nature of Your Variance Request:

Two-year processing provision relates to date of next phase for final plat public hearing, which has a limit of being on or before January 11, 2026. 1979 Time limits do not reflect creation, oversight, reviews, and approvals of a development with this amount of work inclusion given developer's desire for repeat preliminary plan multiple phasing. Additionally, the ordinance did not foresee nor allow for non-phase adjacent work needed for completion of oversight required upgrades as a 'phase' need before final plat approval for recording. This request is to allow time for all remaining ASPEN GREENS Phase Lots to process one Preliminary Plan oversight approval, having the first of two Final Plats recorded on or before January 11, 2028.

Explain why this request is NOT contrary to the public interest:

Inclusion of orderly approved subdivision parts is a developmental goal directly benefitting public interest. Developer support in creating the necessary elements required, given the beneficial community design embraced by this development, is not contrary to public interest.

Explain how enforcement of this Ordinance will result in an unnecessary hardship:

2024 & 2025 work input has been filled by Conspan bridge construction, IIB work revisions, CTUB directed revisions, TIS WVDOT required Turn Lane Plans, Reviews & construction, American Water revisions, installed sewer coordination, and redesigns of SWM to fit ongoing subdivision limitations shared with JCPE office. All are costs required for preliminary plans underway without incurring any hardship of loss. All are needed to create JCPC loop road inclusion, being a direct benefit to existing and future lot owners of ASPEN GREENS.

Explain how this request is NOT the result of a self-imposed hardship:

The 1979 Ordinance time limits do not embrace 2025 oversight reality of expected inclusion nor review input from added layers of personnel. All oversight input has exploded since 1979. WVDOT requires added Traffic Impact Studies to be carried out and professionally analyzed for currently assessed upgrades, via a new rigid portal. WYDEP under new Bay Accord Upgrades now includes required 'Enhanced Storm Water' provisions for approval. Review timelines have grown exponentially since 1979. This hands-on developer needs your support to allow proper study & necessary cooperation to create worthy construction.

Explain how the spirit of this Ordinance will be observed and substantial justice will be done:

Ordinance Spirit is to provide worthy county development that enhances the quality of life for residents, especially those who directly benefit by living within the concepts approved. The above dialogue indicates that this request is a direct result of work needing to be within the Ordinance Goals, County Requirements, and allowing this extension request for two years; being on January 11, 2026 for a next phase Final Plat meeting approval. This is substantial justice done.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Maurice Blackieff
Property Owner

Oct 1, 2025
Date

Property Owner

Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared and posted by the Staff. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

11/4/25
Public Hearing Date

10/21/25
Date Placard Posted

10/16/25
Date Adjainers Mailed

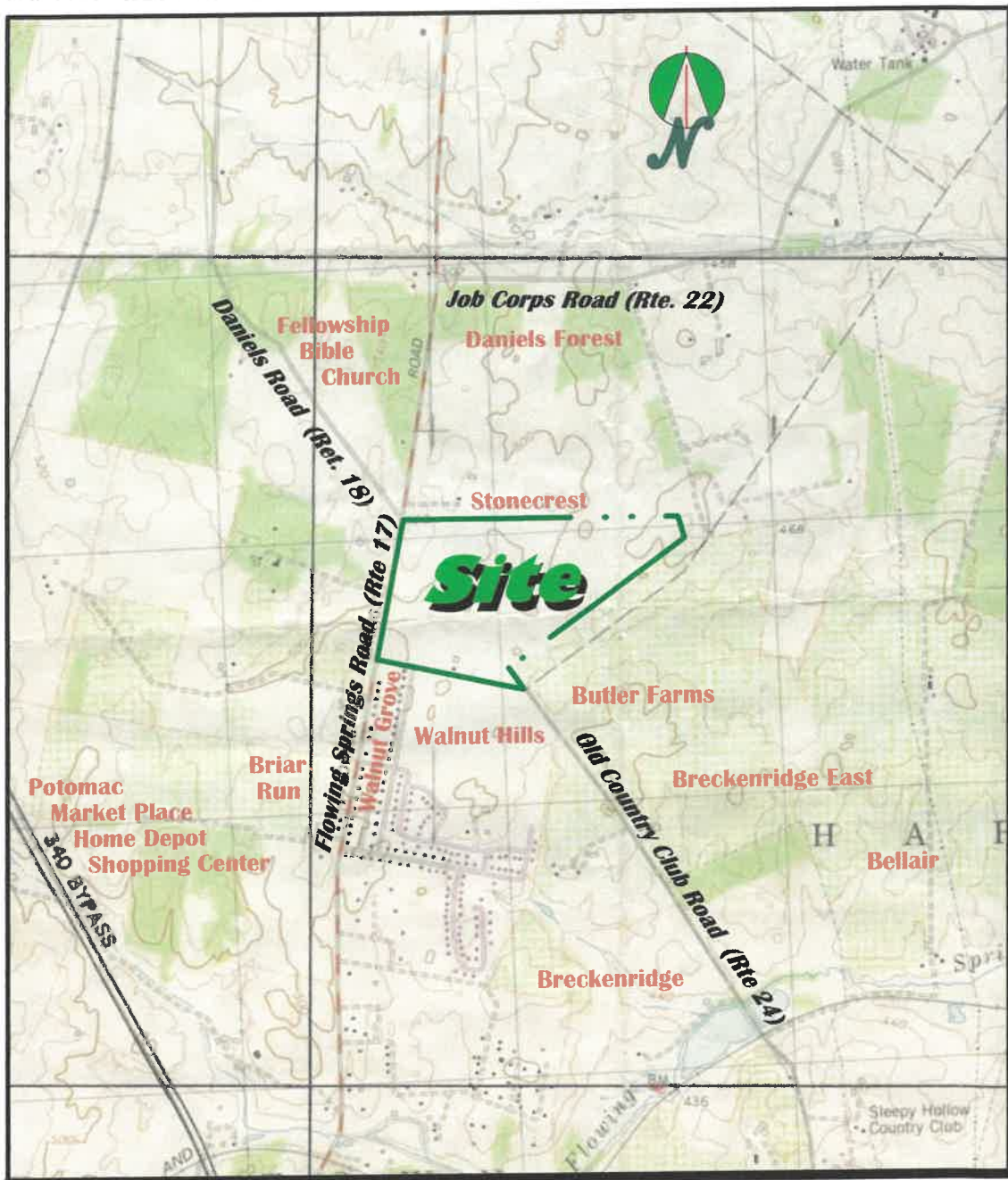
Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

ASPEN GREENS Site Location



USGS Charles Town Quad Map

Scale 1" = 2000'

(Roads & Development Names Added)

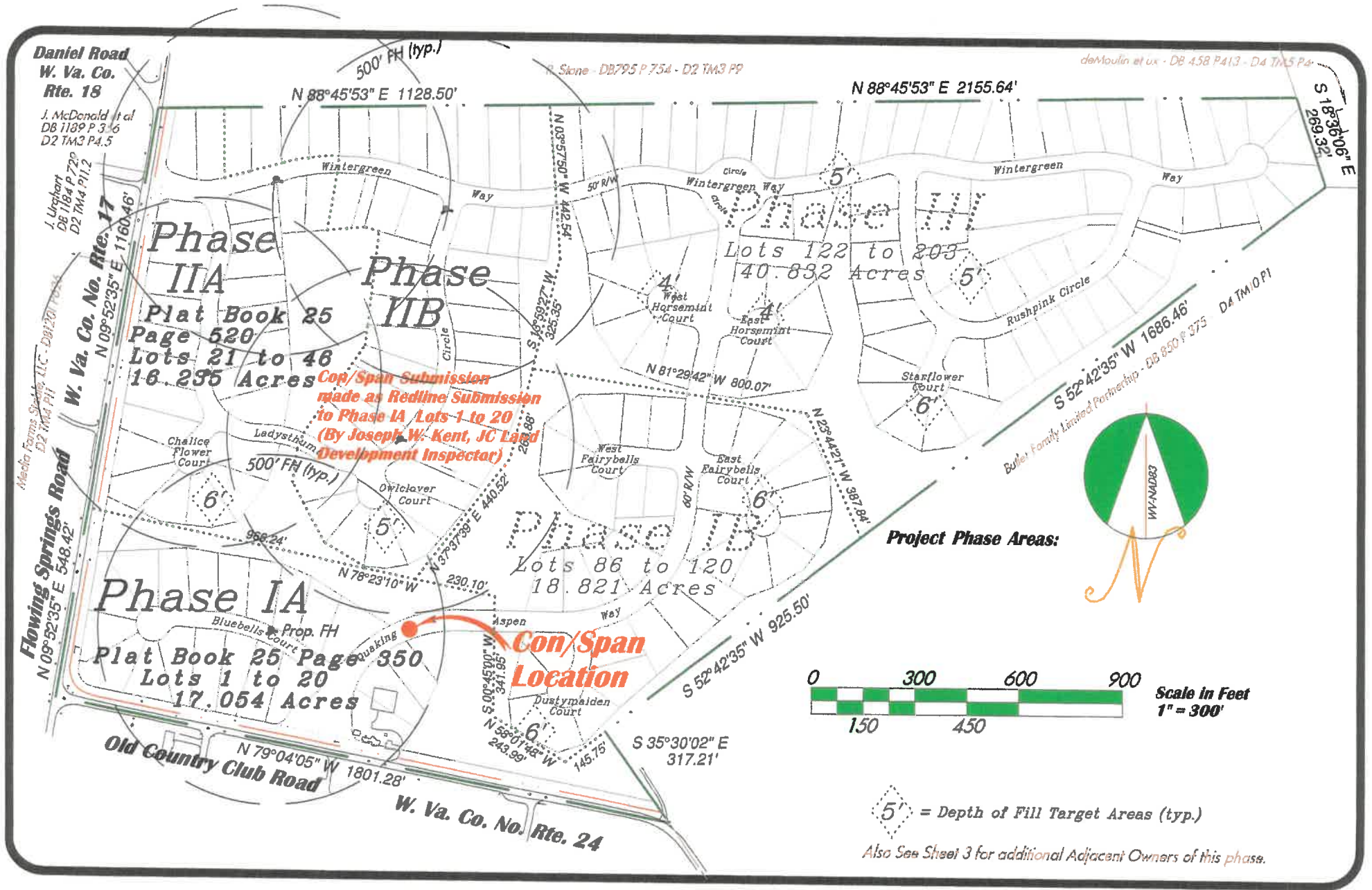


Gates Associated, Inc.

288 Venice Way (off Rte. 45)

Shepherdstown, West Virginia 25443

[email:gatesassociated@aol.com phone/fax/voicemail:1-304-876-6124]



Phase Limits, Sheet Windows & Fire Hydrant Coverage

4/25/23, 10:30 AM

Subject: **2023_04_25, Aspen Greens TIS, Supplement**
Date: 4/25/2023 9:20:41 AM Eastern Standard Time
From: cglaser@amtengineering.com
To: perry.j.keller@wv.gov, donald.r.meadows@wv.gov, kenneth.l.clohan@wv.gov
Cc: gatesassociated@aol.com, antrecengineer@aol.com, mgladhill@aol.com

Good Morning Everyone,

Attached is a Supplement to the November 29, 2022 TIS for the Aspen Greens development. This supplement takes a closer look at the proposed Flowing Springs Road southbound left-turn lane to Wintergreen Way (Site Drive #1). The supplement indicates that the left-turn lane meets guideline criteria during construction of Phase III (final construction phase) and is to be constructed at the beginning of this construction phase. All relevant files have been uploaded to ProjectWise. Please let me know if you have any questions/concerns or need additional information.

Best Regards,

Caleb Glaser P.E., PTOE
Project Engineer

P 304-400-4952 | **D** 304-903-7010 | **C** 216-640-5970

W www.amtengineering.com

From: gatesassociated@aol.com <gatesassociated@aol.com>
Sent: Monday, April 24, 2023 5:02 PM
To: perry.j.keller@wv.gov; donald.r.meadows@wv.gov; kenneth.l.clohan@wv.gov; Glaser, Caleb <cglaser@amtengineering.com>; antrecengineer@aol.com; mgladhill@aol.com
Subject: Re: Invitation: Aspen Greens TIS, Preliminary @ Wed Feb 1, 2023 10am - 11am (EST) (gatesassociated@aol.com)

Gentlemen,

As a followup of the meeting below Mr. Gladhill has reviewed the turn lanes with Jefferson Asphalt of Jefferson County and obtained a verbal estimate of \$100,000 for the necessary work after review. Our project P.E., Mr. Haas has laid out the attached concept from some initial field measurements taken that appears to fit within the proposed area allowing for intended safe traffic. There may be some additional traffic markings for safe use which may be added, however this should be a starting point to hopefully generate bonding and a closer look for completion. Additionally Caleb at AMT advises that he has done a Supplementary Data Analysis that he shall now submit advising at which point in new ASPEN GREENS lots the lanes shall be required. We are generating a loop road within the subdivision with our next Phase approvals so it is yet uncertain which lots in the impact count will trigger this improvement for completion. Hopefully this will bring closure from all the parties copied so that we may move forward with bonding and revisions. Please advise any re-directs needed or other documentation.

We look forward to your help in making the next step forward. Please review and advise how we may do so.

Fred W. Gates, P.S., President

GATES ASSOCIATED, Inc.

153 Venice Way

Shepherdstown, WV 25443

304-876-6124 (voicemail)

240-720-5801 (voicemail)

gatesassociated@aol.com (email)

In a message dated 1/31/2023 9:20:20 AM Eastern Standard Time, perry.j.keller@wv.gov writes:

[Join with Google Meet](#)

Meeting link

meet.google.com/sin-pwou-psd

Join by phone

(US) +1 929-266-3308

PIN: 555678346

[More phone numbers](#)

When

Wednesday Feb 1, 2023 · 10am – 11am (Eastern Time - New York)

Guests

perry.j.keller@wv.gov - organizer

donald.r.meadows@wv.gov

kenneth.l.clohan@wv.gov

cglaser@amtengineering.com

gatesassociated@aol.com

antrecengineer@aol.com

mgladhill@aol.com

[View all guest info](#)

Reply for gatesassociated@aol.com

[Yes](#)

[No](#)

[Maybe](#)

[More options](#)

Invitation from [Google Calendar](#)

You are receiving this email because you are an attendee on the event. To stop receiving future updates for this event, decline this event.

4/25/23, 10:30 AM

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP. [Learn more](#)

Subject: **Fw: Aspen Green Turn Lane - Final Inspection**
Date: 9/18/2025 7:29:05 AM Eastern Daylight Time
From: mgladhill@aol.com
To: gatesassociated@aol.com

Working on getting a letter from McDonald on support for our remaining lots.

----- Forwarded Message -----

From: McDonald, Kevin A <kevin.a.mcdonald@wv.gov>
To: mgladhill@aol.com <mgladhill@aol.com>
Cc: maynard harlandshoemaker.com <maynard@harlandshoemaker.com>; harley harlandshoemaker.com <harley@harlandshoemaker.com>; jimmy harlandshoemaker.com <jimmy@harlandshoemaker.com>; Clohan, Kenneth L <kenneth.l.clohan@wv.gov>
Sent: Tuesday, September 16, 2025 at 09:50:10 AM EDT
Subject: Re: Aspen Green Turn Lane - Final Inspection

Good morning. The widening and turn lane work on Flowing Springs Road (Permit #05-2025-6810) has been completed in accordance with the approved plans. The bond will be held for one-year from the completion date, please contact us at that time for release. Let me know if you have any questions.

Kevin McDonald
D-5 Dev. Eng.
681-320-2026

On Wed, Aug 20, 2025 at 8:16 AM Clohan, Kenneth L <kenneth.l.clohan@wv.gov> wrote:

This email is all that we need. Thanks again.

On Wed, Aug 20, 2025 at 7:56 AM maynard harlandshoemaker.com <maynard@harlandshoemaker.com> wrote:

Ken,

Thanks for getting back to me. Is there anything we need to do to request/initiate the Final Inspection?

Please let us know.

Thnaks!

Maynard Burdette, III
Vice President of Operations
Harland J. Shoemaker & Son, Inc.
12081 Old National Pike, PO Box 733
New Market, MD 21774
Office: (301)865-2062
Cell: (301)252-7250
Fax: (301)865-4085
Email: maynard@harlandshoemaker.com

Aspen Greens Traffic Impact Study - Supplement Charles Town, Jefferson County, WV

AMT Project File 22-0514.001 | April 25, 2023

PREPARED FOR:

Gates Associated, Inc.
153 Venice Way
Shepherdstown, WV 25443



PREPARED BY:

Caleb Glaser, P.E., PTOE
A. Morton Thomas and Associates, Inc.
417 Grand Park Drive, Suite 104
Parkersburg, WV 26105
(304) 400-4952

Signature:  Date: 04/25/2023



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SUMMARY

This Supplement to the November 29, 2022 Traffic Impact Study (TIS) report summarizes future (partial and full build) traffic conditions in support of the proposed Aspen Greens development expansion. The proposed residential development is located on the east side of Flowing Springs Road and on the north side of Old Country Club Road in Charles Town, Jefferson County. The proposed expansion includes an additional 157 single-family homes and is expected to be built-out by 2025.

The development is currently served by two site driveways; one intersecting with Flowing Springs Road and one intersecting with Old Country Club Road with no additional driveways expected. Wintergreen Way (Site Drive #1) is located approximately 240 feet south of Daniel Road intersecting with Flowing Springs Road from the east and operates as a full movement approach with two-way stop-control (TWSC). Quaking Aspen Way (Site Drive #2) is located approximately 770 feet east of Flowing Springs Road intersecting with Old Country Club Road from the north and operates as a full movement approach with TWSC.

Traffic analysis will consider future conditions at the anticipated partial and full build-out years of 2023 (Phase IB), 2024 (Phase IIB), and 2025 (Phase III/Full Build). This supplement report summarizes the left-turn lane analyses of 2023 Phase IB Build conditions, 2024 Phase IIB Build conditions, and 2025 Full Build conditions during the weekday AM and PM peak hours. The annual growth rate of 2.94% was obtained from WVDOH Performance Management Division near the development in Jefferson County.

Six adjacent traffic impact studies have been included in this report as pending developments that will be partially or fully completed by the Build Year. These developments are the Flynn Property residential development located north of US 340 and east of WV 9, Fritts Farm residential development located southeast of WV 9 and US 340 and WV 51, Country Club Commons mixed-use development located east of Flowing Springs Road and south of Daniel Road, Shenandoah Springs residential development located east of Flowing Springs Road and north of Mount Laurel Boulevard, Green Hill residential development located east of Flowing Springs Road and north of Daniel Road, and Phase 1 of the US 340 Mixed-Use development located south of US 340 near Keyes Ferry Road. The Flynn Property, Fritts Farm, and Green Hill developments are anticipated to be complete in 2025. The Shenandoah Springs development is expected to be 50% complete by 2025. The Country Club Commons and Phase 1 of the US 340 Mixed-Use developments are anticipated to be complete in 2024. The estimated traffic generated by all background developments are included in background traffic volumes beginning in 2025 No-Build conditions.

Based upon review of the site plan and adjacent transportation network and following scope of work coordination with the WVDOH, the following nine existing intersections are included within the scope of the TIS for the proposed Aspen Greens development expansion:

- 1) Flowing Springs Road (CR 17) with Job Corp Road (CR 22)/Zoar Lane (TWSC Plus type intersection)
- 2) Flowing Springs Road with Daniel Road (CR 18) (TWSC "T" type intersection)
- 3) Flowing Springs Road with Wintergreen Way (Site Drive #1) (TWSC "T" type intersection)
- 4) Flowing Springs Road with Old Country Club Road (CR 24) (TWSC "T" type intersection)
- 5) Flowing Springs Road with Thumper Drive (TWSC "T" type intersection)
- 6) Flowing Springs Road with Briar Run Drive/Flowing Acres Road (TWSC Plus type intersection)
- 7) Flowing Springs Rd with Flowing Springs Connector/Mount Laurel Blvd (TWSC Plus type intersection)



- 8) WV 9 with Flowing Springs Connector (CR 17/8)/5th Avenue (CR 17/7) (*TWSC Plus type intersection*)
- 9) Old Country Club Road with Quaking Aspen Way (Site Drive #2) (*TWSC "T" type intersection*)

Traffic Volume

The 2023 Phase IB Build traffic volumes include the existing 2022 traffic volumes, the anticipated annual traffic growth prior to 2023, and the anticipated traffic generated by Phase IB of the Aspen Greens development expansion (35 units). Site generated traffic was distributed into the transportation network based upon existing traffic patterns and anticipated origin and destination of the new site trips.

The 2024 Phase IIB Build traffic volumes include the existing 2022 traffic volumes, the anticipated traffic generated by Country Club Commons development, the anticipated traffic generated by Phase 1 of the US 340 Mixed-Use development, the anticipated annual traffic growth prior to 2024, and the anticipated traffic generated by Phase IB & IIB of the Aspen Greens development expansion (40 additional units, 75 total). Site generated traffic was distributed into the transportation network based upon existing traffic patterns and anticipated origin and destination of the new site trips.

The 2025 Full Build traffic volumes include the existing 2022 traffic volumes, the anticipated traffic generated by Flynn Property development, the anticipated traffic generated by the Fritts Farm development, the anticipated traffic generated by Country Club Commons development, the anticipated traffic generated by Green Hill development, the anticipated traffic generated by partial build-out of the Shenandoah Springs development, the anticipated traffic generated by Phase 1 of the US 340 Mixed-Use development, the anticipated annual traffic growth prior to 2025, and the anticipated traffic generated by the entire Aspen Greens development expansion (82 additional units, 157 total). Site generated traffic was distributed into the transportation network based upon existing traffic patterns and anticipated origin and destination of the new site trips.

Conclusions/Recommendations

Based on the findings of this study supplement, the following infrastructure improvements are recommended to accommodate the Aspen Greens residential development and maintain acceptable operation of the existing transportation network in 2025:

Flowing Springs Road with Wintergreen Way (Site Drive #1)

- Construct an exclusive left-turn lane on the Flowing Springs Road southbound approach to Wintergreen Way. Turning movement volumes meet the minimum AASHTO Greenbook guidelines for construction of an exclusive left-turn lane on a two-lane highway beginning in 2025 Full Build conditions. The Flowing Springs Road southbound exclusive left-turn lane should be constructed as a TWLTL extending between Daniel Road and Wintergreen Way (Site Drive #1). This is due to the limited spacing between the two intersections and the need for a left-turn lane at both intersections. The turn lane should be constructed at the beginning of Phase III of development construction (proposed build year 2025).



TRIP GENERATION

The proposed development expansion includes an additional 157 single-family homes. Trip generation “Peak Hour of Generator” rates from ITE Trip Generation Manual, 10th Edition, were utilized for Single-Family Detached Housing (LUC 210).

As shown in **Table 1** below, the proposed development will generate a total of 1,482 new daily trips will be generated including, 119 AM peak hour trips, and 157 PM peak hour trips. **Table 1** also shows a breakdown of site trips generated by construction phases of the development. This was included in analysis to determine at what phase is the proposed left-turn lane required.

Table 1: Trip Generation Summary

Description	LUC	Phase	Density	Daily Trips	AM Peak			PM Peak		
					Enter	Exit	Total	Enter	Exit	Total
Single-Family Homes	210	Phase IB	35 Units	330	7	20	27	22	13	35
		Phase IIB	40 Units	378	8	22	30	25	15	40
		Phase III	82 Units	774	16	46	62	52	30	82
Total New External Trips				1,482	31	88	119	100	57	157

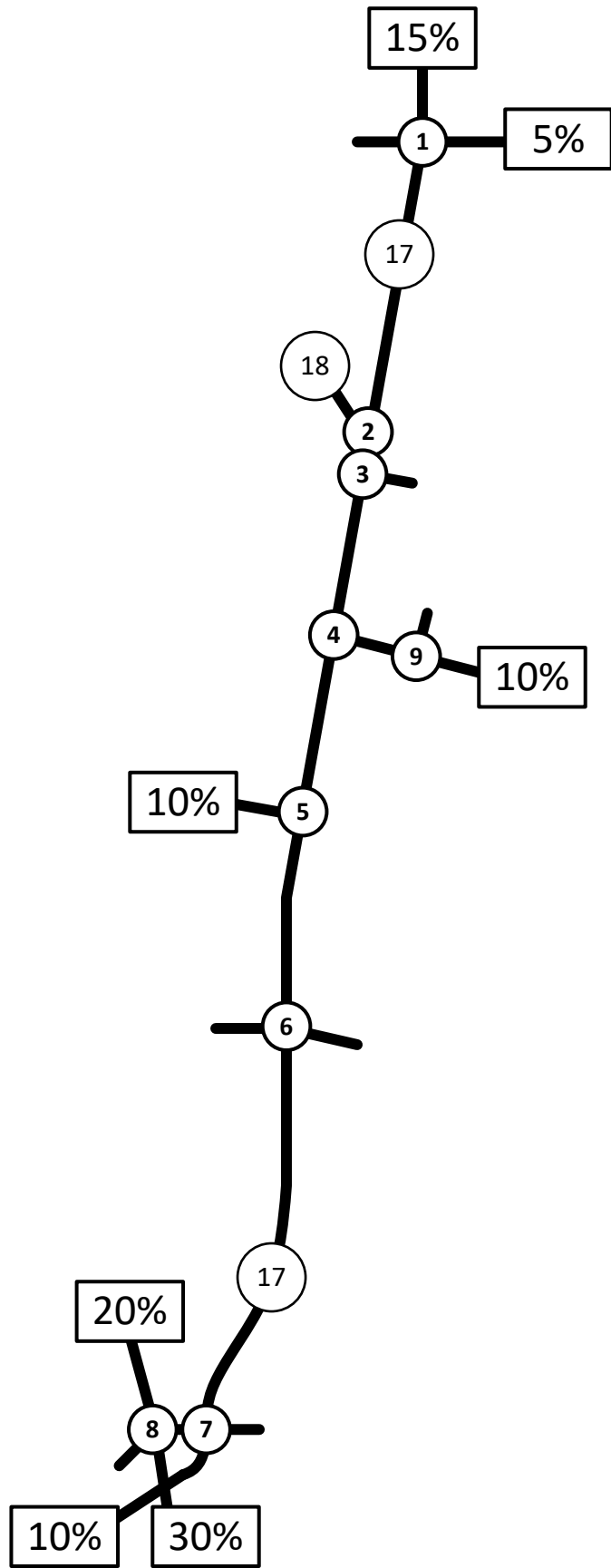
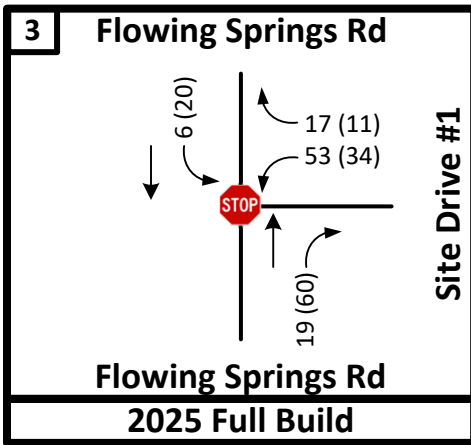
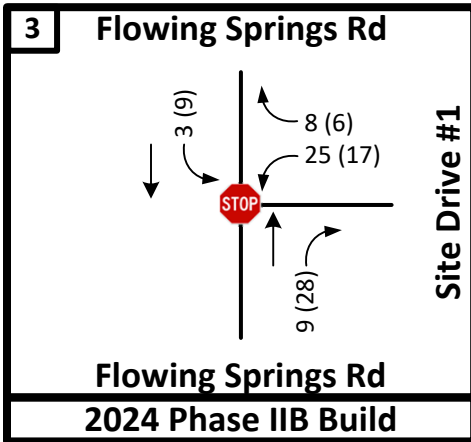
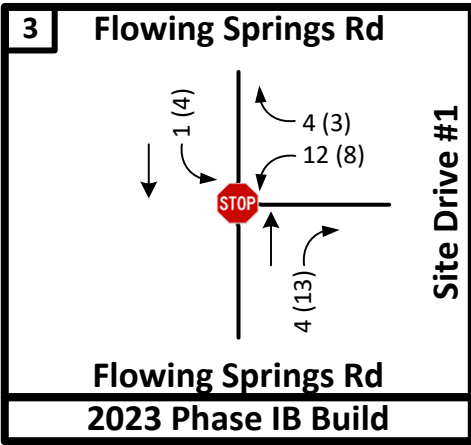
TRIP DISTRIBUTION

The AM and PM peak hour trips to/from the proposed site were distributed based upon interpolation from current traffic patterns with all trips entering the development via Flowing Springs Road and Old Country Club Road. Distribution of the new external trips are as follows:

New External Trips:

- 30% to/from the east on WV 9
- 20% to/from the west on WV 9 (Martinsburg)
- 10% to/from Thumper Drive via WV 9
- 10% to/from the east on Old Country Club Road
- 10% to/from the south on Flowing Springs Road
- 5% to/from the east on Job Corp Road
- 15% to/from the north on Flowing Springs Road

Trip distributions remained the same as described in the previously submitted November 29, 2022 TIS report. Site generated trips at the Flowing Springs with Wintergreen Way intersection during 2023 Phase IB, 2024 Phase IIB, and 2025 Full Build conditions are shown in **Figure 1**.



LEGEND

- Existing Traffic Control
- Existing Roadway
- Existing Lane Configuration
- XX AM Peak Hour Trips
- (XX) PM Peak Hour Trips



NOT TO SCALE

Aspen Greens TIS Supplement

New Site Trip Assignments

DATE: April 2023

FIGURE 1



BUILD PROJECT TRAFFIC VOLUMES

2023 Phase IB Build Conditions

The 2023 Phase IB Build traffic volumes include the existing 2022 traffic volumes, the anticipated annual traffic growth prior to 2023, and the anticipated traffic generated by Phase IB of the Aspen Greens development expansion (35 units). Site generated traffic was distributed into the transportation network based upon existing traffic patterns and anticipated origin and destination of the new site trips. The 2023 Phase IB Build Traffic Volumes at the Flowing Springs with Wintergreen Way intersection for the weekday AM and PM peak hours are shown on **Figure 2**.

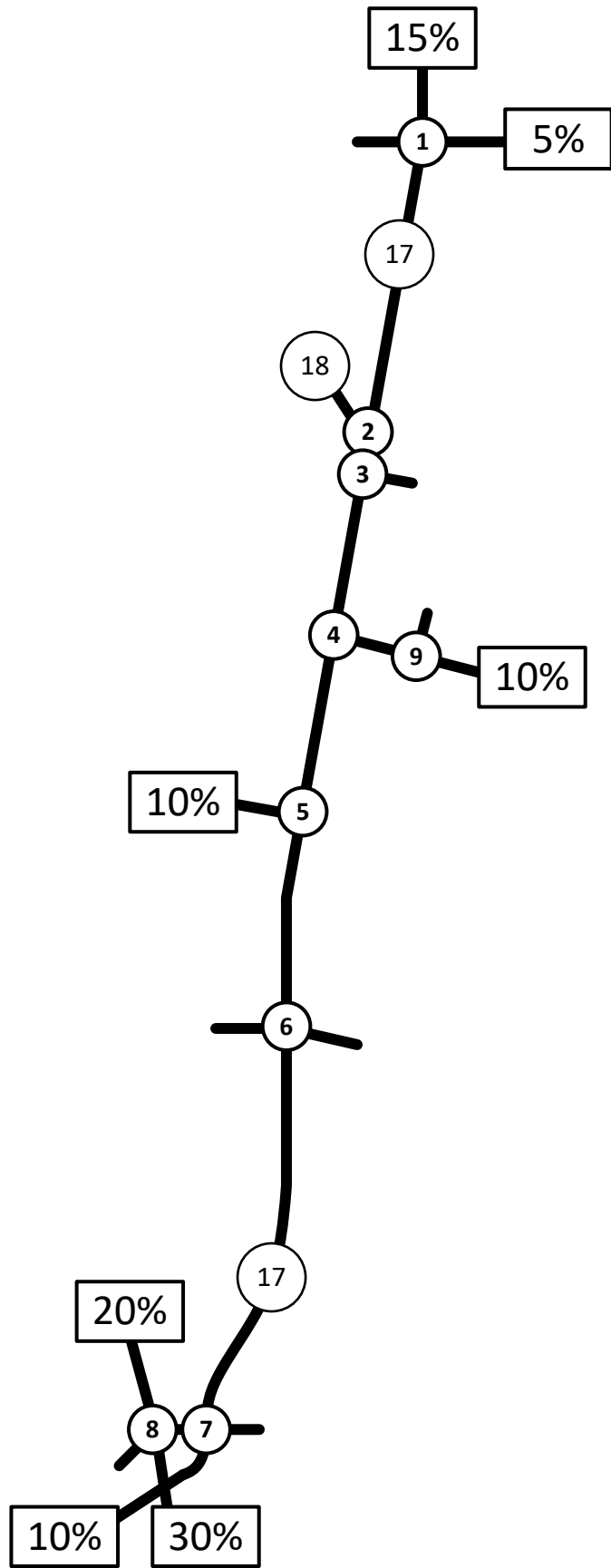
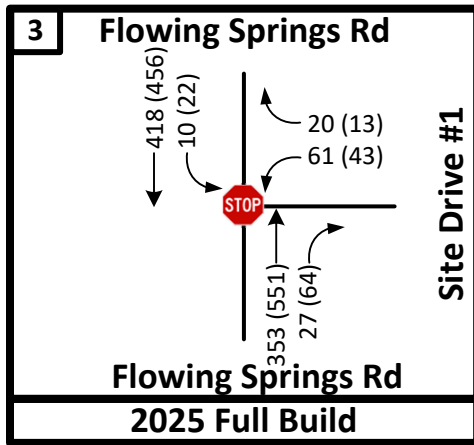
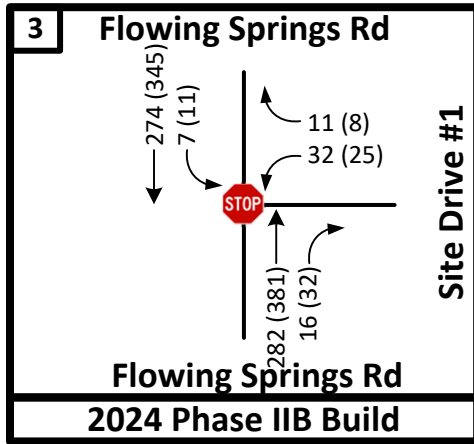
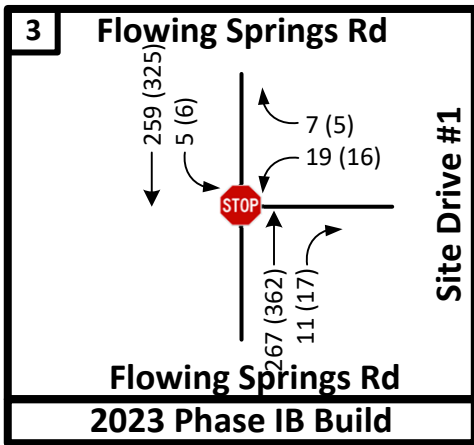
2024 Phase IIB Build Conditions

The 2024 Phase IIB Build traffic volumes include the existing 2022 traffic volumes, the anticipated traffic generated by Country Club Commons development, the anticipated traffic generated by Phase 1 of the US 340 Mixed-Use development, the anticipated annual traffic growth prior to 2024, and the anticipated traffic generated by Phase IB & IIB of the Aspen Greens development expansion (40 additional units, 75 total). Site generated traffic was distributed into the transportation network based upon existing traffic patterns and anticipated origin and destination of the new site trips. The 2024 Phase IIB Build Traffic Volumes at the Flowing Springs with Wintergreen Way intersection for the weekday AM and PM peak hours are shown on **Figure 2**.

2025 Full Build Conditions

The 2025 Full Build traffic volumes include the existing 2022 traffic volumes, the anticipated traffic generated by Flynn Property development, the anticipated traffic generated by the Fritts Farm development, the anticipated traffic generated by Country Club Commons development, the anticipated traffic generated by Green Hill development, the anticipated traffic generated by partial build-out of the Shenandoah Springs development, the anticipated traffic generated by Phase 1 of the US 340 Mixed-Use development, the anticipated annual traffic growth prior to 2025, and the anticipated traffic generated by the entire Aspen Greens development expansion (82 additional units, 157 total). Site generated traffic was distributed into the transportation network based upon existing traffic patterns and anticipated origin and destination of the new site trips (see **Figure 1**). The 2025 Full Build Traffic Volumes at the Flowing Springs with Wintergreen Way intersection for the weekday AM and PM peak hours are shown on **Figure 2**.

The peak hour traffic forecast calculations are provided in **Appendix A**.



LEGEND

- Existing Traffic Control
- Existing Roadway
- Existing Lane Configuration
- XX AM Peak Hour Volume
- (XX) PM Peak Hour Volume



NOT TO SCALE

Aspen Greens TIS Supplement

Build Traffic Volumes

DATE: April 2023

FIGURE 2



AASHTO LEFT TURN LANE ANALYSIS

In accordance with WVDOH procedures outlined in TED 106-2, analysis comparing intersection volumes with the AASHTO (American Association of State Highway Transportation Officials) guidelines for left turn lanes on two lane highways is provided as guide to identify potential need for left turn lanes. The guideline is outlined in Table 9-23 of the 2011 AASHTO Green Book and is intended for comparison of rural two-lane roadways where the subject approach is free flow. The need for auxiliary lanes on signalized approaches or low speed stop control approaches is typically based upon capacity analysis. Comparison with the AASHTO criteria is provided for the Flowing Springs Road southbound approach to Wintergreen Way (Site Drive #1) during the three build years.

Comparison of the AASHTO guideline shows that the guideline criteria is not met for the Flowing Springs Road southbound approach to Wintergreen Way during the 2023 Phase IB and 2024 Phase IIB Build peak hours. The guideline criteria is met for the Flowing Springs Road southbound approach to Wintergreen Way during the 2025 Full Build PM peak hour. **Table 2** displays a summary of the analysis results for the two approaches being analyzed.

Table 2: AASHTO Analysis Summary

Intersection	Approach	Analysis Condition	Analysis Result	
			AM Peak Hour	PM Peak Hour
Intersection 3: Flowing Springs Road (CR 17) with Site Drive #1 (Wintergreen Way)	SB Approach (CR 17)	2023 Phase IB Build	Guideline Not Met	Guideline Not Met
Intersection 3: Flowing Springs Road (CR 17) with Site Drive #1 (Wintergreen Way)	SB Approach (CR 17)	2024 Phase IIB Build	Guideline Not Met	Guideline Not Met
Intersection 3: Flowing Springs Road (CR 17) with Site Drive #1 (Wintergreen Way)	SB Approach (CR 17)	2025 Full Build	Guideline Not Met	Guideline Met

Copies of the review of AASHTO Table 9-23 for each approach are contained in **Appendix A**.



CONCLUSIONS/RECOMMENDATIONS

This Supplement to the November 29, 2022 Traffic Impact Study (TIS) report summarizes future (partial and full build) traffic conditions in support of the proposed Aspen Greens development expansion. The proposed residential development is located on the east side of Flowing Springs Road and on the north side of Old Country Club Road in Charles Town, Jefferson County. The proposed expansion includes an additional 157 single-family homes and is expected to be built-out by 2025.

Based on the findings of this study, the following infrastructure improvements are recommended to accommodate the Aspen Greens residential development and maintain acceptable operation of the existing transportation network in 2025:

Flowing Springs Road with Wintergreen Way (Site Drive #1)

- Construct an exclusive left-turn lane on the Flowing Springs Road southbound approach to Wintergreen Way. Turning movement volumes meet the minimum AASHTO Greenbook guidelines for construction of an exclusive left-turn lane on a two-lane highway beginning in 2025 Full Build conditions. The Flowing Springs Road southbound exclusive left-turn lane should be constructed as a TWLTL extending between Daniel Road and Wintergreen Way (Site Drive #1). This is due to the limited spacing between the two intersections and the need for a left-turn lane at both intersections. The turn lane should be constructed at the beginning of Phase III of development construction (proposed build year 2025).



Aspen Greens Development
Traffic Impact Study - SUPPLEMENT
Charles Town, Jefferson County
AMT File #: 22-0514.001

APPENDIX A: TRAFFIC VOLUMES & CALCULATIONS



Aspen Greens Development
Traffic Impact Study - SUPPLEMENT
Charles Town, Jefferson County
AMT File #: 22-0514.001

APPENDIX A-1: VOLUME CALCULATIONS

	Balanced Existing Traffic (2022)		Future w/o Adj Development (2023)		Historical Growth (2022-2023)		Historical Growth (2022-2024)		Historical Growth (2022-2025)		Fritts Farm Site Trips (2025)		Flynn Prop Site Trips (2025)		Green Hill Site Trips (2025)		US 340 Mixed-Use Site Trips Phase 1 (2024)		Partial Shenandoah Springs Site Trips (2025)		Country Club Commons Site Trips (2024)		No-Build w/ Adj Development (2024)		No-Build w/ Adj Development (2025)		Site Trip Distribution		Phase IIB Build Site Trip Assignment		Phase IIB Build (2023)		Phase IIB Build Site Trip Assignment		Phase IIB Build (2024)		Full Build Site Trip Assignment		Full Build (2025)		Site Impact						
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM					
Intersection 7 - Flowing Springs Road (CR 17) with Flowing Springs Connector (CR 17/8)/Mount Laurel Boulevard																																															
EBL	67	78	69	80	2	2	4	4	6	7			19	63							18	54	7	9	78	91	99	157	30%	2	7	71	87	2	8	82	106	9	30	108	187						
EBT	7	27	7	28	0	1	0	2	1	2															7	29	26	83	0	0	7	28	0	0	7	29	0	0	26	83	4.3%	7.4%					
EBR	67	124	69	128	2	4	4	8	6	11															71	132	73	135	0	0	69	128	0	0	71	132	0	0	73	135							
WBL	38	38	39	39	1	1	2	2	3	3											83	54			40	40	124	95	0	0	39	39	0	0	40	40	0	0	124	95							
WBT	20	11	21	11	1	0	2	0	2	1		39	25								66	43			22	11	127	80	0	0	21	11	0	0	22	11	0	0	127	80	0.0%	0.0%					
WBR	15	15	15	15	0	0	0	0	1	1															15	15	16	16	0	0	15	15	0	0	15	15	0	0	16	16							
NBL	95	165	98	170	3	5	6	10	9	15															101	175	104	180	0	0	98	170	0	0	101	175	0	0	104	180							
NBT	82	238	84	245	2	7	4	14	7	22			20	64											86	252	109	324	30%	2	7	86	252	2	8	90	267	9	30	118	354	3.1%	4.1%				
NBR	20	41	21	42	1	1	2	2	2	4		14	44								36	108			22	43	72	197	0	0	21	42	0	0	22	43	0	0	72	197							
SBL	8	10	8	10	0	0	0	0	1	1											6	18			8	10	15	29	0	0	8	10	0	0	8	10	0	0	15	29							
SBT	205	251	211	258	6	7	12	15	19	23			74	47											217	266	298	321	40%	8	5	219	263	9	6	234	277	36	23	334	344	12.9%	7.9%				
SBR	7	11	7	11	0	0	0	0	1	1			37	24									6	8	13	19	51	44	20%	4	3	11	14	4	3	21	25	18	11	69	55						
Intersection 8 - WV 9 (Veterans Memorial Highway) with 5th Avenue (CR 17/7)/Flowing Springs Connector (CR 17/8)																																															
EBL	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
EBT	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10.3%	7.2%
EBR	110	139	113	143	3	4	6	8	10	13			56	35							50	32			116	147	226	219	30%	6	4	119	147	7	5	129	156	26	17	252	236						
WBL	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6.0%	3.5%
WBT	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
WBR	124	190	128	196	4	6	8	12	11	17		39	25	37	24						66	43	6	8	138	210	283	307	20%	4	3	132	199	4	3	146	216	18	11	301	318						
NBL	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
NBT	728	1,330	749	1,369	21	39	43	79	66	121		42	27	16	10										782	1,418	863	1,497	30%	0	0	749	1,369	0	0	782	1,418	0	0	863	1,497	0.8%	1.6%				
NBR	143	225	147	232	4	7	8	14	13	20				19	63						18	54	7	9	158	248	200	371	0	0	149	239	2	8	162	263	9	30	209	401							
SBL	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
SBT	847	882	872	908	25	26	51	53	77	80		15	47	6	18										903	948	950	1,040	0	0	872	908	0	0	903	948	0	0	950	1,040	0.5%	1.3%					
SBR	185	303	190	312	5	9	11	18	17	28			14	44	13	42					24	72			196	321	253	489	20%	1	4	191	316	2	5	199	330	6	20	259	509						
Intersection 9 - Old Country Club Road (CR 24) with Quaking Aspen Way (Site Drive #2)																																															
EBL	1	6	1	6	0	0	0	0	0	1															1	6	1	7	10%	1	2	2	8	1	3	3	11	3	10	4	17						
EBT	110	123	113	127	3	4	6	8	10	11													14	19	130	150	134	153	0	0	113	127	0	0	130	150	0	0	134	153	2.2%	5.9%					
EBR	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
WBL	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
WBT	97	124	100	128	3	4	6	8	9	11															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2.4%	6.2%
WBR	2	1	2	1	0	0	0	0	0	0															2	1	2	1	10%	1	2	3	3	1	3	4	6	3	10	5	11	0	0				
NBL	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
NBT	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	#DIV/0!	#DIV/0!
NBR	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
SBL	1	2	1	2	0	0	0	0	0	0															1	2	1	2	10%	2	1	3	3	2	2	5	5	9	6	10	8						
SBT	0	0	0	0	0	0	0	0	0	0															0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	85.7%	57.1%
SBR	2	6	2	6	0	0	0	0	0	1															2	6	2	7	10%	2	1	4	7	2	2	6	9	9	6	11	13						



Aspen Greens Development
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Charles Town, Jefferson County
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APPENDIX A-2: TURNING MOVEMENT COUNTS

VEHICLE AND PEDESTRIAN VOLUME SUMMARY

COUNT LOCATION	
CITY	Charles Town
STATE	WV
DATE	9/30/2022
INTERSECTION	Int 3: Flowing Springs Road @ Wintergreen Way (Site Drive #1)
COUNT BY	AMT

Friday

STREET	Flowing Springs Rd				Flowing Springs Rd				Wintergreen Way				From West				Total			PEAK HR
	From North				From South				From East				From West				N-S	E-W	ALL	
TIME	L	T	R	TOT	L	T	R	TOT	L	T	R	TOT	L	T	R	TOT				
0700 - 0715	0	41	0	41	0	58	2	60	1	0	1	2	0	0	0	0	101	2	103	103
0715 - 0730	0	59	0	59	0	110	2	112	0	0	3	3	0	0	0	0	171	3	174	277
0730 - 0745	2	110	0	112	0	123	1	124	0	0	2	2	0	0	0	0	236	2	238	515
0745 - 0800	1	81	0	82	0	51	2	53	1	0	0	1	0	0	0	0	135	1	136	651
0800 - 0815	1	41	0	42	0	59	0	59	2	0	1	3	0	0	0	0	101	3	104	652
0815 - 0830	0	44	0	44	0	67	2	69	1	0	1	2	0	0	0	0	113	2	115	593
0830 - 0845	1	85	0	86	0	78	4	82	3	0	1	4	0	0	0	0	168	4	172	527
0845 - 0900	2	82	0	84	0	55	1	56	1	0	0	1	0	0	0	0	140	1	141	532
1500 - 1515	0	100	0	100	0	100	2	102	2	0	1	3	0	0	0	0	202	3	205	205
1515 - 1530	0	79	0	79	0	87	2	89	2	0	1	3	0	0	0	0	168	3	171	376
1530 - 1545	3	81	0	84	0	93	0	93	0	0	1	1	0	0	0	0	177	1	178	554
1545 - 1600	2	86	0	88	0	86	1	87	2	0	1	3	0	0	0	0	175	3	178	732
1600 - 1615	1	89	0	90	0	100	5	105	6	0	1	7	0	0	0	0	195	7	202	729
1615 - 1630	4	98	0	102	0	97	1	98	1	0	0	1	0	0	0	0	200	1	201	759
1630 - 1645	0	74	0	74	0	108	2	110	0	0	1	1	0	0	0	0	184	1	185	766
1645 - 1700	2	79	0	81	0	108	4	112	3	0	2	5	0	0	0	0	193	5	198	786
1700 - 1715	2	87	0	89	0	105	2	107	4	0	2	6	0	0	0	0	196	6	202	786
1715 - 1730	0	76	0	76	0	105	1	106	1	0	0	1	0	0	0	0	182	1	183	768
1730 - 1745	0	67	0	67	0	72	1	73	0	0	0	0	0	0	0	0	140	0	140	723
1745 - 1800	0	86	0	86	0	70	0	70	3	0	0	3	0	0	0	0	156	3	159	684
Peak HR AM																				
0800 - 0900	4	252	0	256	0	259	7	266	7	0	3	10	0	0	0	0	522	10	532	
Peak HR PM																				
1700 - 1800	2	316	0	318	0	352	4	356	8	0	2	10	0	0	0	0	674	10	684	
AM PHF	0.744				0.811				0.625				0.000				0.773			
PM PHF	0.893				0.832				0.417				0.000				0.847			



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APPENDIX A-3: AASHTO LEFT-TURN LANE ANALYSIS

2023 AM Peak Phase IB Build Condition (Flowing Springs Road with Site Drive #1)	
% LT	Operating Speed
5 % Left Turns	50 mph
Opposing Volume (veh/h)	Advancing Volume (veh/h)
278	264
Required Advancing	AASHTO Analysis
503	Guideline Not Met

2023 PM Peak Phase IB Build Condition (Flowing Springs Road with Site Drive #1)	
% LT	Operating Speed
5 % Left Turns	50 mph
Opposing Volume (veh/h)	Advancing Volume (veh/h)
379	331
Required Advancing	AASHTO Analysis
443	Guideline Not Met

2024 AM Peak Phase IIB Build Condition (Flowing Springs Road with Site Drive #1)	
% LT	Operating Speed
5 % Left Turns	50 mph
Opposing Volume (veh/h)	Advancing Volume (veh/h)
298	281
Required Advancing	AASHTO Analysis
491	Guideline Not Met

2024 PM Peak Phase IIB Build Condition (Flowing Springs Road with Site Drive #1)	
% LT	Operating Speed
5 % Left Turns	50 mph
Opposing Volume (veh/h)	Advancing Volume (veh/h)
413	356
Required Advancing	AASHTO Analysis
425	Guideline Not Met

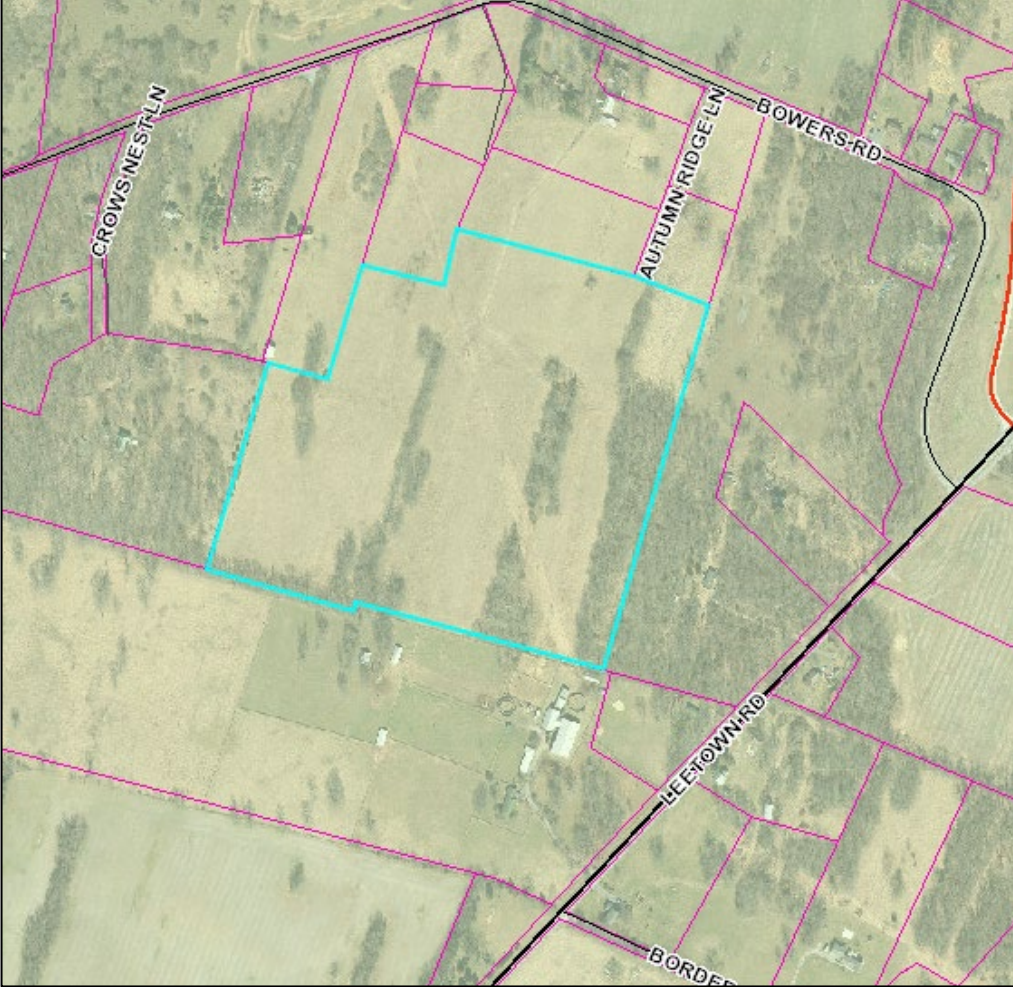
2025 AM Peak Full Build Condition (Flowing Springs Road with Site Drive #1)	
% LT	Operating Speed
5 % Left Turns	50 mph
Opposing Volume (veh/h)	Advancing Volume (veh/h)
380	428
Required Advancing	AASHTO Analysis
442	Guideline Not Met

2025 PM Peak Full Build Condition (Flowing Springs Road with Site Drive #1)	
% LT	Operating Speed
5 % Left Turns	50 mph
Opposing Volume (veh/h)	Advancing Volume (veh/h)
615	568
Required Advancing	AASHTO Analysis
345	Guideline Met

Staff Report
 Jefferson County Planning Commission Meeting
 November 04, 2025

Secatello MSD Waiver Request (File #25-28-PCW)

Item #5: Public Hearing: Waiver from Section 20.201 of the Subdivision Regulations, requesting to process a 6-Lot Subdivision as a Minor Subdivision instead of as a Major Cluster Subdivision development.

Owner/Applicant	Vincent T. & Alicia A Secatello
Consultant	P.J. Raco Consulting, LLC
Property Location & Information	<p style="text-align: center;">132 Autumn Ridge Lane, Kearneysville, WV Parcel ID: 07000500020002; Size: 37.43 acres; Zoning District: Rural</p> 
Surrounding Zoning	<i>North, South, East & West: Rural</i>
Proposed Activity:	Request to process as a 6 Lot Subdivision as a Minor Subdivision instead of as a Major Cluster Subdivision.
History	<p>07/08/1998: Boundary Line Adjustment merged 9.871 acres from Parcel 1.2 into Parcel 2. Final configuration: Parcel 1.2 = 8.129 acres. Parcel 2 = 48.15 acres (DB 904 / PG 184)</p> <p>12/14/2021: Waiver to process a Major Cluster Subdivision as a Minor Subdivision for the first five out of eight total lots (File # 21-21-PCW).</p>

Staff Report
Jefferson County Planning Commission Meeting
November 04, 2025

Secatello MSD Waiver Request (File #25-28-PCW)

	<p>04/15/2022: Two Boundary Line Adjustments were recorded to create the following:</p> <ul style="list-style-type: none">File #22-1-M: To merge 8.8745 acres from Parcel 2 into Parcel 1.3. Final configuration: Parcel 1.3 = 17.8549 acres. Parcel 2 = 39.3018 acres (PB 26 / PG 372).File #22-5-M: To merge 11.7563 acres from Parcel 2 into Parcel 1.3. Final configuration: Parcel 1.3 = 6.0986 acres. Parcel 2 = 51.0581 acres (PB 26 / PG 373). <p>05/27/2022: Bowers Road Minor Subdivision (Plat Book 26 / PG 395) – Subdivision of Parcel 1.3 into Lots 1A (1.52 acres), Lot 1B (1.57 acres), and Lot 1.3-Residue (3.00 acres).</p>
--	--

Summary of the Request:

The applicant is requesting a waiver from Section 20.201 of the Subdivision Regulations (see excerpt below) to process one additional lot of the maximum of eight (8) lots permitted under Section 5.7D.2 of the Zoning Ordinance as a Minor Subdivision rather than as a Major Cluster Subdivision.

Relevant Site Information:

In order to calculate the density of a property, Section 20.201 of the Subdivision Regulations and Section 5.7D of the Zoning Ordinance state that the calculations must be based on the acreage of the property as of October 5, 1988 (the adoption of zoning). As of October 5, 1988, the subject parcel consisted of approximately 38 acres. Using this acreage, Section 5.7D.2 of the Zoning Ordinance would allow a total of eight lots (seven and a residue) to be divided from the property using the cluster provisions, which also requires 19 acres to be retained as green space.

Although the Zoning Ordinance requires all Cluster developments to process as a Major Subdivision, because the Subdivision Regulations classify a subdivision with five (5) or less residential lots and no off-site infrastructure as a Minor Subdivision, Cluster Subdivisions with a maximum of density of five (5) lots have been permitted to process as a Minor Subdivision. Cluster Subdivisions on properties which have density rights allowing more than five (5) lots are required to process the Concept Plan and then may process the first five (5) lots as a Minor Subdivision. As noted earlier, this 48-acre property, which consisted of 38 acres in 1988, could have a full build out of seven (7) lots plus a residue with a required 19 acres to be retained as greenspace.

The applicant was granted a waiver in 2021 to allow the first five out of eight total lots to be processed as a Minor Subdivision without having to process the Concept Plan. Four of these lots currently access Bowers Road through the 50’ access easement named Autumn Ridge Lane. The required greenspace is located on the existing residue parcel.

Cluster Provisions of Zoning Ordinance/Subdivision Regulations

Section 5.7D.2.b.iv (a) of the Zoning Ordinance, under *Procedures*, states that all parcels utilizing the Cluster Provision must process as a Major Subdivision, which requires a Concept Plan.

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

Staff Report
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Secatello MSD Waiver Request (File #25-28-PCW)

Development Regulations. All cluster developments must be processed as a Major Subdivision.^{17, 21, 23}

Section 20.201 of the Subdivision Regulations allow a total of five lots to be divided from a property using the Minor Subdivision process and requires all additional lots to process as a Major Subdivision.

Sections of Subdivision Regulations under Consideration:

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.

A. Residential

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.

Staff Discussion:

Because Section 20.201 of the Subdivision Regulations states that a Minor Subdivision may not create more than five (5) residential lots, the applicant is requesting this waiver to be allowed to create one additional lot of the maximum of eight (8) permitted under the Cluster provisions. The proposed sixth lot would access from Autumn Ridge Lane. The subdivision plat will need to include a note that states the plat is processing under Section 5.7D.2 Cluster provisions. If the waiver is denied, the applicant could proceed with the eight (8) lot Major Subdivision and the Concept Plan required by the Zoning Ordinance.

Staff Report
Jefferson County Planning Commission Meeting
November 04, 2025

Secatello MSD Waiver Request (File #25-28-PCW)

Staff Recommendation:

As the Cluster provisions of the Zoning Ordinance require a Cluster Subdivision to process as Major Subdivision, staff recommends that the waiver be denied and the applicant proceed with processing as a Major Subdivision. Staff recommended approval of the previous waiver allowing the subdivision to proceed as a Minor Subdivision without a Concept Plan but also noted that any further subdivision will need to conform to Section 5.7D.2 of the Zoning Ordinance.

Should the Planning Commission be inclined to grant the waiver, staff recommends that the Planning Commission direct staff to forward the approved waiver to the Zoning Administrator for consideration of processing the Concept Plan as required by the Zoning Ordinance.

Waiver Requirements:

The applicant provided a response to the requirements found in “Division 24.300 Waivers” of the Subdivision Regulations in the waiver application. 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.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 35-28-PCW
 Mtg Date: 11-4-25
 Date Rec'd: 10-14-25
 Fees Paid: 150.00
 Staff Int: PR
 List of Adjoiners:

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

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

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Vincent and Alicia Secatello
 Business Name: _____
 Mailing Address: 132 Autumn Ridge Lane, Kearneysville, WV 25430
 Phone Number: Paul 304/676-8256 Email: Paul's email on file at office

Applicant Contact Information

Applicant Name: Same as Owner Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548, Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: Email on File at Office

Physical Property Details

Physical Address: 132 Autumn Ridge Lane Kearneysville Vacant Lot:
 Tax District: Middleway Map No: 5 Parcel No: 2.2
 Parcel Size: 37.43+- Acres Deed Book: 1343 Page No: 178
 Zoning District: Rural

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

20.20I Minor Subdivision for the 6th Lot as an additional lot in this Cluster Subdivision. 19 acres is already preserved as Open Space on this Residue.

Briefly Describe the Nature of Your Waiver Request:

The Ordinance allows up to 5 lots out of a parcel to be considered a Minor Subdivision, Any more than 5 lots on the same easement/ROW is also considered a Major Subdivision. In this case, this lot will be the 6th lot out of this original parcel, but will only be the 5th Lot on this Easement that is improved by a good road. The owner of the property is the original developer of the 5 lots and in fact lives on the Residue where this new lot is proposed. The parcel is entitled to process three lots, but the owner/applicant is only processing this additional one lot. As a Cluster Subdivision, there is already 19 acres preserved as Open/Green Space.

Explain how 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.

See Attached

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

See Attached

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

See Attached

Explain how the waiver, if granted, will result in a project of better quality and/or character.

See Attached

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

[Handwritten Signature]

Property Owner Signature

10/14/25
Date

[Handwritten Signature]

Property Owner Signature

10/14/25
Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

11-04-25
Public Hearing Date

10-21-25
Date Placard Posted

10-16-25
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

Vincent and Alicia Secatello
Waiver Request
Section 20.201 Minor Subdivision
Jefferson County Subdivision and Land Development Ordinance
October 14, 2025

Four Criteria:

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

This project will have no Public costs since the existing Access Easement and Autumn Ridge Lane is a private access and is required to be maintained by the Applicant and the lots that are being created. In fact, the Applicant/Owner constructed Autumn Ridge Lane and lives at the end of the road. There will be no public maintenance costs involved as the Easement and Road within the easement since it will be maintained privately.

Regarding open space, this lot is part of a cluster subdivision where the Applicant has already preserved 19 acres on the residue for Open/Green Space as shown on the Plat.

2. *Explain how the waiver, if granted, will not adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents;*

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the project will still be required to meet every other standard and requirement of the Minor Subdivision standards of the Subdivision Ordinance including the standard that limits a Minor Subdivision to only 5 Lots accessing Autumn Ridge Lane. Also, the approvals will include current Health Department approval and updated Highway Department Approval (or letter) for the new lot.

Additionally, as stated previously, the waiver will not have any effect on the neighbors or public health since the development needs all other approvals, and the applicant will need to maintain the new portion of the driveway to the new lot. There are no other improvements that are necessary since the subdivision otherwise qualifies as a Minor Subdivision. The other lots on Autumn Ridge Lane were created by the Applicant as a Cluster Subdivision and the Plat contained a note that informed the public and future lot owners that an additional 3 lots could be created on the Road as part of the Cluster. In this case, the Applicant is only proposing one additional lot.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

The purpose of the access easement is to ensure that a proper road and drainage are adequate for the intended use. In this case, there is no road standard required for a Minor Subdivision, since this will only be the 5th lot on Autumn Ridge Lane and the road is already built to this proposed lot since the Applicant's residue with their house is next to the proposed parcel. The residue lot is 37 acres with this proposed lot to be 2 acres which will leave 35 acres with 19 acres remaining in the approved Open/Green Space. Autumn Ridge Lane is already in place and there are no drainage issues. The additional lot will not cause a harmful impact on the road, and the new lot does not exceed the allowed 5th lot as a Minor Subdivision on the Road/Easement. A county grade subdivision road is not required either way, and the existing road is a well-constructed road that serves the Applicant's homeplace. The existing road will continue to be maintained as it is presently.

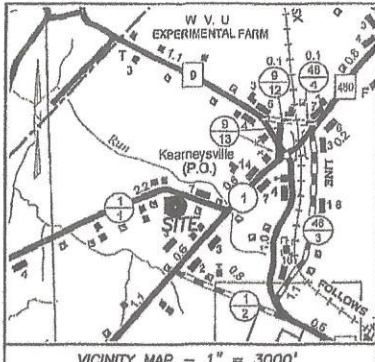
Furthermore, the DOH will ultimately decide if the additional lot will need an entrance permit or if they believe that none is necessary for the new lot. That will be presented to the Highway Department during the Minor Subdivision process.

4. *Explain how the waiver, if granted, will result in a project of better quality and/or character;*

The granting of the Waiver will allow one additional lot on the platted 50' easement and existing Autumn Ridge Lane that serves four lots including the Applicant's home. This additional lot on Autumn Ridge qualifies as a Minor Subdivision and does not require any road upgrade. However, the road is already a well-built road as it serves the Applicant's own home. The Zoning Ordinance allows an additional 3 lots in this subdivision as a Cluster Subdivision. However, since this lot will make the 6th total lot out of the property since 1988, it would technically be considered a Major Subdivision even though it is just one additional lot. No new infrastructure is required, and the property owners were all informed with a note on the plat when they purchased the other parcels that there could be up to 3 more parcels on this road. The Applicant/Owner is only pursuing the one additional lot, and this lot will be next to their own house at the end of Autumn Ridge Lane. Furthermore, the new house will most likely be built by the Applicant/Owner who built the other houses along the lane, thus assuring a quality built house with compatible and consistent architecture with the

neighborhood. It will, of course, be built to all Building Code Standards and it will not Impact the existing preserved 19 acres of Cluster Open/Green Space on the Residue.

Accordingly, the Applicants respectfully ask that the Planning Commission approve the waiver so that the Minor Subdivision process can continue and allow one additional lot in this Cluster Subdivision as permitted along Autumn Ridge Lane. Thank you for your consideration.



VICINITY MAP - 1" = 3000'

GENERAL NOTES

- SUBJECT PROPERTY IS CURRENTLY ZONED "RURAL". BUILDING SETBACK LIMITS FOR LOTS: 25' FRONT, 12' SIDE AND 20' REAR, PER JCCPC. STORAGE SHEDS UNDER 150 SQUARE FEET IN SIZE SHALL HAVE A 5' SETBACK LIMIT. ATTACHMENTS TO LOTS MAY NOT PROJECTIONS INTO THE REQUIRED YARD MORE THAN 4' WITH A MAXIMUM OVERALL LENGTH OF 10', EXCEPT AS PROVIDED FOR IN EXCEPTIONS WITHIN ARTICLE 8 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE.
- THIS SUBDIVISION IS A PORTION OF A CLUSTER SUBDIVISION IN ACCORDANCE WITH DENSITY RIGHTS AS DEFINED IN SECTION 5.703 OF THE JEFFERSON COUNTY ZONING ORDINANCE ADOPTED 07-27-08 AND AMENDED THROUGH 12-02-21 AND PER THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, ADOPTED 10-09-08 AND AMENDED 02-01-18. 19.0 ACRES OF THE RESERVE WILL BE RETAINED AS PERMANENT OPEN SPACE. ADDITIONAL LOTS MAY BE PROCESSED UNDER THE CLUSTER PROVISIONS AS A MAJOR SUBDIVISION.
- OMITTED
- THE PROPERTY SHOWN HEREON IS NOT LOCATED IN THE MAPPED 100 YEAR FLOOD PLAIN AS DELINEATED BY FEMA. FLOOD INSURANCE RATE MAP NUMBER 4307C 0202, EFFECTIVE DATE OF DECEMBER 16, 2003. THE PROPERTY IS LOCATED OUT OF FLOOD PLAIN.
- THE LOTS CREATED HEREON ARE TO BE SERVED BY PRIVATE, INDIVIDUAL WELL AND SEPTIC SYSTEMS. REFERENCE IS MADE TO JEFFERSON COUNTY HEALTH DEPARTMENT PERMIT NUMBER SD4-10-2122-016.
- PRIVATELY OWNED ROADS AND COMMON LAND SHALL BE MAINTAINED BY THE PROPERTY OWNERS. THE COST AND EXPENSE OF MAINTAINING THE PRIVATE ROAD EASEMENT, INCLUDING SNOW REMOVAL, SHALL BE SHARED BY THE LOT OWNERS BENEFITING BY SAID PRIVATE ROAD AND SHALL NOT BE A PUBLIC RESPONSIBILITY OF JEFFERSON COUNTY, WV. LOTS 2B, 2C, 2D AND LOT 2E-RESIDUE SHALL ACCESS BY SEC. RT. 1/1 VIA 50' ACCESS EASEMENT (AUTUMN RIDGE LANE), AS SHOWN HEREON.
- THERE ARE NO RESTRICTIVE COVENANTS PROPOSED WITH THIS APPLICATION.
- THERE ARE NO UNDEVELOPED PARCELS CREATED BY THIS MAJOR SUBDIVISION. THERE ARE NO RESERVATIONS FOR PUBLIC LAND OR SEMI-PUBLIC USE.
- NO STRUCTURES, FENCES, OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
- THE SELLER OF ANY LOT WITHIN THIS SUBDIVISION SHALL PROVIDE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR CONSTRUCTION OF A SEPTIC 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 PROPERTY WITHOUT PENALTY.
- ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON THE LOT.
- 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.
- VERIFICATION FROM A WELL DRILLER THAT A PRESSURE CHARGED 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 COMMENCEMENT 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 ANY IMPROVEMENT LOCATION PERMIT.
- ALL EXISTING AND PROPOSED EASEMENTS ARE SHOWN AND THERE ARE NO PLANNED FUTURE EASEMENTS.
- A DRAINAGE EASEMENT IS GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT IN ALL ROAD RIGHT-OF-WAYS FOR FUTURE CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES.
- ANY DRIVEWAY CULVERT WILL NEED TO BE A MINIMUM SIZE OF 15 INCHES.
- HYDRO ENTRANCE PERMIT NUMBERS 05-2022-0353 AND 05-2022-0354.
- THE JEFFERSON COUNTY EDI ADDRESSING ORDINANCE STATES THAT ANY EASEMENT OR RIGHT-OF-WAY LEGALLY ACQUIRED BY 1/2 OR MORE ADDRESSABLE STRUCTURES (NOT LOTS) SHALL BE MAINTAINED. THE GR/ADDRESSING OFFICE SHALL COORDINATE AND OVERSEE THE NAMING OF THE COMMON EASEMENT OR RIGHT-OF-WAY UPON CONSTRUCTION OF THE 3RD ADDRESSABLE STRUCTURE THAT ACCEDES THE PREVIOUSLY UN-NAMED EASEMENT OR RIGHT-OF-WAY.
- NO NEW EASEMENTS OR RIGHT-OF-WAYS OTHER THAN ACCESS EASEMENT AS SHOWN.

SURVEYOR'S CERTIFICATION

I, MICHAEL S. ROBERTS, A WEST VIRGINIA PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SEALED PLAT IS ACCURATE, COMPLETE AND REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THESE STATE AND OR COUNTY CODE PROVISIONS APPLICABLE ON SAID DATE; THAT THE PERIMETER AND ALL LOT BOUNDARIES SHOWN HEREON HAVE BEEN ESTABLISHED BY A NETWORK OF TRANSVERSE CONTROL, HAVING A RELATIVE ERROR OF CLOSURE OF 1:7,500 OR BETTER.

MICHAEL S. ROBERTS, P.S. DATE 05/21/22

SECTION OF ORDINANCE	DESCRIPTION OF WAIVER	DATE GRANTED
20.201	#21-21-PCW FIRST 5 LOTS AS MINOR SUBDIVISION	12-14-21

LEGEND

CRCP	CAPPED REBAR (FOUND)
CRCS	CAPPED REBAR (SET)
FP	FENCE POST
RF	REBAR (FOUND)
PT	POINT
TR	TEST PIT
PH	PETIC HOLE
UL	UTILITY POLE
UL	OVERHEAD UTILITY LINES

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	281.29	188.02'	185.40'	S 86°29'47" E	36°24'47"

LINE TABLE

LINE	BEARING	DISTANCE
1.1	S 22°22'36" W	15.00'
1.2	S 17°05'17" W	108.33'
1.3	N 05°22'58" E	71.05'
1.4	S 17°15'29" W	33.02'

EVA M. HERMAN
TAX MAP 5, PARCEL 1.2
D.B. 1074 PG. 347

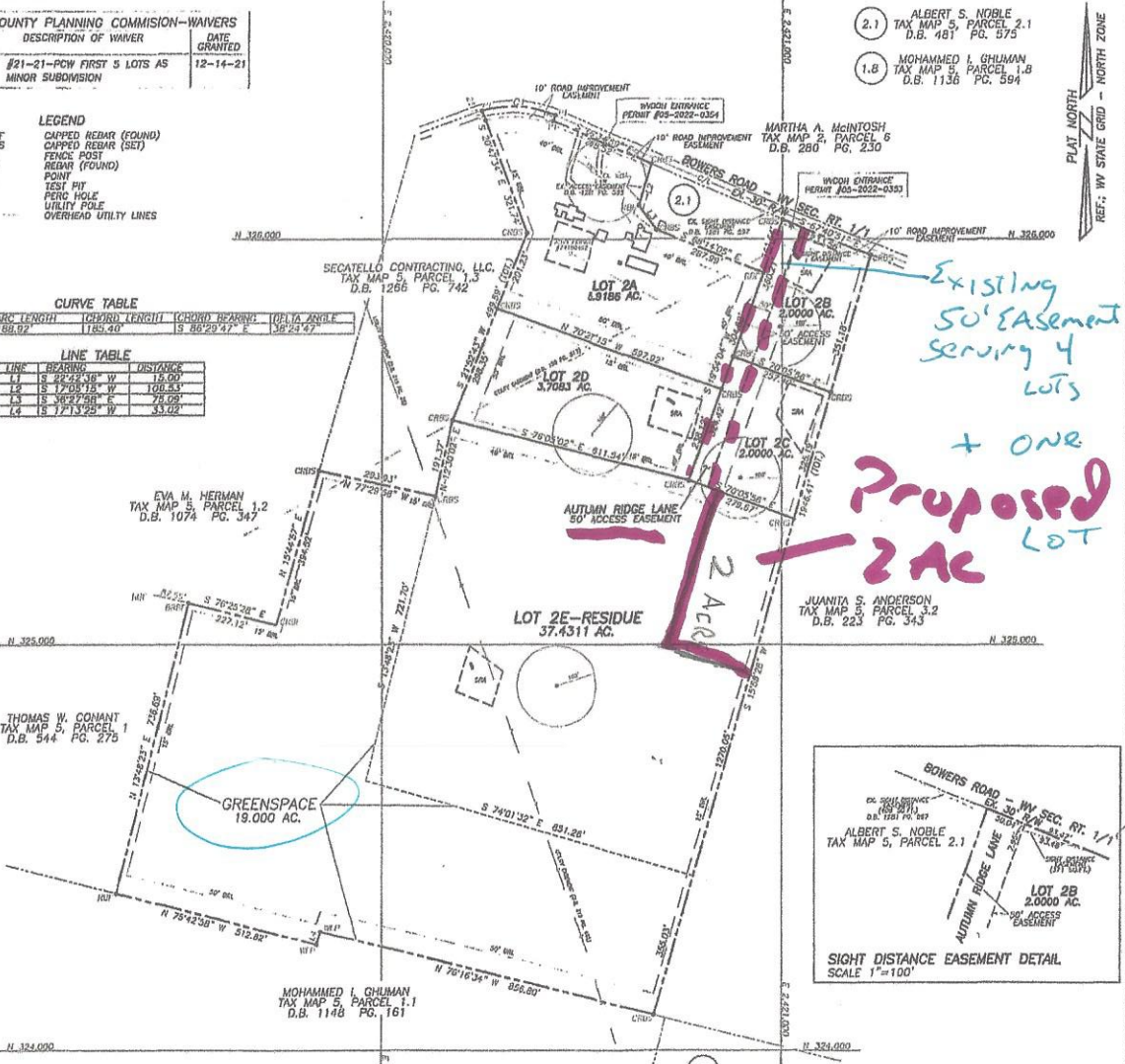
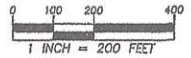
THOMAS W. COMANT
TAX MAP 5, PARCEL 1
D.B. 544 PG. 275

MOHAMMED I. GHUMAN
TAX MAP 5, PARCEL 1.1
D.B. 1148 PG. 161

AREA TABULATION

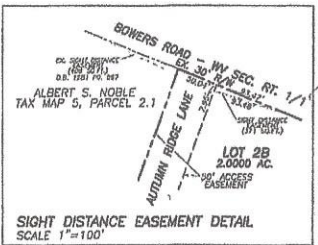
PARCEL	ACRES
PARCEL 2	51.0581
LOT 2A	5.9186
LOT 2B	2.0000
LOT 2C	2.0000
LOT 2D	3.7083
LOT 2E-RESIDUE	37.4312
TOTAL	51.0581
GREENSPACE	19.0000

PSK
10/13/25



- 2.1 ALBERT S. NOBLE
TAX MAP 5, PARCEL 2.1
D.B. 481 PG. 575
- 1.B MOHAMMED I. GHUMAN
TAX MAP 5, PARCEL 1.8
D.B. 1136 PG. 594

Existing 50' Easement serving 4 lots + ONE Proposed 2 AC LOT



BOWERS ROAD CLUSTER SUBDIVISION - 2
LOTS 2A, 2B, 2C, 2D & 2E-RESIDUE
PARCEL 2
PROPERTY OF
SECATELLO CONTRACTING, LLC
187 OLD LEETOWN PIKE
KEARNEYSVILLE, WV 25430
DEED BOOK 1266 PAGE 742
TAX MAP 5, PARCEL 2
MIDDLEWAY DISTRICT ~ JEFFERSON COUNTY, WV

DATE: 10-14-21
REV: 04-20-22
REV: 08-09-22
REV: 08-24-22
DRAWN: JMR
CHECKED: MGR
SCALE: 1"=200'
DWG NO.: 21-165
SHEET 1 OF 1

APPROVED JEFFERSON COUNTY PLANNING COMMISSION
2024 Section 20.201 A

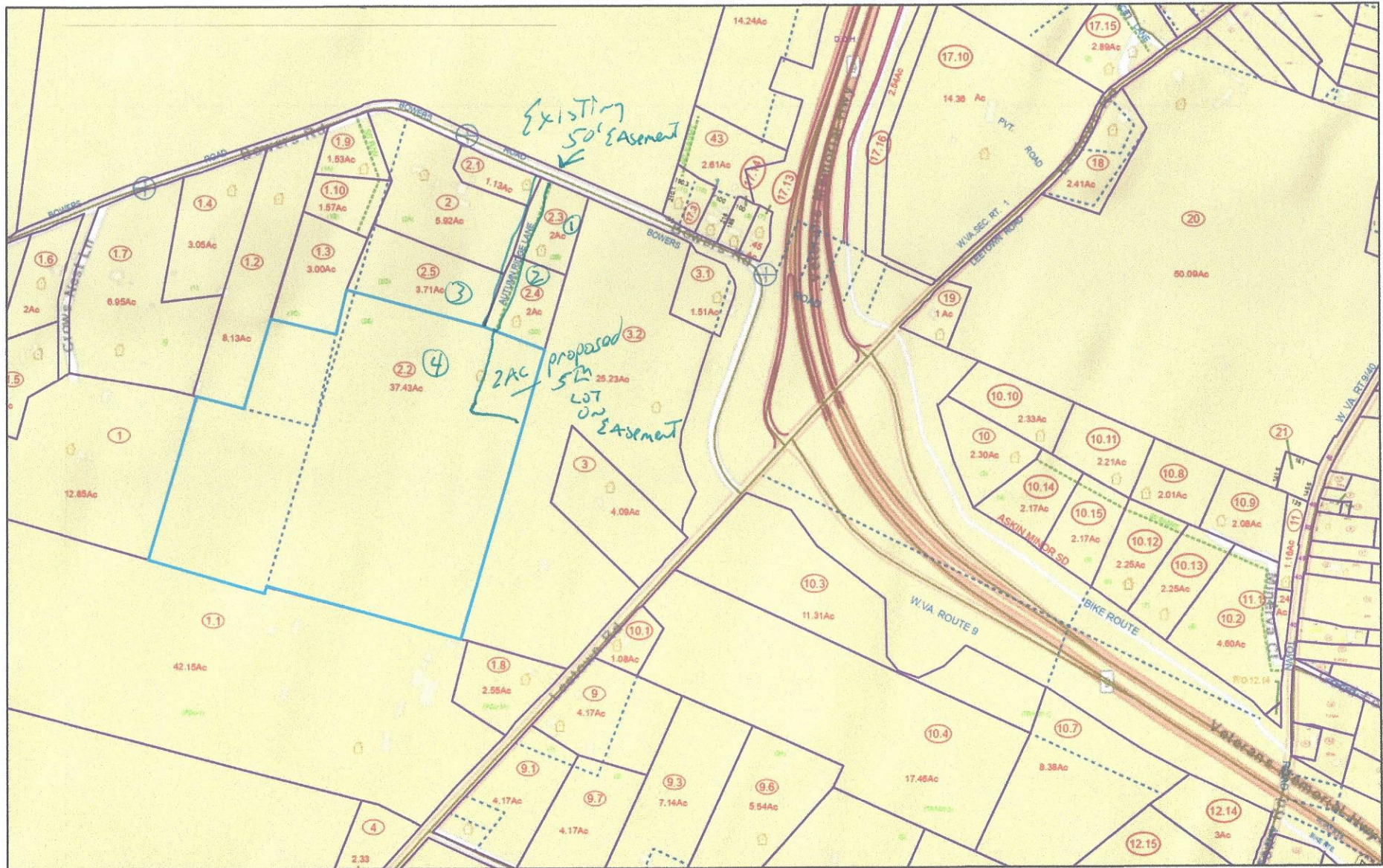
JEFFERSON COUNTY DEPT. OF PLANNING
OFFICIAL SEAL
OFFICE OF PLANNING
DATE

STATEMENT OF ACCEPTANCE
THE OWNER/DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.
OWNER/DEVELOPER: Secatello Contracting, LLC
DATE: 05/21/22

MICHAEL S. ROBERTS, P.S.
LICENSED PROFESSIONAL SURVEYOR
STATE OF WEST VIRGINIA
NO. 799

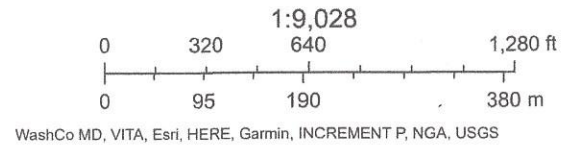
ROBERTS LAND SURVEYING
2088 PALMER ROAD - HEDGESVILLE, WV 25427
304-671-5406
miker002395@frontier.com

Viewer Map



October 13, 2025

PSK 10/13/25



Vincent and Alicia Secatello
Waiver Request
Section 20.201 Minor Subdivision
Jefferson County Subdivision and Land Development Ordinance
October 14, 2025

Adjoining Property Owners

Parcel ID: 07 5000200040000
Tax Year: 2026
Deeded Owner: BODEN KEVIN & WENDILEE
C/O:
Owner Address: 119 AUTUMN RIDGE LN
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 07 5000300020000
Tax Year: 2026
Deeded Owner: ANDERSON JUANITA S
C/O:
Owner Address: 14291 LEETOWN RD
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 07 5000100010000
Tax Year: 2026
Deeded Owner: MAHAR FARHANA & MOHSIN
C/O:
Owner Address: 14039 LEETOWN RD
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 07 5000100000000
Tax Year: 2026
Deeded Owner: CONANT THOMAS W & CHADSEY L
C/O:
Owner Address: 143 CROWS NEST LN
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 07 5000100020000
Tax Year: 2026
Deeded Owner: HERMAN EVA M
C/O:
Owner Address: 12918 NEW PARKLAND DR
City: HERNDON
State: VA
Zip: 20171

Parcel ID: 07 5000100030000
Tax Year: 2026
Deeded Owner: SECATELLO CONTRACTING LLC
C/O:
Owner Address: 132 AUTUMN RIDGE LN
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 07 5000200050000
Tax Year: 2026
Deeded Owner: KESECKER BRIAN D JR & MARIE F G
C/O:
Owner Address: 120 AUTUMN RIDGE LN
City: KEARNEYSVILLE
State: WV
Zip: 25430



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
P.O. Box 716
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: 304-728-3228

MEMORANDUM

TO: Jefferson County Planning Commission
FROM: Luke Seigfried, Chief County Planner
DATE: November 4, 2025
RE: Draft Subdivision Regulation Amendments for Proposed Rural Residential Zoning District

Background

Jefferson County Zoning Ordinance and Subdivision Regulations currently work together for development standards and other requirements. At the August 12, 2025 Planning Commission meeting, staff was directed by the Planning Commission to create a final draft copy of the Rural Residential Zoning District for the Planning Commission to view and send to public hearing. The Rural Residential draft also currently allows for tri-plexes and quad-plexes, meaning that in some cases dwellings per acre could increase from 4.35 dwellings per acre with single-family structures or duplexes to 7.06 for triplexes and 7.58 dwellings per acre with quadplexes. The total number of dwellings is determined based on the sliding scale located at Section 5.18 of the Zoning Ordinance. The Green Space definition also confirms that green space residue parcels created through cluster subdivisions can be used for agricultural purposes. Attached are the final updates staff has made to STA25-03 and ZTA25-03 for the creation and inclusion of the Rural Residential Zoning District.

The purpose of the proposed Rural Residential zoning district is to provide a location for low and medium density uses while preserving the rural character of the County and revitalize the cluster subdivision process. By using these clustering requirements for the Rural Residential district, open space is preserved in the community while concentrating residential development in a defined area. This serves to focus infrastructure and service areas while reducing residential sprawl. The 2045 Comprehensive Plan recommends clustering as the preferred method of rural development to retain open space.

At the February 22, 2024 Board of Zoning Appeals meeting, the Board directed staff to submit a letter to the Planning Commission that they review the Green Space requirements for a Cluster Subdivision and clarify whether the Green Space requirement was to be included in a single lot or can be split between multiple lots within the subdivision. At the April 9, 2024 Planning Commission meeting, the request for a text amendment was denied on the grounds that the Zoning Ordinance will not be changed until the 2045 Comprehensive Plan was approved. As the 2045 Comprehensive Plan was approved and adopted on February 25, 2025, clustering clarification in the Zoning Ordinance can be reviewed alongside the proposed Rural Residential zoning district.

List of Sections to Amend in the Subdivision and Land Development Regulations (STA25-03)

1. **Section 20.201** – Minor Subdivisions
 - i. Minor changes to the overall text to include Rural Residential in the Minor Subdivision process, also fixed a spelling error.

2. **Section 20.203C** – Minor Site Development – Site Plan Exception
 - i. Minor edits to the overall text to include Rural Residential in the Minor Site Development process.
3. **Section 21.105C** - Requirements for Parkland – Design
 - i. Addition and edits to Table 21.105 and accompanying text to include Rural Residential and revisions to the “Density in Units per Acre of Residential Land Area.”
4. **Section 22.208A & Section 22.208B** – Sidewalks
 - i. Minor edits to the overall text to include Rural Residential in the Location and Modification of sidewalks requirements.
5. **Appendix B, Division 5.1** – Requirements for Townhomes – Minimum Requirements and Standards
 - i. Inclusion of Rural Residential, Triplex, and Quadplex requirements for the Minimum Requirements and Standards for Townhomes, including linking to the Zoning and Land Development Regulations.

List of Sections to Amend in the Zoning and Land Development Ordinance (ZTA25-03)

1. **Table of Contents, Zoning and Land Development Ordinance** – Rural Residential (RR) District
2. **Article 2: Definitions** – Clustering; Dwelling, Quadplex; Dwelling, Triplex; Green Space
 - i. Creation of definitions and addition of Section 5.5 (Rural Residential) where applicable.
3. **Section 4.10B** - Site Plan Requirements
 - i. Inclusion of duplex, triplex, and quadplex dwelling units.
4. **Section 5.1** – Establishment of Districts
 - i. Addition of Rural Residential to the list of current Zoning Districts.
5. **Section 5.5** - Rural Residential (RR) District
 - i. Addition of the Rural Residential zoning district to the Zoning Ordinance, including the purpose of the district, location qualifications, permitted uses, site development standards, and additional requirements.
6. **Section 5.7** – Rural (R) District
 - i. Update to include the 2045 Comprehensive Plan, addition and update of clustering standards for subdivisions to process under, limit the required green space to a single parcel of land for cluster subdivisions, and further clarify that family transfers are not entitled to land designated as Green Space.
7. **Section 6.3** – Conditional Use Permit
 - i. Inclusion of Rural Residential.
8. **Section 8.14** – Special Event Facilities
 - i. Inclusion of Rural Residential.
9. **Section 9.5** – Projections Into Yards
 - i. Inclusion of Rural Residential, Triplexes, and Quadplexes, removal of the language limiting all projections into the rear setback to just townhomes.
10. **Section 10.5** – Signs Requiring a Special Exception Permit
 - i. Inclusion of Rural Residential.
11. **Section 11.2** – Residential Parking Standards
 - i. Inclusion of Residential Parking Standards.
12. **Appendix A: Residential Site Development Standards Table**
 - i. Inclusion of the Rural Residential Zoning District, Duplex, Triplex, and Quadplex dwelling units all added.
13. **Appendix B: Non Residential Site Development Standards Table**
 - i. Inclusion of the Rural Residential Zoning District, Duplex, Triplex, and Quadplex dwelling units all added.

14. Appendix C: Principal Permitted and Conditional Uses Table

- i. Inclusion of the Rural Residential Zoning District, Triplex, and Quadplex dwelling units added, establishment of what is permitted, not permitted, and a conditional use.

Next Steps

In accordance with Article 12 of the Zoning Ordinance and Chapter 8A of the West Virginia Code, the Planning Commission's role is to receive input from the public and to determine whether the proposed text amendment to the Zoning Ordinance is consistent with the 2045 Comprehensive Plan. Following the public hearing, the Planning Commission will finalize the draft text amendments and make a recommendation to the County Commission regarding the amendments to the Zoning Ordinance and the Subdivision Regulations.

The County Commission is also required to hold a Public Hearing to receive public input prior to taking final action on the proposed amendment.

Attached Pages of STA – Page 11-13, 15, 25-26, 36-37, 145

Attached Pages of ZTA - Page 6, 18, 22, 26, 53, 73, 75-77, 79-80, 82, 95, 104-105, 114-115, 119-120, 124, 132, 134, 136-139



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~~ subdivision that meets county roadway design standards (Table 2.2-1)

However, in the Rural District or Rural Residential 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 there-under 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 [or the Rural Residential 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~~ [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 [or Rural Residential 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. 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.



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 [or Rural Residential 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 [or Rural Residential](#) zoning districts 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. [Gravel is considered an impervious surface.](#)



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 provided in accordance with Table 21.105 for developments following the Clustering provisions found in Section 5.7.D.2 of the Zoning and Land Development Ordinance](#) ~~be minimal unless a~~



~~Conditional Use Permit (CUP) has been obtained.~~ In the Residential-Light Industrial-Commercial, ~~and~~ Residential Growth Districts, ~~and~~ Rural Residential 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, ~~and~~ Rural Residential Districts. Landscaping and hardscapes that include furniture for pedestrians shall be installed to enhance the usefulness of these areas.

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 <u>3.99</u>	4%
4- 6 <u>5.99</u>	7%
6 to 10	10%
10+ <u>More than 10 units per acre</u>	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.cacal

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



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 [or Rural Residential 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), [Rural Residential \(RR\)](#) 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.



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.
- C. For developments in the Rural Residential District, Division 5.0, Section 5.3 shall have fewer requirements for triplex and quadplex projects. All triplex and quadplex developments are exempt from Appendix B, Section 5.3A.4. In the event of a conflict between Division 5.0, Section 5.3 and the Zoning Ordinance, the Zoning Ordinance shall prevail.

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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 5.5 and 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}	<p>Farm operations which will:</p> <ul style="list-style-type: none"> 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.

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.
<u>Dwelling, Quadplex</u>	<u>A combination of four single-family dwelling units, with each individual dwelling unit located on its own legal lot and sharing common lot lines and vertical walls with the other units.</u>
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.
<u>Dwelling, Triplex</u>	<u>A combination of three single-family dwelling units, with each individual dwelling unit located on its own legal lot and sharing common lot lines and vertical walls with the other units.</u>
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

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	<p>Land required to be set aside under Section 5.5 Cluster Provisions and 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.</p> <p>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.</p>
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.

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.^{23, 26}
- B. Site plan submittal is not required for single-family, [duplex, triplex, and quadplex](#) 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.

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
- RR Rural Residential
- I-C Industrial-Commercial District
- R Rural (Agricultural) District
- R-LI-C Residential-Light Industrial-Commercial District
- V Village District²³
- NC Neighborhood Commercial²⁷
- GC General Commercial²⁷
- HC Highway Commercial²⁷
- LI Light Industrial²⁷
- MI Major Industrial²⁷
- PND Planned Neighborhood Development²⁷
- OC Office / Commercial Mixed-Use²⁷

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

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~~ Rural Residential (RR) District

A. Purpose

The purpose of this district is to provide a location for low and medium density residential uses. Residential development in this district shall preserve the rural character of the County by encouraging clusters of residences, minimizing the use of prime agricultural land, and restricting commercial and industrial uses. This district is not generally served with public water or sewer facilities, however, lots that are served have different restrictions as specified in Appendix A.

B. Location

This zoning category is intended for use on properties:

1. Outside of the Preferred Growth Areas (PGAs) as shown on the Comprehensive Plan's Future Land Use Guide.
2. In rural lots intended to be subdivided into clustered residences.

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.

D. Site Development Standards

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.

1. 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 Rural Residential District to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space.
- ii. To provide for a well planned development while minimizing the use of prime agricultural land.

b. Lot Area, Setbacks and Other Requirements

- i. 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.

- ii. One (1) lot may be subdivided for every two and a half (2.5) acres.
- iii. 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.
- iv. The required green space shall be maintained on a single parcel of land.
- v. For every additional 5% green space preservation, the following sliding scale may be utilized:

<u>55% green space</u>	<u>1 lot per 2.25 acres</u>
<u>60% green space</u>	<u>1 lot per 2 acres</u>
<u>65% green space</u>	<u>1 lot per 1.75 acres</u>
<u>70% green space</u>	<u>1 lot per 1.5 acres</u>
<u>75% green space</u>	<u>1 lot per 1.25 acres</u>
- c. Minimum Lot Sizes
 - i. For single-family dwellings and duplex dwellings, 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.
 - ii. For triplex and quadplex dwellings, minimum lot size shall be 7,000 square feet for lots served by both a central water AND central sewerage system. A triplex or quadplex dwelling unit having two common walls with other triplex or quadplex dwelling units may have a reduced minimum lot size of 4,500 square feet.
- d. Maximum Lot Size
 - i. The maximum size of a lot served by central water AND sewer shall be 1 acre.
 - ii. The maximum size of a lot served by central water OR sewer shall be 2 acres.
 - iii. The maximum size of a lot not served by central water OR sewer shall be 2 acres.
- e. Setbacks shall be 25' front, 12' sides, and 20' rear.
- f. Clusters of three (3) or more lots shall not be along an existing public road.
- g. All cluster developments of five (5) or more lots shall be served by an internal road having direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the Comprehensive Plan's Highway Problem Areas Map.
- h. Procedures
 - i. 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.
 - ii. 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.

- iii. 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:
 - (a) 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.
 - (b) 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.
 - iv. 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 residential 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”.
2. If the development rights under Subsections 5.5D.1 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 5.5D.1 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.

E. Additional Requirements

No residential structure shall exceed 25 feet in height except as provided in Section 9.2.

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}

- 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 2045~~ Comprehensive Plan recommends that the ~~cluster provision of the Zoning Ordinance~~ utilization of cluster subdivisions 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) [The required green space shall be maintained on a single parcel of land.](#)
 - (d) 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

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 occur in land designated as “Green Space”, as defined in Article 2 or 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

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.

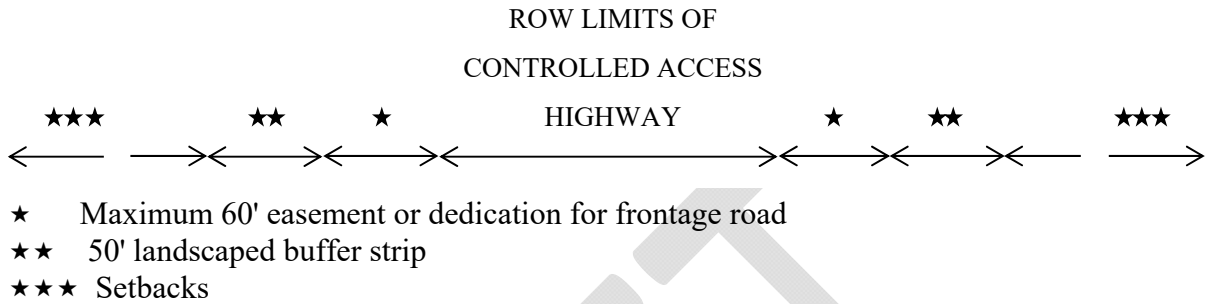
Section 6.3 Conditional Use Permit³²

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 [and Rural Residential](#) zoning districts, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. If a rural [or rural residential 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

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, [Rural Residential](#), 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, [Rural Residential](#), 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);

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 [Rural Residential](#), Residential - Light Industrial - Commercial District and Residential Growth District, on [triplex, quadplex, and](#) 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'.

C. Electronic Signs

Electronic signs located in the Rural, [Rural Residential](#), 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, [Rural Residential](#), 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, [Rural Residential](#), 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, [Rural Residential](#), 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.

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 (Triplex , Quadplex , 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

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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	N/A	N/A
	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	"	"	"	"	"		
	Triplex, Quadplex, Townhouse Dwelling ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	12 side 15 front 15 rear	12 side 15 front 15 rear
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30		
		Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12		
		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											
Rural Residential (RR)	Single-Family Detached Dwelling	Public/Central water and sewer	10,000	N/A	N/A	25	25	12	‡	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	-	-	-	‡	-	N/A	N/A
		No Public/Central water or sewer	40,000	N/A	N/A	-	-	-	‡	-	N/A	N/A
	Duplex, Triplex, Quadplex Dwelling Units	Public/Central water and sewer	7,000^Q	N/A	N/A	25	25	12**	‡	20	N/A	N/A
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 RR, RLIC and RG districts, [triplex, quadplex, and](#) 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."

Q [A triplex or quadplex dwelling unit having two common walls with other triplex or quadplex dwelling units may have a reduced minimum lot size of 4,500 sq. ft.](#)

* Maximum height subject to Section 9.2C

** 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 [ⓐ]	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
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															
Rural Residential (RR)	Commercial or Industrial**	See NC 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 [£]	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 [£]	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.

⓪ 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	<u>RR</u>	RG	RLIC	IC	V	Additional Standards
Residential Uses														
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	<u>NP</u>	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	<u>P</u>	P	P	NP	P	
<u>Dwelling, Triplex</u>	<u>CU</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>CU</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>CU</u>	
<u>Dwelling, Quadplex</u>	<u>CU</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>CU</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>CU</u>	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	<u>NP</u>	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	<u>NP</u>	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	<u>NP</u>	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	<u>P</u>	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	<u>CU</u>	P	P	NP	NP	Sec. 8.10
Home Uses														
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	<u>P</u>	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	<u>P</u>	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	P	P	Art. 4A
Institutional Uses														
Airport	NP	NP	NP	P	P	NP	NP	CU	<u>NP</u>	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	<u>NP</u>	NP	CU	CU	NP	
Church ³⁸	P	P	P	P	CU	P	P	P	<u>CU</u>	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	<u>NP</u>	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	<u>P</u>	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	<u>CU</u>	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	<u>CU</u>	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	<u>P</u>	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	<u>P</u>	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	<u>P</u>	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	<u>NP</u>	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	<u>NP</u>	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	<u>CU</u>	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	<u>CU</u>	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	<u>P</u>	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	<u>CU</u>	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	<u>P</u>	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	<u>NP</u>	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	<u>P</u>	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	<u>NP</u>	P	P	NP	NP	
Land Use	NC	GC	HC	LI	MI	PND¹	OC	R	<u>RR</u>	RG	RLIC	IC	V	Additional Standards

Industrial														Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	<u>NP</u>	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	<u>NP</u>	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	<u>NP</u>	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	<u>NP</u>	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	<u>NP</u>	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	<u>NP</u>	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	<u>NP</u>	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	<u>NP</u>	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	<u>NP</u>	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	<u>NP</u>	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	<u>NP</u>	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	Sec. 8.11
Adult Uses														
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	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	<u>NP</u>	NP	NP	NP	NP	Sec. 8.8
Commercial Uses														Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	<u>CU</u>	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	<u>NP</u>	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	<u>CU</u>	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	<u>CU</u>	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	<u>CU</u>	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	<u>CU</u>	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	<u>CU</u>	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	<u>CU</u>	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	<u>CU</u>	CU	P	P	CU	
Land Use	NC	GC	HC	LI	MI	PND¹	OC	R	RR	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued														Sec. 8.9
Bar	P	P	P	P	NP	P	P	NP	<u>NP</u>	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	<u>P</u>	CU	P	NP	P	Sec. 8.3

Brewpub	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	NP	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	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	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	NP	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	NP	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	NP	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	CU	P	P	CU	
Non-Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	CU	P	CU	
Land Use	NC	GC	HC	LI	MI	PND¹	OC	R	RR	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	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	NP	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	

Short Term Rental ⁴¹	CU	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	NP	P	Sec. 8.16
Solar Energy Facility ⁴³	NP	See Section 8.20				NP	NP	NP	Sec. 8.20					
Special Event Facility	P	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	<u>NP</u>	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	<u>CU</u>	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Art. 4B
Agricultural Uses*														
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	<u>NP</u>	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	<u>CU</u>	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	<u>CU</u>	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	<u>NP</u>	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	<u>NP</u>	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	<u>NP</u>	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	<u>CU</u>	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.14
Accessory Uses														
Accessory Uses	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use

R Rural

RR Rural Residential

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

P Permitted Uses

NP Not Permitted Uses

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

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

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

² Approval process is per the Salvage Yard Ordinance.

Public Comment

Planning Department

From: Planning Department
Sent: Tuesday, October 28, 2025 10:34 AM
To: 'Jacquelyn Milliron'
Subject: RE: Public Comment for November 4, 2025

Good morning,

This email is to confirm receipt of your submission. We will include your comments in the packet to the Planning Commission for the November 4, 2025 meeting. This packet will be made available on the County's webpage by close of business on Friday, October 31, 2025.

Thank you and have a nice day.

Colin Uhry
County Planner
Office of Planning and Zoning
304-728-3228

From: Jacquelyn Milliron <jjmilliron77@gmail.com>
Sent: Tuesday, October 28, 2025 10:13 AM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Cc: Jacquelyn Milliron <jjmilliron77@gmail.com>
Subject: Public Comment for November 4, 2025

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good Morning,

I am opposed to the Text Amendment item #6 and relevant changes to the Rural Residential zone requirements. The statement made in the text amendment summary provided at the September 23, 2025 Planning Commission meeting, inferring that this text amendment will reduce sprawl, is incorrect in my opinion.

Proposing to decrease setbacks AND promoting multiplexes in the rural residential zones will likely draw more expensive utility-scale water and sewer monopolies with their "bridge to nowhere" equity asset business model.

The Jefferson County Commission has historically supported publicly owned utilities which have utility service missions that, protect ratepayers from bearing the cost of private venture field of dreams. This text amendment promotes a field of dreams for corporate utilities giving them the green light to provide expensive large-scale piping and pumpstations throughout the county on the backs of existing ratepayers--unintended consequences. Permitting multiple quadplexes in the rural residential zones that would actually necessitate utility scale water and sewer will, in turn, salt the rural residential zone with urban sprawl. This text amendment would then become the literal backbone to expensive sprawl causing more harm than good to the community. This is counterintuitive to maintaining the rural character of the county stipulated in the 2045 Comprehensive Plan.

Furthermore, the public has not been provided documented evidence that this text amendment will result in decreased waivers for efficiency as was suggested by a commissioner.

Please deny this text amendment item #6. Should there be additional information or changes to previous information regarding this item, I reserve the right to provide verbal comment after the public has access to the packet which is typically available only 4 days prior to the meeting.

A special thanks to the planning department for taking time with me to clarify some points and listen to my concerns.

Thank you.

Sincerely,

Jacquelyn Milliron

Planning Department

From: Planning Department
Sent: Tuesday, October 28, 2025 10:32 AM
To: 'Todd Milliron'
Subject: RE: JC Planning Commission - Rural Residential Amendment, modified response

Good morning,

This email is to confirm receipt of your submission. We will include your comments in the packet to the Planning Commission for the November 4, 2025 meeting. This packet will be made available on the County's webpage by close of business on Friday, October 31, 2025.

Thank you and have a nice day.

Colin Uhry
County Planner
Office of Planning and Zoning
304-728-3228

From: Todd Milliron <tmillironwv@gmail.com>
Sent: Monday, October 27, 2025 8:48 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Cc: Todd Milliron <tmillironwv@gmail.com>
Subject: JC Planning Commission - Rural Residential Amendment, modified response

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Dear Planning Commissioners,

Today's message amends my previous statement regarding the impending rural residential zoning designation for Jefferson County for the application of duplexes, triplexes and quadplexes.

Mr. Seigfried has since explained the hierarchy of the County's Zoning ordinance where when applied, the maximum number of individual dwelling units for a 40-acre parcel would be 16, or 4 individual quadplexes with supporting public water and sewer services.

From the discussion, the halving the acreage first limits use and the divisible lot sizes. Given this and for future clarity, might I suggest language qualifying a previous condition through the use of logical operators such as an "or" or an "and" after each statement.

For the proposed Section 5.5 revision, subsection D.1.b., begin with the first qualifying condition about established setbacks, then project that the property must retain a minimum of 50% greenspace inserting the condition of "and" when closing the specific requirement.

Example:

- i. 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, and;
- ii. 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, and;
- iii. The required green space shall be maintained on a single parcel of land, and;
- iv. *One (1) lot (dwelling) may be subdivided for every two and a half (2.5) acres, or;*
 - a. For every additional 5% green space preservation, the following sliding scale may be utilized:
 - 55% green space 1 lot per 2.25 acres*
 - 60% green space 1 lot per 2 acres*
 - 65% green space 1 lot per 1.75 acres*
 - 70% green space 1 lot per 1.5 acres*
 - 75% green space 1 lot per 1.25 acres*

Previous statement is as follows:

This message is in regards to the impending rural residential zoning designation for Jefferson County and the application of duplexes, triplexes and quadplexes. From my understanding of this latest ordinance change from rural, to rural residential, lots greater than 2.5 acres may be subdivided to accommodate the above noted structures.

Section 5.5.D.1.b.v; “green space”, it appears that lots 2.5 acres or more can be subdivided to 1.25 acres of which, to maintain 75% green space the buildable area is ~13,600 SF. If this is correct, several of these structures may be applied to this acreage (?). From my previous building experience, the average footprint for a quadplex is ~2,500 SF (multi-story), or in this case 5.5 units for every 1.25 acres.

My daily commute consists of traversing 3 miles across county roads before reaching Rt. 340 when passing 10 sizable farms ranging from 30 acres to well exceeding 100 acres. If I were to apply the above condition for an average size 40-acre farm, with public water and sewer, that parcel may now contain 176 quadplexes.

Would you confirm if this is the intent of the proposed amendment? If so, in my opinion, this does not meet the intended rural character proposed in the 2045 Comprehensive Plan.

Respectfully,
 Todd Milliron

On Aug 11, 2025, at 10:03 PM, Todd Milliron <tmillironwv@gmail.com> wrote:

Dear Planning Commissioners,

This message is in regards to the impending rural residential zoning designation for Jefferson County and the application of duplexes, triplexes and quadplexes. From my understanding of this latest ordinance change from rural, to rural residential, lots greater than 2.5 acres may be subdivided to accommodate the above noted structures.

Section 5.5.D.1.b.v; "green space", it appears that lots 2.5 acres or more can be subdivided to 1.25 acres of which, to maintain 75% green space the buildable area is ~13,600 SF. If this is correct, several of these structures may be applied to this acreage (?). From my previous building experience, the average footprint for a quadplex is ~2,500 SF (multi-story), or in this case 5.5 units for every 1.25 acres.

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Would you confirm if this is the intent of the proposed amendment? If so, in my opinion, this does not meet the intended rural character proposed in the 2045 Comprehensive Plan.

Respectfully submitted,

Todd Milliron

Jefferson County Resident



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
P.O. Box 716
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: 304-728-3228

MEMORANDUM

TO: Jefferson County Planning Commission
FROM: Luke Seigfried, Chief County Planner
DATE: November 4, 2025
RE: Draft Subdivision Regulations and Zoning Ordinance Amendments – Proposed Residential Commercial District (File # STA25-04 & ZTA25-04)

Background

Jefferson County Zoning Ordinance currently contains the Residential – Light Industrial – Commercial (RLIC) district, which allows a broad range of uses and is one of few alternatives for many developments with commercial land use. The new Residential Commercial District are intended as an alternative to RLIC. The amendment was introduced at the June 10, 2025 meeting alongside the Office Commercial Updates (File # ZTA 25-05) but rescheduled to the August 12, 2025 meeting, where the Planning Commission expressed interest in processing the three Zoning District Text Amendments separately. At the September 23, 2025 meeting, Planning Commission directed staff to draft language requiring Residential Commercial developments to have a minimum of 25% commercial uses. This language has been included under Additional Requirements in the proposed Zoning text amendment. The following proposal is for a simplified residential and commercial zoning option consistent with Objective 1.1 and 1.2 of the 2045 Comprehensive Plan.

Sections of the Subdivision Regulations to Amend

1. Section 21.105 – Parkland Requirements
2. Section 22.208B – Sidewalk Modifications

Sections of the Zoning Ordinance to Amend

1. Table of Contents
2. Section 4.6 - Distance Requirements
3. Section 5.1 – List of Districts
4. Section 5.9 – Residential Commercial (RC) District
5. Section 9.5 – Projections Into Yards
6. Appendix A: Residential Site Development Standards Table
7. Appendix B: Non Residential Site Development Standards Table
8. Appendix C: Principal Permitted and Conditional Use Table

Next steps

If the Planning Commission chooses to move forward with the proposed text amendment, a public hearing will be required before the Planning Commission. Following a public hearing, the Planning Commission can recommend the amendment to the County Commission or make additional revisions to the amendment prior to recommendation.

Research and Details about Residential Commercial Mixed Use

1. Creation of new Residential Commercial (RC) district

The primary function of a new Residential Commercial district is to provide an alternative to using the Residential-Light Industrial-Commercial (RLIC) for mixed commercial and residential developments. The RLIC District is simply too permissive with principally permitted uses to be an effective zoning tool. By having different choices to re-zone for high-intensity land use, key issues with mixed-use development in Jefferson County can be addressed. An American Planning Association (APA) report concerning commercial corridor development by Luis Nuñez states “Industrial uses typically generate the greatest number of land-use compatibility concerns” (p. 19). This is a relevant concern for RLIC because it permits residential and commercial uses, but it also permits all light industrial uses. In simple terms, the Residential Commercial district should be designed to accommodate the “R-C” parts of RLIC.

RLIC also permits every type of housing, including mobile home parks and model home sales. These two uses of land are not typically compatible with other types of residences, and many residential areas may not be desirable around permitted industrial uses even with large setbacks. Residential Commercial and Residential Growth are both appropriate alternatives for high-density housing and other appropriate commercial uses (by CUP in Residential Growth).

Washington County, MD establishes a series of Mixed-Use overlay districts, one of which is named ‘MXC Mixed-Use Commercial’ which is intended to “permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood” (Zoning Ordinance §16.0.b, 2018) but must be approved first under a master plan. This process is detailed in their Zoning Ordinance §16.5 and includes further stipulations for the characteristics of the proposed development. These requirements indicate that significant effort is required to use this overlay. Master plans and other special requirements will not be in place for Residential Commercial.

The MXC overlay is applied to residential and business districts, meaning it has a broad range of allowed uses. RC will allow a similar range of uses to RLIC, but it disallows all light industrial uses and restricts some commercial uses to conditional or not permitted, due to size or compatibility with residential areas. Combining these more restrictive permitted uses with buffer requirements of Neighborhood Commercial and Industrial-Commercial ensures adequate separation between uses and limits on intensity (impervious surface limit, height limit). Several provisions in Washington County’s ordinance are relevant and appropriate to be included in RC, including buffer requirements and specific mixed-use requirements. Taking some aspects of existing Jefferson County zoning districts and some from MXC will result in increased flexibility of land use and hopefully more adoption of this district in areas designated as Residential Commercial on the Future Land Use Guide.

2. Alignment with 2045 Comprehensive Plan

The creation of Residential Commercial (RC) is justified by Objective 1.1.3 which establishes the need for a district with residential and commercial land uses. Planned Neighborhood Development and RC Mixed-Use, which allow mixed-use development and both residential and commercial uses, are less than 1% of land in Jefferson County. RLIC is 2% of land in Jefferson County.

Since Residential Commercial are two districts that can support multiple uses, re-zonings will eventually accomplish Objective 1.2.1, avoiding future use of RLIC.

References

- Clarke County, VA, Code of Clarke County Chapter 200, Article I §4.1.3 (2025).
- Frederick County, VA County Code Part II §165-705 (2023).
- Loudoun County, VA Zoning Ordinance, Chapter 2, §2.03.04 (2023).
- Majors, C., Hill, J. R., Stewart, C., & Tovey, J. D. Planned Unit Developments and Overlay Zoning.
- Newburn, D. A., & Berck, P. (2006). Modeling Suburban and Rural-Residential development beyond the urban fringe. *Land Economics*, 82(4), 481–499. <https://doi.org/10.3368/le.82.4.481>
- Nuñez, L. (2021). *Commercial corridor redevelopment Strategies*.
- Shenandoah County, VA, County Code Part II §165-12.1 (2023).
- Washington County, MD, Zoning Ordinance §16 (2018).

Description of Changes to Subdivision Regulations

1. Section 21.105 – Parkland Requirements

Addition of Residential Commercial to both the text and Table 21.105.

2. Section 22.208B – Sidewalk Modifications

Addition of Residential Commercial to the provided list of zoning districts to allow off-street trails in lieu of sidewalks on lots greater than one-quarter (1/4) acre.

Description of Changes to Zoning Ordinance

3. Section 4.6 – Distance Requirements

Commercial Uses located in the Residential Commercial District have a 50 foot setback, Planning Commission may waive this requirement.

4. Section 5.1 – List of Districts

Addition of Residential Commercial.

5. Section 5.9 – Residential Commercial (RC) District

The section number has changed from the originally proposed **5.19** in June to **5.9**.

Addition of the Residential Commercial zoning district to the Zoning Ordinance, including the purpose of the district, location qualifications, permitted uses, site development standards, and additional requirements.

6. Section 9.5 – Projections into yards – Added RC to list

This is an exception allowing decks from townhouses or triplex/quadplex to extend 10 more feet into a setback, Residential Commercial added to list of districts.

7. Appendix A – Inserted site development standards for RC

Site development standards have been introduced, they are the same as RG for residential uses. RG has a 40-foot height limit.

8. Appendix B – Inserted site development standards for non-residential uses in RC, fixed a typo.

These development standards are similar to Neighborhood Commercial but refer to Industrial-Commercial for some setbacks and other requirements. There is a 45-foot height limit for non-residential uses.

- 9. Appendix C** – Inserted permitted uses of RC district, added RC to list of districts under table.
RC allows most residential uses, most institutional uses, no industrial uses, and has a mix of permitted and conditional use for commercial uses.

Additional Notes

1. Although new mixed-use or commercial options may exist in the future, the RLIC zoning district still allows more land uses than the new Residential Commercial district and cannot be removed as around 2% of Jefferson County is currently zoned as RLIC. As developers or landowners may still want the increased options offered by RLIC, it will be the Planning Commission's and County Commission's responsibility to discourage or restrict rezoning to RLIC, as well as ensuring that Residential Commercial and other alternatives are known to landowners.
2. In accordance with Article 12 of the Zoning Ordinance and Chapter 8A of the West Virginia Code, the Planning Commission's role is to receive input from the public and to determine whether the proposed text amendment to the Zoning Ordinance is consistent with the 2045 Comprehensive Plan. Following the public hearing, the Planning Commission will finalize the draft text amendments and make a recommendation to the County Commission regarding the amendments to the Zoning Ordinance and the Subdivision Regulations.
3. The County Commission is also required to hold a Public Hearing to receive public input prior to taking final action on the proposed amendment.

Attached changes to STA – Page 25-26, 37

Attached pages of ZTA – Page 6, 53, 73, 80-81, 90-91, 130, 132, 134-137



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 Commercial](#), 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 Commercial](#), 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 RC, 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.



- 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), [Residential Commercial \(RC\)](#), 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.

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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.

H. A commercial use (not including parking) located in the Residential Commercial District shall be located at least 50 feet from a land use identified in Section 4.6B.1-3. The Planning Commission may waive this requirement for developments proposing a mix of residential and commercial land uses.

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.^{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

**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
<u>RC</u>	<u>Residential Commercial</u>

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

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** Residential Commercial (RC) District

A. Purpose

The purpose of this district is to permit varied residential uses, including detached single-family residences and higher-density mixed-use buildings, in the same areas as low- to medium-intensity commercial uses, where the commercial uses are appropriate in scale, designed and landscaped or buffered in a way that ensures compatibility 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 guide; or
2. In locations where the appropriate land use category is designated on the future land use guide (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.

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. Buffer Requirements and other site development standards are stated in Appendix A for residential use and Appendix B for non-residential uses.
3. For a non-residential use abutting a commercial or industrial use at a side lot line:
 - i. No side yard building setback is required, unless required by Building Code or other law or regulation.
 - ii. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
4. For a non-residential use abutting a commercial or industrial use at a rear lot line:
 - i. A rear yard building setback may be reduced to 10 feet
 - ii. Section 4.11A-B does not apply to the rear property line

E. Additional Requirements

1. A minimum of 25% of the total tract area of a Residential Commercial development shall be composed of commercial uses. Any mixed-use building that contains commercial and residential uses is considered a commercial use when meeting the 25% commercial area requirement.
2. A residential structure having no attached or included commercial use, excluding permitted Home Occupations, shall not exceed 40 feet in height.
3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.
4. Where mixed-use buildings are planned, appropriate measures should be taken to prioritize resident security, which may include isolating residential areas from commercial areas such as loading docks.

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.

- 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 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.

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		
		Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
	Duplex Dwelling Unit	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
		Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Townhouse Dwelling ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	12 side 15 front 15 rear	12 side 15 front 15 rear
	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
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.										
Residential Commercial (RC)	Residential uses	See RG District ^ϕ										
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 RC, 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 [⊖]	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
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 [£]	10 [⊖]	See I-C District		25	See IC District					
Residential Commercial (RC)	Commercial	N/A	N/A	45	70%	15 min 25 max	10 [£]	10 [⊖]	See I-C District		50	See I-C 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 [£]	10 [⊖]									
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	<u>RC</u>	R	RG	RLIC	IC	V	Additional Standards
Residential Uses														
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	<u>P</u>	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	<u>P</u>	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	<u>CU</u>	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	<u>CU</u>	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	<u>P</u>	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	<u>NP</u>	P	P	P	NP	NP	Sec. 8.10
Home Uses														
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	<u>P</u>	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	<u>P</u>	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	P	P	Art. 4A
Institutional Uses														
Airport	NP	NP	NP	P	P	NP	NP	<u>NP</u>	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	CU	NP	CU	CU	NP	
Church ³⁸	P	P	P	P	CU	P	P	<u>P</u>	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	<u>P</u>	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	<u>P</u>	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	<u>P</u>	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	<u>P</u>	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	<u>P</u>	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	<u>NP</u>	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	<u>P</u>	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	<u>NP</u>	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	<u>P</u>	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	<u>P</u>	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	<u>P</u>	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	<u>CU</u>	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	<u>P</u>	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	<u>CU</u>	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	<u>CU</u>	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	<u>P</u>	P	P	P	NP	NP	
Land Use														
	NC	GC	HC	LI	MI	PND ¹	OC	<u>RC</u>	R	RG	RLIC	IC	V	Additional Standards
Industrial														
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	<u>NP</u>	NP	NP	NP	P	NP	Sec. 8.9

Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	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	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	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	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
Adult Uses														
Adult Uses	NP	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	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses														Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	P	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	P	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Land Use	NC	GC	HC	LI	MI	PND¹	OC	RC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued														Sec. 8.9
Bar	P	P	P	P	NP	P	P	CU	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	P	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	Sec. 8.5

Business Equipment Sales and Service	CU	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	<u>NP</u>	CU	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	<u>NP</u>	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	<u>CU</u>	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	<u>CU</u>	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	<u>CU</u>	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	<u>P</u>	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	<u>NP</u>	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	<u>CU</u>	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	<u>CU</u>	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	<u>CU</u>	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	<u>P</u>	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	<u>P</u>	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	<u>NP</u>	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	<u>P</u>	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	<u>P</u>	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	<u>NP</u>	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	<u>CU</u>	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	<u>NP</u>	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	<u>CU</u>	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	<u>CU</u>	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	<u>CU</u>	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	<u>CU</u>	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	<u>CU</u>	CU	CU	CU	P	CU	
Land Use	NC	GC	HC	LI	MI	PND¹	OC	<u>RC</u>	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	<u>CU</u>	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	<u>P</u>	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	<u>P</u>	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	<u>CU</u>	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Short Term Rental ⁴¹	CU	NP	NP	NP	NP	P	NP	<u>P</u>	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	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	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	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	NP	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	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	P	Sec. 8.5
Farm Winery or Distillery	P	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	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	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	CU	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	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	NP	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	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	P	

NC Neighborhood Commercial
GC General Commercial
HC Highway Commercial
[RC Residential Commercial](#)
LI Light Industrial
MI Major Industrial
PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use
R Rural
RG Residential Growth District
RLIC Residential-Light Industrial-Commercial District
IC Industrial-Commercial District
V Village District

P Permitted Uses

NP Not Permitted Uses

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

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

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

² Approval process is per the Salvage Yard Ordinance.



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
P.O. Box 716
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: 304-728-3228

MEMORANDUM

TO: Jefferson County Planning Commission
FROM: Luke Seigfried, Chief County Planner
DATE: November 4, 2025
RE: Draft Zoning Ordinance Amendment – Proposed Office Commercial District Updates (File # ZTA25-05)

Background

Jefferson County Zoning Ordinance currently contains the Residential – Light Industrial – Commercial (RLIC) district, which allows a broad range of uses and is one of few alternatives for many developments with commercial land use. The proposed amendments to the Office Commercial District is intended as an alternative to RLIC. The amendment was introduced at the June 10, 2025 meeting alongside the proposed Residential Commercial District (File # STA25-04 & ZTA 25-04) but rescheduled to the August 12, 2025 meeting, where the Planning Commission expressed interest in processing the three Zoning District Text Amendments separately. The following proposal is for an update to the Office Commercial portion of the Zoning Ordinance and its connectivity to the Subdivision Regulations.

Sections of Zoning Ordinance to Amend

1. Section 5.17 Office / Commercial (OC) Mixed-Use
2. Appendix C: Permitted and Conditional Uses Table

Next steps

These amendments will be reviewed by the Planning Commission during a regular meeting. If the Planning Commission chooses to move forward with the proposed text amendment, a public hearing will be required before the Planning Commission. Following a public hearing, the Planning Commission can recommend the amendment to the County Commission or make additional revisions to the amendment prior to recommendation.

Attached Documents and Information

1. Research for and amendments to the Office Commercial district.
2. Descriptions of changes to the Zoning Ordinance and their alignment with the 2045 Comprehensive Plan.
3. An updated draft of amendments to the zoning ordinance.

Research and Details about Residential Commercial and Office / Commercial Mixed Use

1. Amendments to Office / Commercial (OC) Mixed-Use District

The name of the district, **Office / Commercial (OC) Mixed-Use District** is confusing; its stated primary purpose is to provide “employment centers”, but is also called “mixed-use” and does allow a few mixed uses.

Amendments made to Office Commercial were done in the intent of pushing the district toward “mixed-use” and less toward “office / commercial” because Jefferson County will likely benefit more from and see more demand for mixed-use dense development in the future rather than office building developments.

Given the size of towns in Jefferson County and their general rural character, this district may be better suited to incorporate more residential use and less office and higher-intensity commercial space. A general issue pertaining to mixed uses are the standards for interaction between different uses. Specific buffer requirements and other requirements for design depend on which uses of land abut which other uses of land. These concerns are addressed in Section 5.17D Site Development Standards and 5.17E Additional Requirements in the Zoning Ordinance.

Amendments to Office Commercial (OC) district are intended to provide another option for residential, commercial and office space in mixed-use developments. Washington County, MD has another mixed use overlay, Mixed-Use Employment (MXE), which is permitted to overlay onto local business districts, industrial parks and ORT (office parks, health centers, and university research offices). MXC does not allow employment space, but MXE mandates a lot of it, meaning it is not well-aligned with the kind of development Jefferson County has right now. The OC district’s balance of residential, commercial and employment use is somewhere between the previously mentioned MXC overlay and MXE. To find this balance, the requirements for the Transition Community Center (TCC) from Loudoun County, VA’s Zoning Ordinance can be used. “Transition” zones in Loudoun County mean districts sitting between rural and suburban districts. Table 02.03.04-1 in the TCC description allows the following mix of uses: 0-30% residential or mixed, 65%-96% non-residential, and minimum 4% institutional (p. 86). These percentages indicate that the current OC requirements are strict and thus have been lowered from 75% to 65% non-residential, and 50% to 35% office use.

2. Alignment with 2045 Comprehensive Plan

The further is justified by Objective 1.1.3 which establishes the need for a district with residential and commercial land uses. Planned Neighborhood Development and Office Commercial Mixed-Use, which allow mixed-use development and both residential and commercial uses, are less than 1% of land in Jefferson County. RLIC is 2% of land in Jefferson County.

More permissible requirements for developments and more encouragement of mixed-use structures and residences can ensure that land in Office Commercial is truly mixed-use and not a combination of land uses next to each other. This means Office Commercial will help realize the intent of Objective 1.1.3. Since this and Residential Commercial are two districts that can support multiple uses, re-zonings will eventually accomplish Objective 1.2.1, avoiding future use of RLIC.

For the Office / Commercial (OC) Mixed-Use District, amendments can bring this district closer to helping accomplish Objective 1.1.3, as the district has not yet been used. The Comprehensive Plan establishes a timeline of 1-2 years to create these zoning districts. That is achievable, but a rezoning to the OC district is unlikely to happen in the same timeline because it is intended for dense, urban land uses and much of the County is suburban or rural. This fact gives Staff and the Planning Commission additional time to consider changes to OC.

References

Clarke County, VA, Code of Clarke County Chapter 200, Article I §4.1.3 (2025).

Frederick County, VA County Code Part II §165-705 (2023).

Loudoun County, VA Zoning Ordinance, Chapter 2, §2.03.04 (2023).

Majors, C., Hill, J. R., Stewart, C., & Tovey, J. D. Planned Unit Developments and Overlay Zoning.

Newburn, D. A., & Berck, P. (2006). Modeling Suburban and Rural-Residential development beyond the urban fringe. *Land Economics*, 82(4), 481–499. <https://doi.org/10.3368/le.82.4.481>

Núñez, L. (2021). *Commercial corridor redevelopment Strategies*.

Shenandoah County, VA, County Code Part II §165-12.1 (2023).

Washington County, MD, Zoning Ordinance §16 (2018).

Description of Changes to Zoning Ordinance

1. Section 5.17 – Office / Commercial Mixed-Use

The purpose statement has changed to clarify district is more of a mixed-use district rather than one focused on office buildings and employment centers. Another statement added is to prioritize pedestrians in developments. The reduced parking requirements (already in the ordinance) provide support for this idea. A statement prioritizing resident security and comfort has been added about mixed-use buildings.

The minimum percentage of non-residential use and of office use have been reduced from 75 to 65 and from 50 to 35 percent, respectively.

2. Appendix C: Permitted and Conditional Uses Table

Revision of what uses are permitted, not permitted, or a conditional use in the Office Commercial District

Additional Notes

1. Although new mixed-use or commercial options may exist in the future, the RLIC zoning district allows more land uses than the updated Office Commercial district and cannot be removed as around 2% of Jefferson County is currently zoned as RLIC. As developers or landowners may still want the increased options offered by RLIC, it will be the Planning Commission’s and County Commission’s responsibility to discourage or restrict rezoning to RLIC, as well as ensuring that Office Commercial and other alternatives are known to landowners.
2. In accordance with Article 12 of the Zoning Ordinance and Chapter 8A of the West Virginia Code, the Planning Commission’s **role is to receive** input from the public and to determine whether the proposed text amendment is consistent with the 2045 Comprehensive Plan. Following the public hearing, the Planning Commission will finalize the draft text amendment and make a recommendation to the County Commission.
3. The County Commission is also required to hold a Public Hearing to receive public input prior to taking final action on the proposed amendment.

Attached pages of ZTA – Page 89-90, 133-136

- 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 in conjunction with providing multiple options for dense residential uses and some commercial uses. 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 and prioritize 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%~~65% shall be non-residential uses, and at least ~~50%~~35% shall be office uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. For buildings containing a non-residential use, 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. Where mixed-use buildings are planned, appropriate measures should be taken to prioritize resident security and comfort, which may include isolating residential areas from areas like commercial loading docks.
5. 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.
6. 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.
7. 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

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	PND¹	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 <u>CU</u>	CU	CU	P	P	CU	
Land Use	NC	GC	HC	LI	MI	PND¹	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 <u>P</u>	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 <u>CU</u>	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	PND¹	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 <u>CU</u>	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 <u>CU</u>	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	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

OC Office / Commercial Mixed-Use

GC General Commercial

R Rural

HC Highway Commercial

RG Residential Growth District

LI Light Industrial

RLIC Residential-Light Industrial-Commercial District

MI Major Industrial

IC Industrial-Commercial District

PND Planned Neighborhood Development

V Village District

P Permitted Uses

NP Not Permitted Uses

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

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

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.



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Budget Memo

November 4, 2025 Planning Commission Meeting

Date of Memo: November 4, 2025

Pursuant to WV State Code §8A-2-11(13), The Planning Commission shall “Prepare and submit an annual budget to the appropriate governing body.”

The County will soon be working on the budget for fiscal year 2027. Each Department is tasked with preparing a budget for their needs. The Planning Commission has a role in preparing for the annual budget by identifying special projects and/or studies that may need to be completed as part of their work plan and/or to make recommendations in support of staffing needs identified by the Department. The compensation package of the five full time Planning and Zoning staff members are outside of the scope of this memo.

With the anticipated move to the 393 North Lawrence location the new funding needed is focused on the digitization of existing records and rewrite of land development ordinances. Digitizing of land development records will be an important part of data retention and usage now and into the future. Currently, all Subdivisions prior to 2019 have not been digitized and uploaded to the County system, My Government Online. Some Site Plans have been digitized but this project is incomplete. To pursue this project, \$55,000 is requested to hire temporary help or contract services to digitize files.

The 2045 Comprehensive Plan update identifies several special projects and priorities, including the rewrite of the Subdivision and Zoning Ordinances. If a complete rewrite of the land development ordinances is unfeasible based on the funds allocated to complete the project, staff intends to propose changes to specific sections that are in most need of updates. In particular, the addition of phased project development requirements, updates to the Amendment process and Appendix A of the Subdivision Regulations, and a reorganization of project processing with a focus on usability. To pursue this project, \$75,000 is requested to contract a consultant to complete a rewrite of the land development ordinances or to undertake specific updates to the ordinances.

The requested \$7,500 in Extra Help/Part Time line item is to continue the summer intern program as part time staff to help facilitate the Action Items from the updated 2045 Comprehensive Plan. Additional small increases are for ongoing staff training and professional development.

The purpose of this memo and presentation at the 11/4/2025 Planning Commission meeting is for Planning Commissioners to review the proposed FY 2027 budget memo, approve and sign the budget memo, and direct staff to provide the approved memo to the Director of Engineering, Planning and Zoning.

Summary of Planning and Zoning Specific Budget Items

Object Code	Line Items	Current FY 2026	Requested FY 2027	Budget Changes
410802	Extra Help/Part Time	33,000	7,500	-25,500
421100	Telephone	0	0	0
421400	Travel	1050	1200	+150
422000	Ads/Legal Publication	3000	3500	+500
422100	Training&Education	950	1000	+50
422200	Dues&Subscriptions	800	800	0
423000-PLN	Contracted Services	5,000	130,000	+125,000*
434102-PLN	Materials&Supplies	1,900	1,950	+50
	Total	45,700	145,950	+100,250*

For the FY 2027 budget the Office of Planning and Zoning is asking to reallocate existing funding priorities and requesting an additional \$100,250 to digitize land development files and pursue land development ordinance rewrites.

Approved by Action of the Planning Commission:

President, R. Michael Shepp

Date



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Fax: (304) 728-8126

1st Quarter Report for Planning and Zoning FY 2025-26 (July 1, 2025 – September 30, 2025)

Attached is an electronically generated report of all applications submitted and reviewed within the 1st Quarter of FY2025-26. This data is being provided as a part of the 1st Quarter Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

PLANNING COMMISSION ITEMS

Planning Commission Meetings:	5 Meetings
Comprehensive Plan Work Sessions:	none this quarter
Comprehensive Plan Public Hearing:	none this quarter
Subdivision Regulations Text Amendments	1
Zoning Ordinance Text Amendments	none this quarter
Zoning Map Amendments/Rezoning	2
Concept Plan Public Workshops	1

#25-28-SD The proposal consists of a Major Residential Subdivision with 81 lots and associated infrastructure.
 Property Owner: IG Totonji Holding, LLC
 Developer: Golden Eagle Group, Inc.
 Property Location: Vacant lot located on the Southwest corner of Flowing Springs Road and Zoar Lane, Shenandoah Junction, WV.
 Size: 31.48 acres; Zoning District: Residential Growth.
Public Workshop 09/23/25; PC approved a motion to authorize the Concept Plan to proceed to the Preliminary Plat stage.

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings:	3 meetings
Zoning Appeal of Administrative Application:	0

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings:	25 Total (13 Subdivision, 12 Site Plan)
Information Request Forms (IRFs) -- general inquiries from the public:	59 Total
Zoning and Land Development Fees Collected:	\$119,455.00

Regional Transportation Planning Meetings	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	none
EPTA Committee Meetings	none
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	none

Local and Regional Planning Meetings (all remote)	
WV APA Legislative Committee	none
WV APA Biannual Chapter Meeting	9/9/2025
WV APA Professional Development Committee	none



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Planner's Memorandum Planning Commission Meeting November 4, 2025

1) Department of Engineering, Planning and Zoning County Offices Contact Information

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffersoncountywv.org

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org, zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

2) Upcoming PC meetings

- Next Special meeting date: **November 13, 2025**
 - 7:00 pm Planning Commission Meeting
- Next Regular meeting date: **December 9, 2025**
 - 7:00 pm Planning Commission Meeting