



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Pasha Majdi

COMMISSIONER

Jack Hefestay

COMMISSIONER

Cara Keys

COMMISSIONER

Mike Mood

COMMISSIONER

Steve Stolipher

MEETING AGENDA

JEFFERSON COUNTY COMMISSION

Thursday, January 22, 2026

Commission Town Hall: 5:30 pm

Commission meeting: 6:00 pm

County Commission Meeting Room

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

Zoom Broadcast (live):

<https://us06web.zoom.us/j/855Em6jR8uJ99NHo6KIjw>

Meeting ID: 899 2596 2125

Passcode: 002518

The Commission will accept public comments for fifteen minutes at the beginning of each meeting. Should public comment exceed the fifteen-minute threshold, the Commission will hear the remaining public comments after the final agenda item.

Public comments are accepted in person or via email- info@jeffcowv.gov

Town Hall: 5:30 pm

Town Hall Topic: Jefferson County Commission Priorities for 2026

Jefferson County Commission Meeting Agenda: 6:00 pm

I. Call to Order

II. Prayer – Moment of silence

III. Pledge of Allegiance

IV. Pledge of Allegiance to the West Virginia Flag

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

V. Consent Agenda

1. **Approval of Minutes**

- a. January 8, 2026 Regular Meeting DRAFT Minutes (pgs. 5-21)

2. Approval of Accounts Payable:
 - a. December 30, 2025 \$ 287,477.30
 - b. January 7, 2026 \$ 436,266.78
 - c. January 14, 2026 \$ 415,787.78

3. Approval of Manual Checks:
 - a. December 30, 2025 None
 - b. January 7, 2026 \$ 85,815.32
 - c. January 14, 2026 \$ 628,093.58

4. Approval of Payroll:
 - a. January 2, 2026 \$ 512,703.50
 - b. January 16, 2026 \$ 508,289.39

5. Approval of Requisitions: (pg. 22)
 - a. January 22, 2026 \$ 57,746.33

VI. Announcements

Please note:

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

Report if there are changes in the agenda if applicable.

VII. Public Comment

To participate in public comment in person, please sign the public comment sign-in sheet located on the table in the entrance of the room. Please note the agenda item for which you are speaking and your home address.

Please feel free to submit comments via email to info@jeffersoncountywv.org. Your name and any written comments submitted for the record will be included in the minutes.

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

New Business

1. 6:05 pm Nikki Painter, County Clerk's Office (pgs. 23-27)
 - 1.1 Monthly Review of New Estates, Accountings, Waivers of Final Settlement
 - 1.2 Approve splitting precinct 19, St. James Catholic Church into 19 A & B
2. 6:10 pm Tom Hansen, Jefferson County Sheriff and Treasurer (pg. 28)
 - 2.1 Bailiff changes
3. 6:20 pm Laura Kuhn, director Fleet & Facilities Management (pgs. 29-31)
 - 3.1 Approval of Floor Plan Design-Jefferson County Government Center – 393 North Lawrence Street
4. 6:30 pm Boards and Commissions (pg. 32)
 - 4.1 To set the annual public hearing on the Eastern Panhandle HOME Consortium Council
5. 6:35 pm David Bound, chief financial officer (pgs. 33-34)
 - 5.1 Commission Ambulance Fee Exonerations
6. 6:40 pm Nathan Cochran, assistant prosecuting attorney (pg. 35)
 - 6.1 Discussion of process and procedure to assist Bolivar with building inspections
7. 6:45 pm Edwina Benites-LM, county administrator (pgs. 36-40)
 - 7.1 Repeal of outdated policies
 - 7.1.1 Cable Channel Policy (903)
 - 7.1.2 Day Book Policy (911)
8. 6:50 pm Roger Goodwin, director of Engineering, Planning and Zoning (pgs. 41-168)
 - 8.1 Complete bond release for Irrevocable Letter of Credit 522022 with Jefferson Security Bank for RTD Properties, LLC-Burr Business Park Lot 29 file# 22-10-SP
 - 8.2 Bond reduction for Performance Bond 800203175 with Atlantic Specialty Insurance Company for Harvest Homes, LLC-Hallmark Glen Subdivision file# 25-4-SD
 - 8.3 Complete bond release for Irrevocable Letter of Credit SB5479200001 with M&T Bank for KE Colonial, LLC-Colonial Hills Phase 3 file #05-38 as it is being replaced by Performance Bond PS10007 with Palomar Specialty Insurance Company under new owners Compass Colonial Hills, LLC
 - 8.4 Complete bond release for Irrevocable Letter of Credit SB2570190001 with M&T Bank for KE Colonial, LLC-

Colonial Hills Phase 3A file # 17-06 as it is being replaced by Performance Bond PS10008 with Palomar Specialty Insurance Company under new owners Compass Colonial Hills, LLC

9. 7:00 pm Staff Report on the proposed Historic Resources text amendment to the Subdivision Regulations
 - 9.1 Public Hearing on the proposed Historic Resources text amendment to the Subdivision Regulations
 - 9.2 Commission action regarding the proposed Historic Resources text amendment to the Subdivision Regulations

10. 7:10 pm Staff report on the amendment of the Office Commercial Zoning District
 - 10.1 Public Hearing on the amendment of the Office Commercial Zoning District
 - 10.2 Commission action regarding the amendment of the Office Commercial Zoning District

11. 7:20 pm Staff Report on the proposed Residential Commercial Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations
 - 11.1 Public Hearing on the proposed Residential Commercial Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations
 - 11.2 Commission action regarding the amendment of the Office Commercial Zoning District

12. 7:30 pm Staff Report on the proposed Rural Residential Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations
 - 12.1 Public Hearing on the proposed Rural Residential Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations
 - 12.2 Commission action regarding the proposed Rural Residential Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations

IX. Additional public comment.

CORRESPONDENCE (pg. 169)

Harpers Ferry-Bolivar PSD meeting minutes

Minutes

Jefferson County Commission

Thursday, January 8, 2026

A meeting of the Jefferson County Commission was held on Thursday, January 08, 2026, during the second quarterly session at 393 N. Lawrence Street, Charles Town, WV at 9:30 am. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Cara Keys, Commissioner Steve Stolipher, Commissioner Mike Mood, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; and Nathan Cochran, Assistant Prosecuting Attorney. The archived meeting of the Thursday, January 08, 2026, meeting is available on the Jefferson County Commission website.

Moment of Silence

Pledge of Allegiance

Pledge of allegiance to the West Virginia flag

V. Consent agenda

1. APPROVAL OF MINUTES

The following items were approved without objection.

- December 18, 2025 Regular Meeting Minutes DRAFT

2. APPROVAL OF ACCOUNTS PAYABLE

The following items were approved without objection:

- Accounts payable for December 18, 2025 **\$ 585,360.92**

CHECK NUMBER	VENDOR NAME	UNCLEARED
93649	84 LUMBER	956.30
93650	AMERIFLEX	122.40
93651	AT&T	2,473.21
93652	AUTOZONE	8.23
93653	BERKELEY COUNTY COUNCIL	32,038.50
93654	BOLAND TRANE SERVICES INC	3,545.00

93655		BOLIVAR / HARPERS FERRY PUBLIC LIBRARY	17,214.63
93656		BUREAU OF CHILD SUPPORT	865.35
93657		COMPTRROLLER OF MARYLAND	1,720.00
93658		DIXIE STURM	267.20
93659		EFTPS IRS TAXES	167,807.58
93660		ELIZABETH DUTKO	976.02
93661		ELIZABETH MALONEY	7,561.58
93662		EMPOWER RETIREMENT	9,226.66
93663		FEDEX	98.87
93664		FRONTIER	57.25
93665		GUTTMAN OIL CO	5,849.59
93666		JEFFERSON CO EMERGENCY SERVICES AGENCY	150.00
93667		JEFFERSON SECURITY BANK	3,448.00
93668		JESSICA EBERSOLE	1,908.75
93669		KAREN OLDEN	2,114.16
93670		MORGAN NICK	135.14
93671		NATIONWIDE RETIREMENT SOLUTIONS	865.00
93672		PA DEPT OF REVENUE	555.68
93673		PA SCDU	320.00
93674		POTOMAC EDISON	12,414.19
93675		QUADIENT INC	704.20
93676		R.E. MICHEL CO. LLC	180.18
93677		RETIREE HEALTH BENEFIT TRUST	8,689.00
93678		RICE TIRES CO	1,987.16
93679		ROGER GOODWIN	624.45
93680		SHANNON BURLETT	359.44
93681		SOFTWARE SYSTEMS INC	1,484.25
93682		SORENSEN HOLDINGS, LLC	930.00
93683		SPIRIT OF JEFFERSON	426.48
93684		STATE TAX DEPARTMENT	250.00
93685		UNIFIRST	210.82
93686		US BANK	74,432.65
93687		VA DEPT OF TAXATION	7,496.44
93688		VINCENT TIONG	207.56
93689		WV DEPUTY SHERIFF RETIREMENT SYSTEM	31,474.25
93690		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	83,393.00
93691		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	49,721.51
93692		WV STATE TAX DEPARTMENT	46,945.17
93693	FG/009	CITY OF CHARLES TOWN	1,389.90
93694	FG/009	MARTINSBURG POLICE DEPARTMENT	1,490.99
93695	FG/009	SHERIFF OF GRANT COUNTY	264.18
TOTAL			585,360.92

- Accounts payable for December 23, 2025 **\$ 119,337.47**

CHECK NUMBER		VENDOR NAME	UNCLEARED
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93696		APRIL BLAKER	63.70
93697		BENJAMIN S WILLIAMS	102.00
93698		BJ'S EMBROIDERY CO INC	447.00
93699		CLAYMAN & ASSOCIATES PLLC	3,000.00
93700		DEP - DEPT OF ENVIRONMENTAL PROTECTION	139.88
93701		DEVON THOMPSON	429.80
93702		DOING BETTER BUSINES	364.13
93703		EMILY MORROW	142.10
93704		FIDELITY POWER SYSTEMS	3,423.50
93705		GUTTMAN OIL CO	5,338.99
93706		HIGHMARK WV	54,337.71
93708		J.C. EHRLICH	1,099.11
93709		JEFFERSON CO CONVENTION AND VISITORS BUREAU	30,155.44
93710		JEFF CO DEPUTY SHERIFF'S ASSOC	2,715.00
93711		MCA, INC	1,365.29
93712		MCKESSON MEDICAL-SURGICAL GOVERMENT SOLUTIONS LLC	1,485.00
93713		EMS TECHNOLOGY SOLUTIONS, LLC	14,283.00
93714		UNIFIRST	210.82
93715		WVCORP WV COUNTIES SELF INSURANCE RISK POOL	235.00
TOTAL			119,337.47

3. APPROVAL OF MANUAL CHECKS

The following items were approved without objection:

- Manual checks for December 18, 2025 \$ 756,454.11

December 18, 2025			
OTHER FUNDS			
VOIDED-CK	Fund	Vendor	Amount
410	AR/207	MOTOROLA SOLUTIONS -CHECK DATED 11/6/2025	\$ 750,000.00
357	DG/003	SHERIFF OF JEFFERSON COUNTY	\$ 54.23
993	HD/008	US BANK	\$ 184.04
1283	AV/056	GLOBAL SCIENCE & TECHNOLOGY INC	\$ 5,428.04
1284	AV/056	US BANK	\$ 787.80
411	AR/207	MOTOROLA SOLUTIONS	\$ 750,000.00

TOTAL				\$	756,454.11
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- Manual checks for December 23, 2025 **\$ 119,253.50**

December 23, 2025				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
630	CS/008	BRENDA HINKLE		\$ 364.00
1285	AV/056	IAAO- INTERNATIONAL ASSOC OF ASSESSING OFFICERS		\$ 255.00
1286	AV/056	PRINT-O-STAT		\$ 209.50
1961	CO/246	ATLANTIC EMERGENCY SOLUTIONS INC		\$ 57,498.00
1962	CO/246	DAVID ALLEN COMPANY INC		\$ 25,927.00
1963	CO/246	TOWER DIRECT		\$ 35,000.00
TOTAL				\$ 119,253.50

4. APPROVAL OF PAYROLL

The following item was approved without objection:

- Approval of payroll for December 19, 2025 **\$ 475,154.43**

5. APPROVAL OF REQUISITIONS

- Requisitions for January 8, 2026 **\$ 344,095.07**

6. APPROVAL OF HIRE

The following item was approved without objection.

- Approval the hires of the following for the full-time, 80-hour, Grade 5 position of Public Safety Dispatcher (trainee): Carrie Baxley, Taylor Cassady, Zach Crawford, Emma McIntire, and Alexis Peacher, each at a salary of \$51,144 effective Sunday, January 18, 2026.

- Approve the employee change in status from 70-hours a week to 80-hours a week for Michelle Mason, Impact Fee Specialist for the Jefferson County Department of Engineering, Planning and Zoning, with a resulting increase in salary from \$53,580.80 to \$61,235.20, effective Sunday January 11, 2026.

PUBLIC COMMENT:

Public comment was received by:

Jacki Milliron

David Tabb

Amanda Stroud

Changes to the agenda:

Commissioner Keys motioned to table items 5.1 and 5.2 until the next commission meeting. The motion was seconded by Commissioner Hefestay and approved without objection.

PRESENTATIONS

1. Angie Banks, Jefferson County Assessor

Approval of Board of Review dates, time, and location

Commissioner Stolipher motioned to approve the Board of Review dates as presented by the assessor. The motion was seconded by Commissioner Mood and approved unanimously.

2. Years of Service Awards – January 2026

The following staff was honored for years of service with the county commission:

- Morgan Blue, 1 year of service with the WVU Extension Office
- Mike Mood, 1 year of service with the Jefferson County Commission
- Jess Jones, 34+ years of service with the Jefferson County Sheriff's Dept.
- Heath Fleming, 5 years of service with the Emergency Services Agency
- Steve Stolipher, 5 years of service with the Jefferson County Commission
- Charles Fields, 15 years of service with the Jefferson County Sheriff's Office

3. Jessica James, chief human resources officer

Approval of Telework Policy and Employee Telework Agreement

Commissioner Stolipher motioned to approve the Jefferson County Telework Policy and accompanying Employee Telework Agreement, as presented. The motion was seconded by Commissioner Keys and approved unanimously.

Approval of Updated Inclement Weather Policy

Commissioner Stolipher motioned to approve the updated 2026 Jefferson County Inclement Weather Policy, as presented. The motion was seconded by Commissioner Hefestay and approved unanimously.

Approval of Deputy Position Upgrade-Office of Homeland Security and Emergency Management

Commissioner Hefestay motioned to approve the upgrade in job class for the position of Director for the Office of Homeland Security and Emergency Management, from Grade 5 to Grade 6, as presented. The motion was seconded by Commissioner Mood and approved unanimously.

Appointment of Interim Director of Jefferson County Emergency Services Agency

Commissioner Stolipher motioned to approve the appointment of Craig Horn as acting director of the Jefferson County Emergency Services Agency, effective January 11, 2026 and per Administrative Policy 212: Compensation During Temporary Assignment, provide a temporary increase in salary to \$95,197, effective Sunday January 11, 2026 until the position of Director has been filled. The motion was seconded by Commissioner Mood and approved unanimously.

4. Tara Vann, director of Emergency Communications Center

Accreditation of Jefferson County Emergency Communications Center

The agenda item was an informational presentation. No official action was taken.

5. Roger Goodwin, director of Engineering, Planning, and Zoning

Commissioner Keys motioned to table this agenda item until the next scheduled commission meeting. The motion was seconded by Commissioner Hefestay and approved unanimously.

Request approval to amend Board of Education Impact Fees-FY 2026 Capital Improvement Plan

Commissioner Keys motioned to table this agenda item until the next scheduled commission meeting. The motion was seconded by Commissioner Hefestay and approved unanimously.

6. Public Hearing: 55+ Age Restricted Communities Text Amendment to the Impact Fees Procedures Ordinance

PUBLIC COMMENT:

Public comment was received by:

Amanda Stroud

Josh Householder

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

7. Roger Goodwin, director of Engineering, Planning and Zoning

Action on 55+ Age Restricted Communities Text Amendment to the Impact Fees Procedures Ordinance

Commissioner Keys motioned to amend the Impact Fees Procedures Ordinance as presented in order to make school impact fees not applicable to 55+ age restricted communities meeting the federal Housing for Older Persons Act (HOPA); and that it become effective on February 1, 2026. The motion was seconded by Commissioner Stolipher and approved unanimously.

8. David Bound, chief financial officer

Commission Ambulance Fee exonerations

Commissioner Mood motioned to approve the Commission Ambulance fee adjustments and exonerations as presented. The motion was seconded by Commissioner Stolipher and approved unanimously.

Budget adjustments

Commissioner Majdi motioned to approve the budget adjustments as presented. The motion was seconded by Commissioner Mood and approved unanimously.

Allocations of the State All-County Fire Protection Fund

Commissioner Mood motioned to approve the budgeted allocation of the All-County Fire Protection Funds equally among the seven volunteer fire departments for reimbursement expenditures. The motion was seconded by Commissioner Stolipher and approved unanimously.

Selection of firm to conduct the annual Commission audit

Commissioner Mood motioned to approve the Audit Committee recommendation of Perry & Associates CPA's as the County's external auditor for the annual audit of JCC Financial records; FY25. The motion was seconded by Commissioner Stolipher and approved unanimously.

FY27 Budget Charge

Commissioner Stolipher motioned to approve the FY27 Budget charge with discussed time changes to be distributed to the Jefferson County department heads for FY27 budget planning. The motion was seconded by Commissioner Hefestay and approved unanimously.

Records Management and Preservation Board grant application and supporting documentation

Commissioner Stolipher motioned to approve and sign the grant application and supporting documents for the Records Management and Preservation Board Grant as presented with the matching funds of \$1,820.00 to be allocated from Coal Severance. The motion was seconded by Commissioner Hefestay and approved unanimously.

Artist Selection Committee for WV250 Mural

Commissioner Stolipher motioned to approve the artist selection committee for the WV250 mural as presented. The motion was seconded by Commissioner Keys and approved unanimously.

9. Nathan Cochran, Jefferson County Prosecuting Attorney's Office

Report on Charles Town Utility Board Capacity Improvement Fee litigation for consideration of potential Commission options

Commissioner Hefestay motioned to enter into executive session to receive legal advice on possible litigation. The motion was seconded by Commissioner Mood and approved unanimously.

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

Commissioner Keys recused herself from executive session.

Commissioner Mood motioned to direct the county administrator to set up a meeting between Charles Town Utility Board, city of Charles Town and city of Ranson to host a

utility board discussion. The motion was seconded by Commissioner Hefestay and approved by a vote of (4-0).

10. Edwina Benites-LM, county administrator

National Burn Awareness Week proclamation

Commissioner Hefestay motioned to approve the National Burn Awareness Week proclamation as presented. The motion was seconded by Commissioner Stolipher and approved unanimously.

Agritourism Taskforce Bylaws

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

****Recess****

11. Legislative Priorities

12. Selection of committees and boards for Calendar Year 2026

2026
 Jefferson County Commission
 Assignments to Boards, Commissions, and Organizations

Organization	2026
Approval of financial bills	Mood, alternate Hefestay
Board of Health – BOH	Hefestay
Building Repair & Security Courthouse Committee	Stolipher
Charles Town Utility Board Liaison - CTUB	Mood, alternate Hefestay
Community Corrections Committee – Day Report Center	Stolipher
Development Authority – JCDA	Majdi, alternate Mood
E911 Council	Mood
Extension Service	Stolipher
Farmland Protection Board – JCFPB	Stolipher
Jefferson County Convention & Visitors Bureau - JCCVB	Keys
Jefferson County Fire & Rescue Association - JCFRA	Keys, alternate Hefestay
Historic Landmarks Commission – JCHLC	Hefestay
Homeland Security/LEPC	Hefestay
Legislative Liaison	Co. Administrator
Jefferson County Parks and Recreation Commission	Hefestay
Jefferson County Planning Commission	Keys
Region 9	Majdi
Solid Waste Authority	Mood
Hagerstown-Eastern Panhandle Metropolitan Planning Org. (HEPMPO)	Keys, alternate Hefestay
Eastern Panhandle Transit Authority (EPTA)	Mood
Workforce Investment Act Liaison	Majdi

Adjourn

Having no further business, Commissioner Majdi motioned to adjourn the meeting. The motion was seconded and unanimously approved. The Commission adjourned at 3:52 p.m.

Jacqueline Shadle, County Clerk

DRAFT

Jefferson County Commission

PUBLIC HEARING: 55+ Communities

SIGN-IN SHEET TO SPEAK DURING PUBLIC COMMENT

Thursday, January 8, 2026

NAME (please print)	AGENDA ITEM # FOR COMMENT	HOME ADDRESS	CHOOSE ONE: 1-Bolivar 2-Charles Town 3-Harpers Ferry 4-Ranson 5-Shepherdstown
Amanda Stover	11A	4501 Samuel Street Ran 8 ch	4
Joshua Householder		Hodgenville	

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

Public Comment for Jefferson County Commission for January 8, 2026

Now come **David Tabb**, a lifelong resident/taxpayer make comments on the following Agenda(s) Item(s): Public Comment, #8.3 and #10.2.

The Jefferson County Commission continues within their attempt to eliminate the public comment portion of the agenda. The so-called rules of public comment have changed on a monthly basis to include only allowing a total of 15 minutes, regardless of how many individuals sign up to speak. Then allow the rest of public comment to be heard at the end of the agenda. Public comment is a WV Code provision to ensure the public has a constitutional right to voice their concerns before any action is taken within the agenda.

The latest tactic of the JCC (12/18/25): the President can now choose, from the sign in sheet (attached – first three signers were eliminated with one individual ejected from the meeting), who is allowed to speak during the required Public Comment portion before proceeding onto the business of the agenda. It was also required to keep your comments on the agenda. The ones allowed to speak on 12/18/25, did not speak on any of the listed agenda.

It appears that within the minutes, the Commissioners are singularly challenging individuals. In retribution, the JCC is now taking the liberty of inserting their opinion of the public speaker into the minutes, on comments, that did not occur at the meeting. The Commission is not allowed to respond during Public Comments and now the public is not allowed to speak on the actions of any one Commissioner.

In regards to agenda item #8.3 - \$96,507.51 Fire Funding. Only seven (7) stations can share if each station has completed all the requirements set forth by the State Fire Marshall. The JCESA Fire Dept is incomplete and should not receive any of this funding.

In regards to agenda item #10.2 – Agri-tourism Task Force By-laws. It's too late to promote Agri-tourism with all the solar array, Rockwool and now, Data Centers to include a Gas Power Plant. Another concern is the extreme allowance of residential development that has put a detrimental strain on our natural resource – WATER! The Jefferson County residents are still deeply concerned that Sidewinder/Mountain Pure will be allowed to move forward. Without water, there is no Agri-business or service of the water needs that this county has already approved.

Mr. Tabb encourages everyone to read the italicized statement below:

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

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

Have a nice day!

AFFIDAVIT:

David C. Tabb came and appeared before me, the undersigned notary, Amanda S. Bennett, resident of Berkeley Co., in the State of West Virginia made his statement to the Jefferson County Commission of January 8, 2026, and made affidavit upon affirmation of belief that the facts set forth are true and correct to the best of his knowledge.

DATED this 8th day of January, 2026



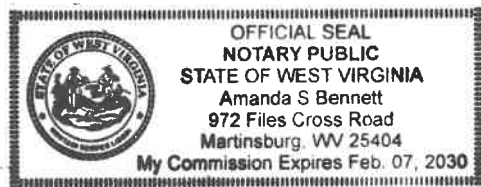
David C. Tabb

Sworn and subscribed before me this 8th day of January, 2026



Notary

My commission expires: 2/7/2030



Jefferson County Commission

SIGN-IN SHEET TO SPEAK DURING PUBLIC COMMENT

Thursday, December 18, 2025

	NAME (please print)	AGENDA ITEM # FOR COMMENT	STREET ADDRESS	CHOOSE ONE: 1-Bolivar 2-Charles Town 3-Harpers Ferry 4-Ranson 5-Shepherdstown
	DAVID T. B.B.	7.18.2 met 11/4/25, 11/20/25, 12/4/25, 12/17/25	10772 B.B. HWY HF 25425	3
	Jacqueline Williams	pc		3
	Amanda Stover		1001 Samuel Street	4
1	Chris Marshall	76	1009 Columbus Dr	5
2	Lorena Nathan		85 Campbell Dr.	2
3	Liz Kerwin	public comment	234 Barksdale CT	2
4	Kit McGinnis	public comment	99 Quarterhorse Pl. CT	2
5	Emanuel Herzog	public comment	744 TreeLine Dr CT	2
6	Sara Hansen	public comment	107- LITH ST CT	2
	Elouane Rogers	Public comment	99 Quarterhorse Pl	2
	LAWTON ROGERS	P.C.	77 QUARTER HORSE PL	2
	Christine Win	W/C	left in folder	
checked X	Colie Stone		Colie Stone	
	Natalie Yjerd	Public comment	Middleway Ave	2

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

Public Comment for Jefferson County Commission for January 8, 2026

Points of information to be entered into the record

I, David Tabb, just returned from the 1/8/26 so-called County Commission meeting. The JCC is official attacking and or eliminating anyone from making comment in their attempt to control public comment. The first speaker, that the Commission surrendered the floor to today, was interrupted numerous times and I observed the President of the JCC verbally assault this person and the other four Commissioners allowed it to happen. The interruption, of which is in violation of the WV Code for public comments, restricted her time to address the County Commission within her three-minute allowance. This lady, as well as myself, were completely eliminated during the 12/18/25 meeting from the Public Comment segment.

When the Commission surrendered the floor to me today, Mr. Tabb, I instructed the Commission that they were out of order by interrupting any public comment speaker. Anything written below the meeting agenda posting to include the minutes or financial disbursements is an agenda item (that includes an item with a number assignment). Even with that being stated, prior to me reading my public comment for 1/8/26, I was interrupted by the same Commission, as a whole, that also violated the previous speaker's constitutional rights. I also inserted that this County Commission was out of order and to quit interrupting my legal and Constitutional time to speak. Of course, the JCC couldn't be quite and I rushed through to get my public comment recorded into the record.

I encourage all Jefferson County resident/taxpayers to challenge the current County Commission, either by individuals or as a whole, that the public has Constitutional rights and only because they had been elected does not given them the right to override or do business without the public having a say.

Over the last 20+ years, I have made numerous predictions of what the county would look like if the Jefferson County resident/taxpayers did not challenge the JCC regardless of who was in office and here we are:

Higher taxes, more pollution, lack of water and utilities to include higher pricing, eliminating the volunteer participation to fund their stations within emergency services and purchasing a county complex with misappropriated funds to include the largest debt the county has ever incurred. This is only a few of the numerous actions that the JCC have accomplished in order to meet their agendas; not the Jefferson County resident/taxpayer needs.

Are you as a Jefferson County resident willing to challenge this County Commission or just accept the continuing disregard of the rules and regulations set forth by our Founding Fathers, such as our Constitution?

REQUISITIONS TO BE APPROVED

JANUARY 22, 2026

DEPARTMENT	REQUISITION NO.	PURCHASE ORDER NO.	AMOUNT	VENDOR	DESCRIPTION
IT	26112		\$ 42,650.00	TOWER DIRECT	CONCRETE SHELTER DELIVERY FINAL PAYMENT
MAINTENANCE	26113		\$ 8,000.00	RCS SECURITY	CONTROLLERS FOR 393
JCESA	26111		\$ 7,096.33	EMERGENCY VEHICLE SPECIALIST, INC.	REPAIRS TO AMB 1102
GRAND TOTAL			\$ 57,746.33		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nikki Painter**
Department or Organization: **County Clerk - Probate**
Estimation of amount of time needed for appointment: **5 minutes**
Date Requested – 1st Choice: **January 22, 2026**
If a specific date is needed, please provide reason for specific date:
Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Monthly Review of New Estates, Accountings and Waivers of Final Settlements**
Approve splitting precinct 19 St James Catholic Church into 19 A & B

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

- 1. List of Estates opened Accountings and Waivers of Final Settlement received since December 2025.**
- 2. We have had a surge in registration numbers for precinct 19 so we will need to split it alphabetically into 19A (last names A-K) and 19B (last names L-Z).**

Is this a funding request? Y/N
If so, how much?
Provide exact financial impact/request:

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

- 1. To approve the list of estates opened since December 2025 and closure of the estates that have met all statutory requirements.**
- 2. To approve splitting precinct 19, St James Catholic Church, alphabetically into precinct 19A and 19B.**

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

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

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>

Regular Term

January 2026

State of West Virginia, County of Jefferson, to-wit:

At a regular Term of the County Commission of said County and State, begun and held at the County Commission Meeting Room thereof, on Thursday, January 8, 2026 at 9:30AM.

PRESENT: County Commissioners: Pasha Majdi, Mike Mood, Jack Hefestay, Cara Keys, and Steve Stolipher

The following Accountings and Waivers of Final Settlement were this day examined by the Commission and there being no exceptions thereto, and none appearing on the face thereof, same are ordered approved and recorded as follows:

Waivers of Final Settlement

Estate of Carrie Ann Crum, deceased, John Crum, Administrator

Estate of Gail A. Eppard, deceased, Mark Eppard, Executor

Estate of Earlene Rutherford Harp, deceased, Gregory Harp, Administrator

Estate of Albert Melvin Meadows, deceased, Jody Meadows, Administratrix

Estate of Helen M. Strickler, deceased, Carol L. Cooper, Executrix

Estate of Alana Grace Williams, deceased, Michael Williams, Administrator

Accountings

Estate of Ensley Willard Hicks, deceased, Final Accounting, Kathleen J Acly, Executrix

Estate of Franklin Anthony Hill, deceased, Interim Accounting, Tracey Brill, Executrix

Estate of John G Hines Jr, deceased, Interim Accounting, John G. Hines III and Thomas G. Hines, Co-Executors

Estate of Charlotte Louise Johnson, deceased, First and Final Accounting, David Miller, Executor

Estate of Nellie Buchanan Mender, deceased, First and Final Accounting, Joyce Carole Thomas and Maria Teresa Miller, Co-Ancillary Administratrix CTA

Estate of Martha Ann Payton, deceased, Interim Accounting, Shawn Chaney, Executrix

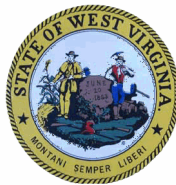
Estate of Kevin Fishal Robinson, deceased, First and Final Accounting, Olivia Suzanne Robinson, Executrix

Estate of Albert Lee Sipe, deceased, First and Final Accounting, James B. Crawford III, Executor

President of the County Commission

United States of America

State of West Virginia



County of Jefferson, ss:

Appointment List

Notice is hereby given that the following estate(s) have been opened for probate from 11/22/2025 thru 12/29/2025 in the Jefferson County Clerk's Office at PO Box 208, Charles Town, WV 25414-0208.

ESTATE NUMBER: **5449**
APPOINT DATE: 12/02/2025
ESTATE NAME: **BRENDA DARLINE BOHO**
ADMINISTRATRIX BRANDI MICHELLE BOHO

ESTATE NUMBER: **5451**
APPOINT DATE: 12/03/2025
ESTATE NAME: **MARTHA ANN PAYTON**
EXECUTRIX SHAWN L CHANEY

ESTATE NUMBER: **5457**
APPOINT DATE: 12/04/2025
ESTATE NAME: **ROBIN MARIE SAUL**
ADMINISTRATOR EVAN Z ROBISON

ESTATE NUMBER: **5460**
APPOINT DATE: 12/08/2025
ESTATE NAME: **ANNA IMOGENE FLUHARTY**
EXECUTOR DONALD D FLUHARTY
ATTORNEY HENRY W MORROW JR
PO BOX 459
CHARLES TOWN, WV 25414-0459

ESTATE NUMBER: **5459**
APPOINT DATE: 12/08/2025
ESTATE NAME: **DAVID SCOTT LITTLETON**
ADMINISTRATOR JOHN TREVOR LITTLETON

ESTATE NUMBER: **5461**
APPOINT DATE: 12/08/2025
ESTATE NAME: **SANDRA KAY WALKER**
ADMINISTRATRIX NATASHA TUCKER CORTEZ-CAJA

ESTATE NUMBER: **5463**
APPOINT DATE: 12/09/2025
ESTATE NAME: **WILLIAM GONZALEZ JR**
ADMINISTRATRIX CHARLENE ANN GONZALEZ

ESTATE NUMBER: **5462**
APPOINT DATE: 12/09/2025
ESTATE NAME: **MARY LEE VANDEVANDER**
EXECUTOR STEPHEN JAMES VANDEVANDER

ESTATE NUMBER: **5466**
APPOINT DATE: 12/11/2025
ESTATE NAME: **ELIZABETH SAN MIGUEL**
ADMINISTRATOR PETER ZORRILLA

ESTATE NUMBER: **5405**
APPOINT DATE: 12/15/2025
ESTATE NAME: **JAMES F KIELT**
ADMINISTRATRIX BARBARA A KIELT

ESTATE NUMBER: **5470**
APPOINT DATE: 12/16/2025
ESTATE NAME: **SHIRLEY MAY BURRISS**
EXECUTOR WILLIAM EUGENE BURRISS

ESTATE NUMBER: **5471**
APPOINT DATE: 12/17/2025
ESTATE NAME: **MARC CHRISTOPHER CAMINITI**
ADMINISTRATOR CTA HENRY W MORROW JR
ATTORNEY HENRY W MORROW JR
P.O. BOX 459
CHARLES TOWN, WV 25414-0459

ESTATE NUMBER: **5474**
APPOINT DATE: 12/18/2025
ESTATE NAME: **ROSA GAIL DUDASH**
EXECUTOR CHRISTOPHER LEE DUDASH

ESTATE NUMBER: **5475**
APPOINT DATE: 12/18/2025
ESTATE NAME: **PHYLLIS MARIE HILLIARD**
CO ADMINISTRATOR CTA JOHNNY L HILLIARD
CO ADMINISTRATRIX CTA VERONICA LYNN HODGES

ESTATE NUMBER: **5477**
APPOINT DATE: 12/22/2025
ESTATE NAME: **CAROL LYNN DYER**
CO EXECUTRIX LINDA EVANS SHEA
CO EXECUTRIX LAURIE ANNE GUNDERSEN

ESTATE NUMBER: **5480**
APPOINT DATE: 12/23/2025
ESTATE NAME: **JOHN MAURICE SHANK**
EXECUTRIX KAREN HACKER KINNETT

ESTATE NUMBER: **5476**
APPOINT DATE: 12/29/2025
ESTATE NAME: **EDWIN BRUCE KIMBLE**
CO ADMINISTRATRIX CTA PAMELA LYNN KIMBLE
CO ADMINISTRATRIX CTA MICHELE LYNN KOLODZIEJSKI

TOTAL ESTATES: **17**

Subscribed and sworn to before me on 12/30/2025

President of the County Commission



Jacqueline C Shadle
Clerk of Jefferson County

By _____

GIORDANA BAKER
ASSISTANT CLERK

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Tom Hansen

Department or Organization: Sheriff and Treasurer

Commission Meeting Date: Next Available

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Bailiff Changes

Please provide a description of your request or presentation, including any background information:

-With William Potter's retirement we need to make some changes to the Bailiffs to fill the vacant supervisor position.

Type of Request: (Funding/Hiring): hiring

Funding/Salary/Hourly Amount: see below

Name of Hire (if Applicable): see below

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period): see below

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

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

-I move to approve the increase in hourly rate for Douglas Pittinger to 22.52 per hour beginning January 26, 2026.
-I move to approve the promotion of Romelda Porter and increase in pay to \$20.50 per hour beginning January 26, 2026.

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

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information:

Phone Number: 304-728-3205

Email Address:

dlowe@jeffersoncountywv.org

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Laura Kuhn

Department or Organization: Fleet & Facilities Management

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **January 22, 2026**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Approval of Floor Plan Design – Jefferson County Government Center – 393 North Lawrence Street**

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

The floor plan for the 393 North Lawrence Street project has been fully developed and incorporates the needs and input of the departments that will occupy the building, along with previous guidance from the County Commission.

Approval of the attached floor plan is requested to proceed to the next project phase, which is the renovation and construction stage. This approval will allow staff to finalize construction documents and begin scheduling the renovation work needed to prepare the building for occupancy.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

Move to approve the final floor plan design for the Jefferson County Government Center at 393 North Lawrence Street.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Edwina Benites-LM

Department or Organization: Administration- Boards and Commissions

Estimation of amount of time needed for appointment: 3 Minutes

Date Requested – 1st Choice: **January 20, 2026**

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

Date Requested – 2nd Choice: March

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

To set the annual public hearing on the Eastern Panhandle HOME Consortium Council

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

 **To set the annual public hearing on the Eastern Panhandle HOME Consortium Council**

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

If so, how much? \$0

Provide exact financial impact/request: N/A

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

Approve or Deny: FY26 HOME Program Annual Resolution

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

If not attached, explain:

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

Contact information:

Email address: croman@cityofmartinsburg.org

Phone Number: 304-820-3963

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: David Bound

Department or Organization: Administration

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: **Jan. 22, 2026**

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

Date Requested – 2nd Choice:

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

1. Commission Ambulance Fee Exonerations

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

1. Present commission ambulance fee exonerations late fees, sales and items billed to the current owner.

Is this a funding request? Y/N N

If so, how much? \$902.50

Provide exact financial impact/request:

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

Requested **motion to approve the Commission Ambulance fee adjustments and exonerations as presented.**

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

If not attached, explain:

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

Contact information: David Bound

Email address: David.J.Bound@JeffCoWV.gov

Phone Number: 304.728.3284 Ext 1003

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

2025/ 2026 Ambulance Fee Adjustments / Corrections / Exonerations 1/22/26

Date	Cust #	Amount	Reason
12/29/2025	66510	\$ 44.00	PROPERTY SOLD 7/2/25 PRIOR TO THE FY26 INVOICES ISSUE DATE OF 7/31/25 NO BALANCE DUE WHEN THE PROPERTY SOLD TO COLLECT AT CLOSING
12/29/2025	50571	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
12/30/2025	40002	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
12/30/2025	51283	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
12/30/2025	51283	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
12/30/2025	63407	\$ 10.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
12/30/2025	63407	\$ 10.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
12/30/2025	63407	\$ 30.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/6/2026	37644	\$ 44.00	PP SOLD IN 2023 CUSTOMER BILLED ON 7/1/24 FOR FY25
1/6/2026	37644	\$ 44.00	PP SOLD IN 2023 CUSTOMER BILLED ON 7/1/25 FOR FY26
1/6/2026	65174	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/6/2026	37648	\$ 15.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/6/2026	37648	\$ 15.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/6/2026	37648	\$ 15.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/6/2026	37648	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/6/2026	37648	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/8/2026	65480	\$ 50.00	PER ASSESSORS RECORDS CUSTOMER NEVER OWNED BILLED ON 7/1/24 FOR FY25 (NEW OWNER TO BE BILLED CUST #65415 SARNOWSKI FOR FY25)
1/8/2026	65480	\$ 50.00	PER ASSESSORS RECORDS CUSTOMER NEVER OWNED BILLED ON 7/1/25 FOR FY26 (NEW OWNER TO BE BILLED CUST #65415 SARNOWSKI FOR FY26)
1/8/2026	31274	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/9/2026	54488	\$ 55.00	PROPERTY SOLD 10/26/24 PRIOR TO THE FY26 INVOICES ISSUE DATE OF 7/1/25 NO BALANCE DUE WHEN THE PROPERTY SOLD TO COLLECT AT CLOSING
1/9/2026	54488	\$ 55.00	PROPERTY SOLD 8/20/24 PRIOR TO THE FY26 INVOICES ISSUE DATE OF 7/1/25 NO BALANCE DUE WHEN THE PROPERTY SOLD TO COLLECT AT CLOSING
1/9/2026	38993	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/9/2026	44182	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/9/2026	53542	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/9/2026	61513	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/9/2026	34280	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/9/2026	34280	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/9/2026	45820	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/9/2026	45820	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/9/2026	45820	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/9/2026	64121	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/12/2026	49681	\$ 13.00	TITLE COMPANY PAID PRIOR TO THE FY26 INVOICE BEING ISSUED REQUESTING THE OUTSTANDING BALANCE WAIVED
1/12/2026	44577	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/12/2026	50556	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/12/2026	35137	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/12/2026	37914	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/12/2026	31955	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/12/2026	61644	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/12/2026	61644	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/12/2026	64121	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/13/2026	37766	\$ 15.00	PROPERTY SOLD 10/6/22 THE TITLE COMPANY PAID ONLY PAID \$39 THE AMOUNT PROVIDED NOT \$44 REQUESTING LATE FEES BE WAIVED
1/13/2026	32024	\$ 5.00	REQUESTING LATE FEE WAIVED DID NOT REALIZE THERE WERE TWO INVOICES
1/13/2026	32024	\$ 5.00	REQUESTING LATE FEE WAIVED DID NOT REALIZE THERE WERE TWO INVOICES
1/13/2026	62811	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	62223	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	33464	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	33464	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	41988	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	65867	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	67280	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	39534	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	40228	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/13/2026	41441	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/13/2026	41441	\$ 5.00	WAIVE LATE FEE- DIDN'T RECEIVE INVOICE (WRONG MAILING ADDRESS)
1/14/2026	31145	\$ 25.00	PROPERTY SOLD 10/19/23 BILLED 7/1/24 FOR FY25 IN ERROR
1/14/2026	50641	\$ 25.00	PROPERTY T.O.D 1/27/25 BILLED ON 7/1/25 FOR FY26 IN ERROR
1/15/2026	55752	\$ 5.00	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE
1/15/2026	55292	\$ 187.50	WAIVE LATE FEE - DID NOT RECEIVE FY26 INVOICE

\$ 902.50

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Nathan Cochran

Department or Organization: Prosecuting Attorney's Office

Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – 1st Choice: **January 22, 2026**

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

Date Requested – 2nd Choice:

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

Discussion of process and procedures to assist Bolivar with building inspections

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Edwina Benites-LM

Department or Organization: County Administration

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: January 8, 2026

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

Date Requested – 2nd Choice:

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

Repeal of outdated policies
- Cable Channel Policy (903)
- Day Book Policy (911)

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

See attached

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Pasha Majdi

VICE PRESIDENT

Cara Keys

COMMISSIONER

Jack Hefestay

COMMISSIONER

Mike Mood

COMMISSIONER

Steve Stolipher

To: Commissioner Pasha Majdi
Commissioner Steve Stolipher
Commissioner Mike Mood
Commissioner Cara Keys
Commissioner Jack Hefestay

From: Edwina Benites-LM, county administrator

Re: County Administrator Report, January 22, 2026

Summary:

- 1 Repeal of outdated policies
 - 1.1 Cable Chanel Policy (903)
 - 1.2 Day Book Policy (911)

1. Repeal of outdated policies

Commission staff is in the process of reviewing and updating Commission policies. The following policies are outdated and staff recommend repealing the following policies:

- Cable Chanel Policy (903)
- Day Book Policy (911)

Suggested motion: **motion to repeal Jefferson County Policies 903 and 911.**

	<i>Jefferson County Policies & Procedures</i>		
Policy Name:	Cable Channel Policy	Approved:	11/10/20122
Policy Number:	903 (2011-2)	Author:	Boyde
Associated:			

PURPOSE:

The Jefferson County local government Cable Channel 17 is to be used for County related business or Non-Profit organizations that are not for partisan political or religious purposes. Placing ads or short snippets of events does not imply endorsement by the County Commission or staff of the viewpoints presented.

POLICY:

The Jefferson County Commission encourages the widest possible use of Channel 17 by government agencies and nonprofit community groups.

Advertisement may be used for educational, cultural, informational or governmental/civic activities and may include public lectures, panel discussions, workshops and other similar functions.

Advertisements are subject to denial if the information is deemed inappropriate, contains foul language, nudity or is for political or religious use.

Users agree to abide by all regulations of the Cable Channel Policies and accept responsibility for the content submitted.

PROCEDURES:

All exceptions to this policy must be brought before the Jefferson County Commission for a vote during its regular meeting. Organizations authorized to use the Cable Channel are as follows:

- County appointed Commissions, Boards and Authorities
- Elected officials (County, State, etc.)
- County departments
- Community Non-Profit Organizations who have events open to the public
- Municipalities

Groups interested in using the Cable Channel must submit their information via email at cablestation@jeffersoncountywv.org in the form of:

- PowerPoint presentations or Word documents. They must be in landscape orientation. Must include contact information and answer the questions of who, what, when and where.
- Video content must be 15-60 seconds long. We can only accept MPEG4 and WMV formats.

The County Commission reserves the right to cancel any advertisements on the Cable Channel. Any violation of the rules could lead to privileges of future advertisements being revoked.

Jefferson County Policies & Procedures

Policy Name:	DAY BOOK POLICY	Approved:	5/7/2009
Policy Number:	911 (Old # 2009-3)	Author:	Unk
Associated:			

COUNTY COMMISSION OF JEFFERSON COUNTY

DAY BOOK POLICY

PURPOSE:

To provide the County Commission with a central depository library to review outgoing correspondence.

POLICY:

Correspondence that is outgoing and is other than routine in nature will be placed in the Day Book.

PROCEDURE:

Correspondence that is outgoing will be placed in the County Commission Day Book located in the Hunter House Conference Room on a routine basis.

Day Book correspondence will be kept for one calendar year. Correspondence for prior years will be recycled.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin

Department or Organization: Department of Engineering, Planning, and Zoning

Estimation of amount of time needed for appointment: 120 minutes

Date Requested – 1st Choice: **January 22nd**

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

Date Requested – 2nd Choice:

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

A. Bond Releases

1. RTD Properties, LLC – Burr Business Park lot 29 file # 22-10-SP request for complete bond release
2. Harvest Homes, LLC – Hallmark Glen Subdivision file # 25-4-SD request for bond reduction
3. KE Colonial, LLC- Colonial Hills Subdivision Phase 3 file # 05-38 request for complete bond release
4. KE Colonial, LLC- Colonial Hills Subdivision Phase 3A file # 17-06 request for complete bond release

B. Public Hearing regarding the proposed Historic Resources text amendment to the Subdivision Regulations.

C. Public Hearing regarding amendment of the Office Commercial Zoning District

D. Public Hearing regarding the proposed Residential Commercial Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations.

E. Public Hearing regarding the proposed Rural Residential Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations.

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

A. Bond Releases

1. Complete bond release for Irrevocable Letter of Credit 522022 with Jefferson Security Bank for RTD Properties, LLC- Burr Business Park Lot 29 file # 22-10-SP
2. Bond Reduction for Performance Bond 800203175 with Atlantic Specialty Insurance Company for Harvest Homes, LLC –Hallmark Glen Subdivision file # 25-4-SD
3. Complete bond release for Irrevocable Letter of Credit SB5479200001 with M&T Bank for KE Colonial, LLC- Colonial Hills Phase 3 file # 05-38 as it is being replaced by Performance Bond PS10007 with Palomar Specialty Insurance Company under new owners Compass Colonial Hills, LLC
4. Complete bond release for Irrevocable Letter of Credit SB2570190001 with M&T Bank for KE Colonial, LLC- Colonial Hills Phase 3A file # 17-06 as it is being replaced by Performance Bond PS10008 with Palomar Specialty Insurance Company under new owners Compass Colonial Hills, LLC

B. Planning Commission has recommended a text amendment to the Subdivision and Land Development Regulations regarding Historic Resources. The draft amendment proposes an amendment to Section 24.113, Section 24.122, and Division 26.200 of the Subdivision and Land Development Regulations to further elaborate on establishing the necessary criteria regarding Historical Resource Protection. The attached staff report contains the text of the proposed amendment.

C. Planning Commission has recommended a text amendment to the Subdivision and Land Development Regulations and Zoning & Land Development Ordinance regarding the creation of a Rural Residential Zoning District. Prior to adopting an amendment to the Subdivision and Land Development Ordinance, the County Commission must hold a public hearing with notice. This requirement has been met.

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.

Planning Commission has recommended the text amendment to the County Commission and found the Zoning Text amendment to be **consistent** with the Comprehensive Plan.

D. Planning Commission has recommended a text amendment to the Zoning & Land Development Ordinance regarding an update to the Office Commercial Zoning District. A public hearing should be held to gather public input on the proposed text amendment. 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. Planning Commission has recommended the text amendment to the County Commission and found the Zoning Text amendment to be **consistent** with the Comprehensive Plan.

E. Planning Commission has recommended a text amendment to the Subdivision and Land Development Regulations and Zoning & Land Development Ordinance regarding the creation of a Residential Commercial Zoning District. Prior to adopting an amendment to the Subdivision and Land Development Ordinance, the County Commission must hold a public hearing with notice. This requirement has been met.

STA25-04 is a proposed text amendment to Section 21.105 and Section 22.208B of the Subdivision Regulations. ZTA25-04 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.

Planning Commission has recommended the text amendment to the County Commission and found the Zoning Text amendment to be **consistent** with the Comprehensive Plan.

Is this a funding request? Y/N
If so, how much? \$
Provide exact financial impact/request:

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

1. I move to authorize the complete release of the above referenced Letter of Credit 522022 issued in the amount \$100,000.00
2. I move to authorize a partial release of \$583,520.00 of the above referenced Performance Bond 800203175 making the new amount \$629,331.00
3. I move to authorize the complete release of the above referenced Irrevocable Letter of Credit SB5479200001 issued in the amount of \$2,207,652.88
4. I move to authorize the complete release of the above referenced Irrevocable Letter of Credit SB2570190001 issued in the amount of \$1,858,825.00

I move to adopt the text amendment to Section 24.113, Section 24.122, and Division 26.200 of the Subdivision and Land Development Regulations regarding Historic Preservation File: STA25-01.

I move to adopt the text amendments to the Subdivision Regulations Section 20.201, Section 20.203C, Section 21.105C, Section 22.208A, Section 22.208B, and Appendix B, Division 5.1 and the Zoning Ordinance 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 regarding the proposed Rural Residential Zoning District. File: STA25-03 and ZTA25-03.

I move to adopt the text amendments to the Subdivision Regulations Section 21.105 and Section 22.208B and the Zoning Ordinance Table of Contents, Section 4.6, Section 5.1, Section 5.9, Section 9.5, Appendix A, Appendix B, and Appendix C regarding the proposed Residential Commercial File: STA25-04 and ZTA25-04.

I move to adopt the text amendment to the Zoning Ordinance Section 5.17 and Appendix C regarding the Office Commercial Zoning District. File: ZTA25-05.

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

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

Contact information: Luke Seigfried

Email address: planningdepartment@jeffersoncountywv.org

Phone Number: (304) 728-3228

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



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Pasha Majdi

January 8th, 2026

COMMISSIONER
Jack Hefestay

Mr. Karl J. Keller
Jefferson Security Bank

COMMISSIONER
Cara Keys

P.O. Box 35
Shepherdstown, WV 25443

COMMISSIONER
Mike Mood

COMMISSIONER
Steve Stolipher

RE: Irrevocable Letter of Credit 522022 Jefferson Security Bank dated
November 30th, 2023 for RTD Properties, LLC Burr Business Park lot 29. JCPC
file no. 22-10-SP

Dear Mr. Keller:

The Jefferson County Commission authorizes a complete release of \$100,000.00 from the construction bond for RTD Properties, LLC Burr Business Park lot 29. (JCPC file no. 22-10-SP) This project is located at 179 James Burr Blvd, Kearneysville, WV 25430. The work appears to be 100% complete

In summary, you are hereby authorized to fully release amount of the above referenced Irrevocable Letter of Credit issued in the amount of \$100,000.00 Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Pasha Majdi, President
Jefferson County Commission

cc: Johnny Dyer
179 James Burr Blvd
Kearneysville, WV 25430

Department of Engineering, Planning & Zoning

County Administrator
Edwina Benites





JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Pasha Majdi

January 8th, 2026

VICE PRESIDENT

Mike Mood

Mr. Adam T. Grap, Attorney-in-Fact
Atlantic Specialty Insurance Company

COMMISSIONER

Cara Keys

605 Highway 169 North,
Suite 800

COMMISSIONER

Steve Stolipher

Plymouth, MN 55441

COMMISSIONER

Jack Hefestay

RE: Performance Bond No. 800203175 with Atlantic Specialty Insurance Company dated June 18th, 2025 for Hallmark Glen Subdivision JCPC file no. 25-4-SD

Dear Mr. Grap

The Jefferson County Commission authorizes a partial release of \$583,520.00 from the construction bond for Harvest Homes, LLC — Hallmark Glen (File #25-4-SD). This project is located on the west side of Engle Molders Rd, just south of its intersection with Bakerton Rd. Work remaining to be completed but is not limited to the following:

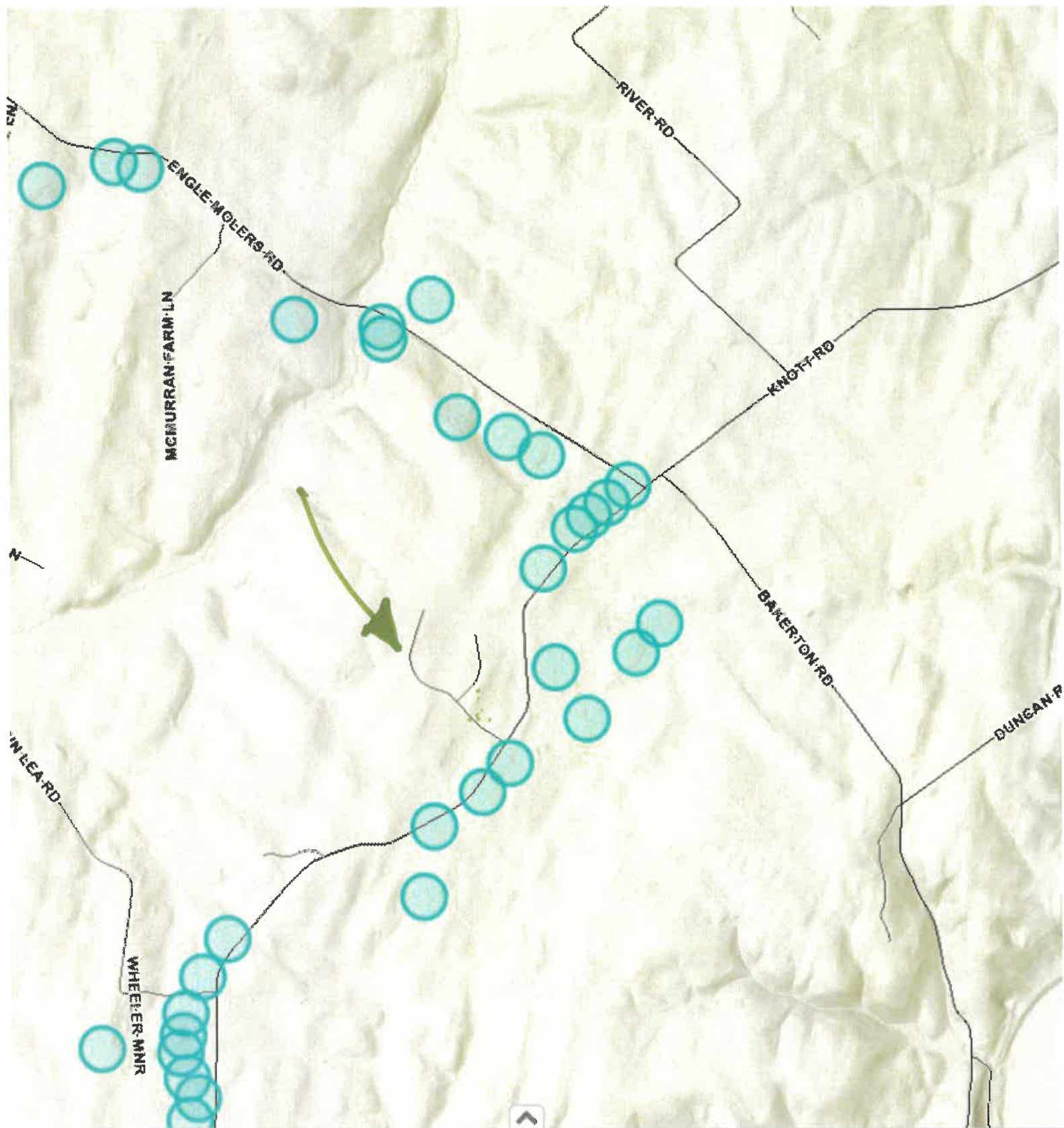
1. Erosion & Sediment Control
2. Paved Surface Construction
3. Storm water Management & Storm Drainage
4. Miscellaneous Site Improvements

In summary, you are hereby authorized to reduce the amount of the above referenced Performance Bond No. 800203175 originally issued in the amount of \$1,212,852.00 to \$629,331.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Pasha Majdi, President
Jefferson County Commission

cc: Dave Lutman
67 Lutman's Lane Suite 100,
Shenandoah Junction, WV
25442

Department of Engineering, Planning & Zoning





JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Pasha Majdi

January 8th, 2026

COMMISSIONER
Jack Hefestay

Ms. Melissa Markey
M&T Bank

COMMISSIONER
Cara Keys

One Light St 14th Floor
Baltimore, MD 21202

COMMISSIONER
Mike Mood

RE: Irrevocable Letter of Credit SB5479200001 M&T Bank dated April 23rd,
2025 for KE Colonial, LLC – Colonial Hills Phase 3. JCPC file no. 05-38

COMMISSIONER
Steve Stolipher

Dear Ms. Markey:

The Jefferson County Commission authorizes a complete release of \$2,207,652.88 from the construction bond for KE Colonial, LLC – Colonial Hills Phase 3. (JCPC file no. 05-38). The bond is being re-secured for the updated amount of \$3,808,555.00 by Compass Colonial Hills, LLC, with Palomar Specialty Insurance Company- Performance bond PS10007. This project is east of Potomac Farms Dr, just north of its intersection with Kearneysville Pike.

In summary, you are hereby authorized to fully release amount of the above referenced Irrevocable Letter of Credit issued in the amount of \$2,207,652.88 Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Pasha Majdi, President
Jefferson County Commission

cc: Drew Kipnis
6259 Reynolds Mill Rd
Seven Valleys, PA 17360

Department of Engineering, Planning & Zoning





JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Pasha Majdi

January 8th, 2026

COMMISSIONER
Jack Hefestay

Ms. Michelle Jones
M&T Bank

COMMISSIONER
Cara Keys

One Light St 14th Floor
Baltimore, MD 21202

COMMISSIONER
Mike Mood

COMMISSIONER
Steve Stolipher

RE: Irrevocable Letter of Credit SB2570190001 M&T Bank dated August 26th,
2025 for KE Colonial, LLC – Colonial Hills Phase 3A. JCPC file no. 17-06

Dear Ms. Jones:

The Jefferson County Commission authorizes a complete release of \$1,858,825.00 from the construction bond for KE Colonial, LLC – Colonial Hills Phase 3A. (JCPC file no. 17-06). The bond is being re-secured for the updated amount of \$2,113,010.00 by Compass Colonial Hills, LLC, with Palomar Specialty Insurance Company- Performance bond PS10008. This project is located east of Potomac Farms Dr, just north of its intersection with Kearneysville Pike.

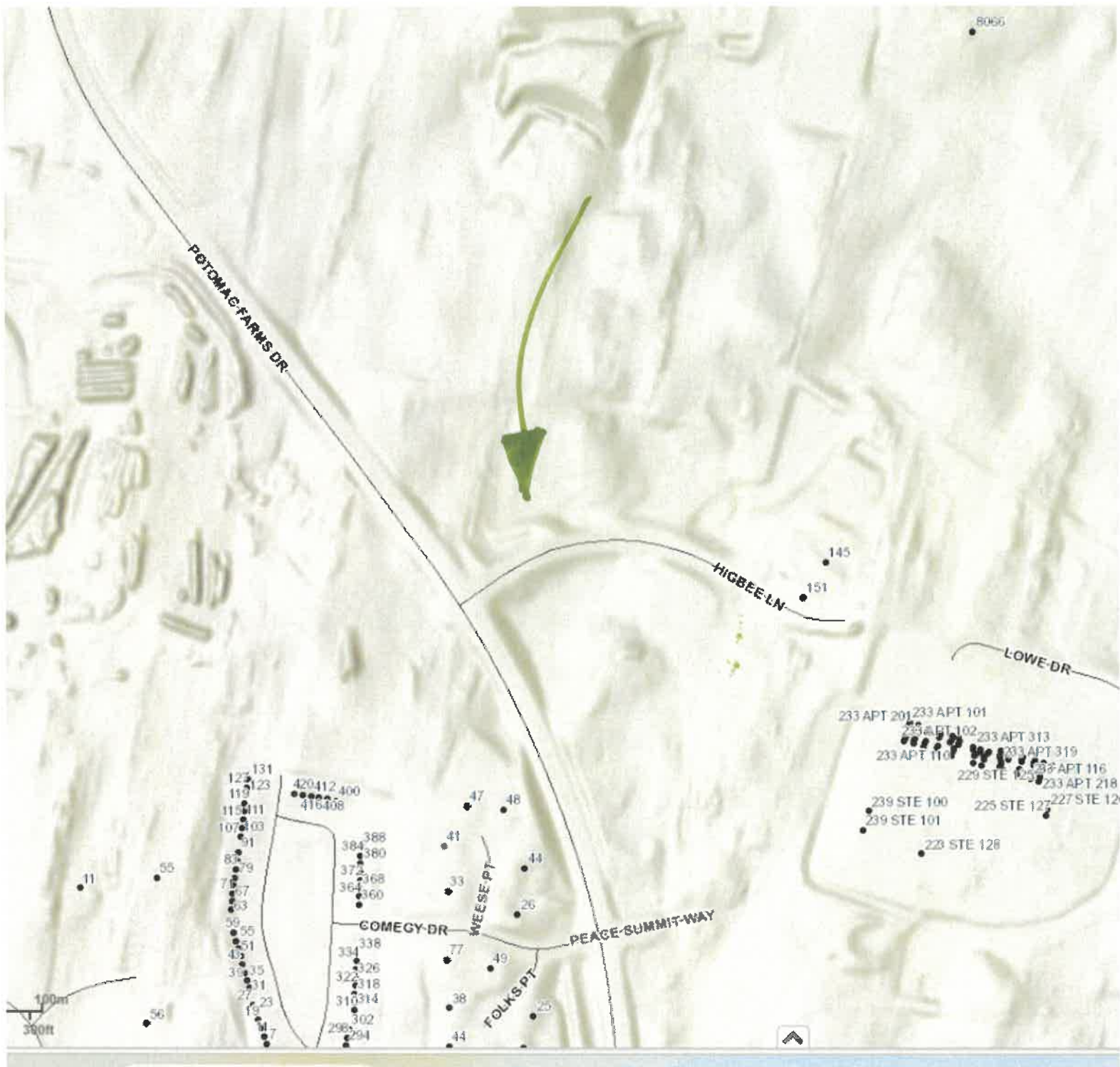
In summary, you are hereby authorized to fully release amount of the above referenced Irrevocable Letter of Credit issued in the amount of \$1,858,825.00 Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Pasha Majdi, President
Jefferson County Commission

cc: Drew Kipnis
6259 Reynolds Mill Rd
Seven Valleys, PA 17360

Department of Engineering, Planning & Zoning





JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor; P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

MEMO

TO: County Commission of Jefferson County
FROM: Planning Commission of Jefferson County
Luke Seigfried, Chief County Planner
DATE: January 22, 2026
RE: Proposed Amendment to Section 24.113.B.10, Section 24.122, and Division 26.200 of the Subdivision & Land Development Regulations.

At their September 23, 2025 meeting, Planning Commission held a Public Hearing on the proposed text amendment to the Subdivision Regulations regarding Historic Resource Preservation requirements for Major Subdivisions and Major Site Plans. At the October 2, 2025 meeting, the County Commission scheduled a Public Hearing on the text amendment for December 4, 2025. At the December 4, 2025 Public Hearing, County Commission rescheduled the Public Hearing to January 22nd by request of the Historic Landmarks Commission.

The proposed amendments clarifies the existing requirement for a Phase I Archaeological Study in relation to the West Virginia Historical State Historical Preservation Organization guidelines. Subsurface studies are specifically noted as not a requirement for the required Phase I Archaeological study requirements. The text amendment also adds the requirement to Major Site Plans and adds the definition of a Phase I Archaeological Study to the Definition of Terms.

Note that Subdivision & Land Development Regulations Section 24.113.B.10 currently states:

“(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

Staff Reports and Comments

A Phase I archaeological study is not defined in the Subdivision Regulations but the West Virginia State Historic Preservation Office (SHPO) has Guidelines for preparing the *Phase I, II, III Archaeological Investigations and Technical Report Preparation*. These *Guidelines* are for ensuring a project's compliance with Section 106 of the National Historic Preservation Act (NHPA). SHPO reviews state and federal projects for compliance with NHPA.

A historic resources impact study is not defined in the Subdivision Regulations and was added to the Subdivision Regulations in 2010.

The 2045 Comprehensive Plan does not speculate specifically on this requirement for Preliminary Plats. Objective 4.1 (see attached) “*Encourages the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.*” The requirement is not included for Minor or Major Site Plans. Staff has proposed changing the requirement for Major Subdivisions, adding the requirement for Major Site Plans, and adding a definition to the Subdivision Regulations.

“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The **staff Department** shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the **staff Department** shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
 3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.⁶
 5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
 6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
 7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
 8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer’s engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
 9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection

standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.

10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
 11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, **phasing**, and development option selected if the development is residential.
 12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
 13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
 14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
 15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
 16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat

and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

Effect. After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

“Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
 7. **Water and Sewer Services.** This shall include a declaration of Public Service District’s approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.

8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
 9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
 10. **Historic Resource Preservation.** Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
 11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
 12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.⁴
 13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
 14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
 15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
 16. **Additional Information.** The Department shall:
 - a. Review and approve all matters under its jurisdiction.
 - b. Issue a zoning compliance letter.
 - c. Certify that all proffers have been satisfied.
- C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:
1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
 2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
 3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.
- D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.
- E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a

public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Division 26.200 Definitions of Terms

Phase I Archaeological Study. A study designed to identify and document historical and cultural resources within the entirety of the project area. The study is performed by a principal investigator who meets or exceeds the minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61 and includes a pedestrian survey. *(Source West Virginia State Historic Preservation Office)*

Prior to taking action on the proposed text amendment, a Public Hearing will be required before County Commission. The County Commission Public Hearing has met notice requirements.

Attachments

- 2045 Comprehensive Plan Historical Preservation Excerpt
- West Virginia State Historic Preservation Office Guidelines for Phase I, II, III Archaeological Investigations and Technical Report Preparation(Appendices removed)

Objective 4.1

Encourage the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.

1. Create a public art program working with municipalities that would encourage the installation of locally produced art in publicly owned facilities and sites.

CVB • Arts Council | Ongoing

2. Educate county residents and visitors about historic preservation efforts and current projects in Jefferson County.

HLC • CVB | Ongoing

3. Expand upon the existing interconnected marketing of the County's multiple historic resources and the National Historical Park to encourage visitation to multiple locations in the County.

HLC • CVB | Yearly

4. Encourage the ongoing documentation of Category 1 and 2 historic sites in the County.

HLC | Ongoing

Objective 4.2

Encourage the adaptive reuse of existing structures.

1. Encourage the state legislature to include adaptive reuses of historic structures in the state code.

EO | Yearly

2. Develop and maintain a public catalog of existing non-residential structures that are adaptable for reconfiguration as housing or other uses.

P&Z • JCDA | Yearly

3. Revise existing Jefferson County land use requirements and site plan standards to promote adaptive reuse.

P&Z | 3-5 years

Objective 4.3

Identify and implement feasible strategies to ensure short term rental compliance with local ordinances.

1. Perform a yearly review of short term rental offerings in the county and cross check adherence to local ordinances then work to bring offenders into compliance.

P&Z | Yearly

**Please note this is not the full
Guidelines for Phase I, II, III
Archaeological Investigations and
Technical Report Preparation, the
appendices has not been included to
reduce page count. The full document
can be found at the West Virginia State
Historic Preservation Office website.**

**Guidelines for Phase I, II, and III Archaeological Investigations
and Technical Report Preparation**

**Prepared by the West Virginia State Historic Preservation Office
Written by Patrick Trader
Edited by Joanna Wilson**

Preface

The completion of Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation is due in large part to the efforts of two former Historic Preservation Office archaeologists. Development of the guidelines was initiated by Eric Voigt, author of the original WVSHPO survey and curation regulations. Working from this foundation, Patrick Trader composed the text and compiled the appendices for the current edition, developing a comprehensive and useful document.

The WVSHPO would like to recognize the many individuals that contributed to this process. Under the guidance of Susan Pierce, Director, several past and present members of the WVSHPO staff assisted in the development of these guidelines. They include Dr. Jeanne Day Binning, Jeff Davis, Andrea Keller, Lora Lamarre, Dr. Fred McEvoy, J.T. Sutton, Mark Whitby and Joanna Wilson. West Virginia Division of Highways staff members Rodney DeMott, Matt Wilkerson and Roger Wise provided comments and guidance. C. Michael Anslinger of Cultural Resource Analysts, Inc. reviewed an early draft and supplied many editorial comments.

These guidelines have been revised to allow consultants greater diversity in their approach to archaeological investigation in West Virginia. The WVSHPO hopes that this document serves to clarify its expectations, as well as to assist the consultant in developing survey and excavation strategies.

I. Introduction

The following guidelines for archaeological and historical studies reviewed by the West Virginia State Historic Preservation Office (WVSHPO) were developed to assist researchers in conforming to the standards for cultural resource projects currently accepted by regulatory agencies and the professional archaeological community. These guidelines represent minimum standards and do not preclude innovative strategies. Alternative approaches or variations to approved scopes of work, however, **must be reviewed and approved by the State Historic Preservation Office prior to fieldwork**, and be justified by references to recognized literature regarding archaeological methods and techniques.

Included in these guidelines are professional qualifications for principal investigators, a guide for conducting literature reviews and site-file searches, current curation regulations, and provisions for encountering human skeletal remains. Also included are current state guidelines for conducting independent archaeological research and excavations.

The WVSHPO reviews projects to determine what effects, if any, they may have upon significant cultural resources as outlined within Federal and State laws and regulations. These include Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties", the National Environmental Policy Act of 1969, The Archaeological and Historic Preservation Act of 1974, and West Virginia State Code 29-1-8, and its implementing regulations, Title 82, Series 2: "Standards and Procedures for Administering State Historic Preservation Programs". Other mandatory regulations include State Code 29-1-8a, "Protection of human skeletal remains, grave artifacts and grave markers; permits for excavation and removal; penalties", and its implementing regulations, Title 82, Series 3: "Standards and Procedures for Granting Permits to Excavate Archaeological Sites and Unmarked Graves". The WVSHPO also assists federal and state agencies in the review of and compliance with their cultural resource regulations, including the implementation of Programmatic Agreements, Memoranda of Agreement and Memoranda of Understanding.

As part of the review process, the WVSHPO may recommend archaeological investigations within a given project area or Area of Potential Effect (APE). The necessity for an archaeological investigation is based on the proximity of known archaeological sites within or near the project area, and the probability that archaeological sites might be found within a specific landform. Review of existing land conditions also contributes to this process of determination. If there is a moderate or high probability that archaeological sites may be found within a defined APE, then an archaeological investigation is recommended. The following guidelines have been developed to aid archaeologists in conducting such investigations in the State of West Virginia.

II. Professional Qualifications

All consultants currently conducting archaeological investigations in the State of West Virginia are included in an approved list of consultants. To be included in this list, consultants must meet a series of minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61. In order to be considered as Principal Investigator for archaeological investigations, a person must satisfy the following requirements:

MA/MS or Ph.D. in Archaeology or Anthropology
or closely related field ¹

plus

At least 1 year full-time professional experience or
equivalent specialized training in archaeological
administration or management.

plus

At least 4 months of supervised field and analytic
experience in general North American archaeology.

plus

Demonstrated ability to carry research to completion.

plus

At least one year of full-time experience
at a supervisory level in the study of
archaeological resources of the prehistoric
or historic periods.

_____ To request consideration for placement on the West Virginia State Historic Preservation Office consultants list, please submit current and detailed curriculum vitae for all principal investigators and field directors to the Senior Archaeologist at the West Virginia Division of Culture and History. Corporate or abbreviated vitae will not be accepted. All archaeological investigations must be conducted under the supervision of an archaeologist who meets the above

¹ What constitutes a closely related field will be established on a case-by-case basis. Persons without degrees in anthropology or archaeology must submit additional documentation to certify the extent of their archaeological background. This may include demonstration of the amount of graduate level coursework in archaeology that has been completed.

qualifications.

III. Archaeological Site File Searches

As of August 1, 1996, all consultants conducting archaeological investigations in review and compliance-related cultural resource inventory projects must conduct a literature review and site file search **prior** to initiating fieldwork. In the event of emergency situations, the conduct of a literature review prior to fieldwork may be waived. The consultant must still conduct the literature review after completion of fieldwork. The consultant must also bear in mind that additional archaeological investigations may be necessary following the literature review.

Literature reviews and site file searches must be conducted at the West Virginia Division of Culture and History/State Historic Preservation Office, located in the Cultural Center in Charleston, West Virginia. Consultants must contact the Survey Archaeologist and/or National Register Survey Coordinator at least 48 hours before scheduling a file search. This is necessary to ensure that appropriate WVSHPO staff are available to assist consultants. Office hours are Monday through Friday, 9 am to 12 pm and 1 pm to 4:30 pm. Walk-ins will not be permitted access to the files. The office is closed between 12 and 1 pm for lunch. There will be no exceptions.

All documents and site files must be removed and returned to the shelves by SHPO staff. Consultants will not be allowed access to these materials unless SHPO personnel are present. Documents may be copied upon approval of SHPO staff at a cost of \$0.25 per page. Copies will be free of charge to representatives of state and federal agencies, Historic Landmark Commissions, and Certified Local Governments.

In accordance with the Memorandum of Understanding between the West Virginia SHPO and the United States Forest Service - Monongahela National Forest, all consultants requesting information concerning archaeological sites on the National Forest property must contact the Forest Service Archaeologist in Elkins, West Virginia at 304/636-1800. This information will not be made available by the WVSHPO.

In order to monitor literature reviews and file searches, the WVSHPO has developed a form (see Appendix G) that **must** be filed with all technical reports generated for projects in compliance with Section 106 of NHPA. All file search requests will be assigned the individual WVSHPO File Reference (FR) number, if known. This form must be submitted by the Principal Investigator of each project as an appendix to each technical report. Failure to conduct the literature review and site file search, or to submit the form, will result in the rejection of the project report.

IV. Section 106 and Cultural Resource Investigations

Cultural Resource Investigations are conducted in stages commonly referred to as Phase I, II and III. A discussion of each phase follows.

Phase I Investigation

Phase I investigation consists of a combination of background research and fieldwork designed to identify resources and define site boundaries within a given project area or Area of Potential Effect (APE). During the Phase I investigation, the entirety of the project area must be studied. Locations not surveyed or only partially examined during a Phase I investigation will require additional work. For extensive projects, such as reservoirs or highway corridors, a sampling strategy (i.e. predictive model) may be employed at this stage **only** after consultation with the WVSHPO staff and with WVSHPO approval.

_____Phase I fieldwork consists of a number of methods including pedestrian survey, excavation of shovel test probes, remote sensing, and deep testing of appropriate landscapes. The use of specific field methods and techniques is dependent upon the type of ground cover present, the topographic setting, and the amount of observed disturbance in a given situation.

Phase II Investigation

Phase II archaeological investigation is conducted in order to test or evaluate an archaeological site's eligibility for inclusion in the National Register of Historic Places (NRHP). In order to facilitate the evaluation process, specific information should be recovered during a Phase II investigation. This information may include, but is not limited to: evaluating areas of moderate and high artifact densities, determining the vertical limits of the site, the presence of intact, sub-surface, and/or stratified deposits, site structure, and site formation processes. One of the more traditional and standard means of recovering this information is through the excavation of test units.

Following the completion of Phase II investigations, a consultant should be able to make a Determination of Eligibility (DOE) for all resources evaluated. The Criteria for Evaluation are outlined in the Department of Interior's regulations, 36 CFR Part 60: "National Register of Historic Places". Specific references to Criteria for Evaluation are found in 36 CFR 60.4. Additionally, the National Park Service has a series of publications regarding the evaluation of particular cultural resources, including archaeological sites, historic mining properties, and cemeteries (see Appendix A). Consultants should be aware that the determination of eligibility must also take into account "data gaps", or lapses in our understanding of area history and prehistory.

Phase II investigations consist of additional background research and fieldwork. Prior to the initiation of fieldwork, a detailed and concise scope of work must be submitted to WVSHPO for approval. The Phase II scope of work may be submitted as an appendix or addendum to the completed Phase I technical report. If, during the course of fieldwork, Phase II methods are

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found to be inadequate, the scope of work may be modified upon consultation with WVSHPO staff. In order to facilitate a DOE for an archaeological site, a member of WVSHPO staff may conduct an on-site evaluation to consult with the project sponsor and archaeological consultant.

_____Field investigations at the Phase II level are conducted to determine the horizontal and vertical limits of an archaeological site, and to retrieve spatial, temporal, and subsistence information about the site. Field investigations should be designed to retrieve the information necessary to determine the eligibility of a site without seriously impacting the contextual integrity of the resource. Therefore, a limited testing regimen should be developed upon consultation with the WVSHPO staff.

A number of field methods and techniques may be implemented during Phase II investigations. These include systematic, controlled surface collection, additional shovel tests, mechanical augering, hand-excavated test units, deep testing, mechanical removal of the plowzone, and use of remote sensing techniques.

Phase III Investigation

_____Once an archaeological site is determined to be eligible for inclusion in the National Register, the effect a project may have on the property must be assessed. Avoidance of the property results in a determination of no effect. If the property cannot be avoided, and if any damage or disruption of the resource will result from implementation of the project, a determination of adverse effect is made. Phase III investigation, also known as data recovery, is one response to such a determination. Data recovery efforts are undertaken to mitigate the adverse effect by recovering significant data or information prior to disturbance or destruction.

When Phase III investigations are necessary, the lead federal agency must submit a detailed data recovery plan to the WVSHPO for review and comment. If the Phase III is to be undertaken in completion of Section 106 responsibilities, the Advisory Council on Historic Preservation (ACHP) must also be contacted. Briefly, the data recovery plan must include an overview of previous investigations that were conducted for the archaeological resource(s). The data recovery plan must include a brief description of the Phase II finding and justification for the determination of eligibility, and should guide the level and effort of fieldwork to be conducted.

A number of field methods and techniques may be implemented during Phase III investigations, including hand excavated test units, deep testing, and mechanical removal of the plowzone and other sediments.

V. Background Research

Background research is a necessary component to fieldwork and allows the researcher to form a basic understanding of the environmental, geological and cultural history of the region and project area. Preliminary background searches also serve as the basis for developing archaeological and historical contexts for the region under study. A thorough knowledge of previously recorded cultural resources and environmental characteristics of a region or project area allows the researcher to formulate predictions for the types of archaeological sites that might be encountered during fieldwork. Through a synthesis of this information, strategies for conducting fieldwork may be developed and implemented.

Background research **must** be conducted prior to the initiation of any fieldwork for this to be successful. Documents available at the WVSHPO include United States Geological Survey (USGS) quadrangle maps containing the location of known archaeological sites and previously surveyed project areas, and corresponding archaeological site form files. WVSHPO also maintains a library of cultural resource management technical reports produced for Section 106 projects conducted in the state, as well as county-wide historical survey files, National Register Files and Coal Heritage Survey files. There are a number of other research facilities available for use including the West Virginia State Archives in Charleston, the Institute for the History of Technology and Industrial Archaeology and the Geological and Economic Survey at West Virginia University in Morgantown, and the Eastern Coal Fields Archives in Bluefield. The West Virginia Archeological Society maintains a substantial collection of documents at the South Charleston Library as well. Researchers should contact local historical societies, libraries and courthouses for project-specific information, and should examine artifact collections held privately or in museums when possible.

Prior to initiating Phase II fieldwork, the consultant must conduct additional background research concerning the environmental, archaeological and historical background of the region. The consultant should conduct limited, comparative research on a regional level to identify potential data gaps in the area. A research design should be developed to serve as a guide to fieldwork. The research design should formulate specific questions to be addressed during fieldwork. Research questions should facilitate the determination of eligibility for the resource.

During Phase III investigations, the background research should be inclusive and concentrate on those aspects stipulated in the research design. For historic sites, the background research should include extensive document searches from such sources as local histories, deeds, diaries, correspondence, and journals. Again, the research design should formulate specific questions that can be addressed during fieldwork. Potential research questions may include, but

are not limited to, the following:

- How does the site fit into known regional settlement patterns?
- How did its inhabitants exploit locally available plant, animal and mineral resources?
- What resources were available?
- What are the temporal and/or cultural affiliations of the site?
- What is the research potential of this site?

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VI. Field Methods

Pedestrian Survey

A pedestrian survey is conducted over the entirety of the project area in order to determine the locations of above-ground resources (i.e. cemeteries, rockshelters, petroglyphs, pictographs, earthworks and foundation remnants) and to determine the nature of physical and environmental aspects of the project area. This method is most useful in situations where slopes exceed 20%. Pedestrian survey transects shall be spaced at 10-15m intervals to ensure proper ground surveillance. As survey is conducted, photographs of the survey area should be taken, and any above ground resources should be mapped.

Plow Stripping

In project areas which have been previously cultivated, plow-stripping may be used in combination with shovel test probes. Plow-strips should be at least 2m wide and be placed at 15m intervals across the entirety of the project area.

Controlled Surface Collection

A systematic, controlled surface collection may be conducted in areas with surface visibility greater than 75% (100% visibility is preferred). Areas which have been previously cultivated may be disked and/or plowed to create greater surface exposure.

The controlled surface collection should be conducted within a metric, grid-coordinate system superimposed upon the area to be evaluated. Collection units may be 1x1 m, 2x2 m or 5x5 m on a side, but one unit size must be used consistently. All collection units and artifact concentrations must be placed on a map accompanying the technical report. Alternatively, the investigator may map the x, y and z coordinates for diagnostic and other artifact classes, and map artifact concentrations using a total station theodolite or other surveying instrument.

Surface collection should be conducted to define the horizontal limits of a site, to increase the sample size of artifacts (particularly temporally diagnostic artifacts) and to facilitate the identification of moderate and high artifact densities across the site. The identification of these areas should guide the placement of hand-excavated units.

Shovel Test Probes

When ground cover exceeds 25%, shovel test probes (STPs), must be used to locate cultural resources. Shovel tests are used to define areas of low, moderate and high artifact densities in order to guide the placement of excavation units. At a minimum, shovel test transects should:

a). adequately cover project corridors (e.g. follow a project centerline and both right-of-way limits for corridors); and

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b). be placed systematically on a metric grid or in transects on land parcels.

Shovel test transects should be placed at 10-15 m intervals over the entirety of the project area. Shovel test pits must be a minimum of .50 x .50 m in diameter and excavated into subsoil or at least 10 cm into archaeologically sterile sediments. All excavated soils must be passed through 1/4-inch mesh hardware cloth. Representative profiles and/or photographs of STPs, including Munsell descriptions, must be included in technical reports.

If an archaeological site is identified, a detailed plan map indicating the location of both positive and negative shovel test probes must accompany the report. For surveys with large APEs, the map should indicate locations where shovel testing occurred. These areas may be outlined with cross-hatching.

When slope gradients exceed 20%, the ground surface is flooded or waterlogged, or landscapes are extensively altered or disturbed, STPs will not be necessary. All areas not shovel tested must be fully documented by photographs and indicated on maps in the technical report.

When a positive STP occurs, subsequent shovel tests must be placed at 5 m intervals in all cardinal directions (radials) until two negative shovel tests in a row are encountered. Testing of positive radials is not necessary if site boundaries have been adequately defined through other methods.

When historic structures greater than 50 years of age are encountered, shovel tests must be placed around the perimeter of each structure in order to determine if historic archaeological deposits are present.

A distinction should be made between a *rock overhang* and *rockshelter*. A rock overhang is used to define absence of human occupation, while the term "rockshelter" is used when evidence of human occupation is identified. When rock overhangs are encountered during pedestrian survey, the floor should be inspected to determine the presence/absence of cultural materials. If cultural material is not evident on the floor, then a shovel test probe must be excavated to determine the presence of cultural materials.

Remote-Sensing Techniques

Remote-sensing techniques are non-invasive means of identifying archaeological sites. They may include (but are not limited to) aerial photography, metal-detecting, magnetometry, electrical resistivity, electromagnetic conductivity surveying, and ground-penetrating radar.

False-color infrared aerial photographs have been used to detect village patterns, earthworks, foundation remnants and mounds. The use of metal detectors has also been successful in identifying and examining archaeological sites, particularly historic and military sites. The use of a metal detector or any other remote sensing technique should supplement rather than replace shovel testing, and must be coordinated with WVSHPO staff.

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The implementation of remote-sensing methods should be conducted by persons versed in their use and interpretation. Not every project area and/or site has the potential to produce results worth the expenditure of time and funding to conduct remote sensing. Consult with WVSHPO staff prior to implementing any such methods.

Deep Testing

Deep testing is often necessary to determine if certain landscapes or topographic settings contain deeply buried archaeological deposits. Deep testing is also used to determine if deeply buried cultural deposits exist and to collect information on site structure and site formation processes. Appropriate landscapes include but are not limited to flood plains, terraces, and colluvial/alluvial fans.

During Phase I and II investigations, deep testing is conducted to determine the presence, absence, and nature of buried archaeological deposits. A variety of deep testing methods and techniques may be used, including backhoe trenching, hand-augering, truck-mounted borings to remove intact soil cores, and the examination of cut-bank profiles. The methods used depend upon the topographic setting, the size of the project area, and consultation with WVSHPO staff. Representative photographs and soil profiles, as well as detailed illustrations and descriptions of soil strata and composition, must be included in the technical report for any method chosen. Deep testing methods are used to supplement archaeological investigations, and are not a substitute for STPs or test units. The WVSHPO staff recommends that a professional geomorphologist be consulted during Phase II investigation to develop a geomorphological history and to define site formation processes within the project area. This information must be included in the final report.

The number and placement of backhoe trenches is dependent upon the landscape and should be determined in consultation with WVSHPO staff. Backhoe trenches should be excavated until Pleistocene or channel lag deposits are reached, if possible. Trenches should be excavated in such a way that soil strata may be examined, profiled, recorded, photographed and sampled safely. A complete and detailed profile of any trench must be included in the technical report, including the depth, length, and width of the trench. Additionally, the location of each backhoe trench must be mapped and included in the technical report. Photographs of profiles

must be taken with a photo board and vertical scale. The ground surface of the trench must be clearly visible in the photograph. It is the consultant's responsibility to ensure that all deep testing is performed in compliance with OSHA standards while attaining the necessary soils and resource information.

In order to correlate cultural and geomorphological data on landform and site formation processes, a .50 x .50 m test unit must be excavated along one wall of each backhoe trench. Units must be excavated in 10 cm arbitrary levels within artificial or natural soil strata. All excavated soils must be passed through a 1/4-inch mesh hardware cloth. Test units are not necessary for each backhoe trench, if soil columns are also being gathered.

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During Phase III investigations, deep testing is often conducted to facilitate and guide data recovery efforts. Identification of archaeological and geological strata in backhoe trenches can coordinate excavations of deeply buried deposits. Understanding the geomorphological development of the area is as significant as understanding the cultural development of the site. Again, the WVSHPO staff recommends that a professional geomorphologist be consulted.

Excavation Units

Phase II Investigations

During a Phase II investigation, the placement of excavation units should be based on data gathered during the Phase I. Excavation units should also be placed so that the optimum amount of information is gathered without destroying the integrity of the site. Excavation units should be placed within a grid-coordinate system to ensure continuity. Units must be hand-excavated and at least 1x1 m on a side. Units may also be 1x2 m, or 2x2 m, but the unit size that is selected must be used consistently. Hand-excavated units should be excavated in 10 cm arbitrary levels within cultural or natural soil stratigraphy. In situations where soil strata are compacted or difficult to discern, an investigator may also use 5 cm arbitrary levels. All units must be excavated at least two levels (20 cm) below cultural deposits. All excavated sediments must be passed through 1/4-inch mesh hardware cloth. Two contiguous walls of each test unit must be troweled, profiled and photographed.

If cultural features or stratified cultural deposits are encountered during testing, an appropriate sampling strategy must be used. A detailed discussion concerning feature excavation and sampling strategies is found in the sections on **Feature Identification** and **Sampling Procedures**.

Test units placed near standing structures or foundation remnants may be excavated in the English System of measurement in accordance with current and acceptable historic archaeological excavation techniques. If structures and foundations are not evident, however, excavations should follow metric excavation techniques.

When rockshelters are evaluated, excavation strategy should take into consideration the types of site formation processes that developed these resources. Rockshelters represent a delicate and fragile archaeological resource, and contain sensitive environmental information. Because of the nature of deposition found in rockshelters, cultural deposits may be quite shallow, and may contain multiple occupation levels. The number and placement of test units within a rockshelter is dependent upon the size of the shelter to be tested. If possible, rockshelter deposits should be excavated in 5 cm arbitrary levels within cultural or naturally deposited sediments. If 5 cm levels are not possible, the investigator may wish to increase vertical control by obtaining x, y and z coordinates for diagnostic artifacts. If activity loci are defined, this method of vertical control may be used for other artifact classes. All soils should be passed through hardware cloth with mesh no larger than 1/4-inch, although mesh as fine as 1/8-inch may be used if necessary. At least one test unit should be placed outside the drip line of the shelter. Appropriate excavation of features and sampling strategies should follow those outlined below.

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Phase III Investigations

During Phase III investigation, test units should be placed in order to optimize data recovery. Phase II investigations and the data recovery plan should guide the placement of test units at the site. For example, the use of block excavations may facilitate access to deeply buried archaeological deposits. Test units should be used where the use of heavy machinery (such as belly pan scrapers) would negatively impact archaeological deposits. The data recovery effort should include testing of both high and low density areas.

Mechanical Removal of Plowzone and Other Sediments

The mechanical removal of plowzone may be implemented only upon consultation and with the approval of WVSHPO staff, and should be stipulated in any scope of work or data recovery plan. Plowzone removal may be conducted in areas that were subject to previous cultivation practices and that exhibit a **definable** plowzone.

Plowzone removal may be used in previously cultivated areas to facilitate the identification of subsurface features. The degree of plowzone removal shall be determined by the intensity of the investigation effort. Plowzone removal during Phase II investigation should be as non-invasive as possible in order to protect the integrity of the site. Removal during data recovery efforts may be as extensive as necessary to identify subsurface features. It is also acceptable to mechanically remove sediments in order to reach buried archaeological deposits, if buried deposits are **known** to be overlain by culturally sterile soils (i.e. fill).

Phase II Investigations

Following the removal of plowzone, the area should be shovel-scraped or trowel-scraped to expose a clean surface for inspection and identification of subsurface features. A detailed

discussion on feature excavation and sampling strategies is found in the sections titled **Feature Identification** and **Sampling Procedures**.

Phase III Investigation

The mechanical removal of the plowzone may be implemented during Phase III investigations in areas that were subject to previous cultivation practices and that exhibit a **definable** plowzone. During Phase III investigations, plowzone removal may be conducted to expose large, contiguous areas of the surface in order to identify sub-plowzone features.

Feature Identification

Once a subsurface feature has been identified (e.g. postmold, hearth, storage/trash pit, etc.), its location must be mapped according to the site grid-coordinate system. Each feature must be mapped in planview and photographed. Once the planview has been drawn, one-half of the feature must be excavated in order to determine its content and stratigraphic profile. Features may be excavated in halves or quarters along its long axis. If internal stratigraphy is evident,

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features should be excavated in 5-10 cm levels within stratified deposits or depositional episodes. One-half of each feature must be profiled and photographed. All profiles should have a north arrow, scale and key. Once the feature has been completely excavated, the basin should be photographed. All photographs should be taken with a photo board, vertical scale and north arrow.

Sampling Procedures

During the course of Phase II and III excavations, appropriate samples must be taken to aid the investigator in gathering as much information about the archaeological site as possible. Samples gathered from test units and features should be removed below the plowzone level to reduce the risk of contamination. It is especially important to collect samples from enclosed environments such as rockshelters, the interiors of containers and vessels, and burials.

Collected samples should include charcoal (for radiocarbon dating and species identification), flotation, phytolith, pollen, and soil. Flotation samples should be at least 5-10 liters in size and taken from each level below plowzone. Flotation samples gathered from features may be up to 15 liters per excavated half, or the half itself may be taken for a flotation sample. If internal stratigraphy is evident within feature fill, then a flotation sample should be removed from each stratified deposit. The types of samples to be gathered depend upon a number of factors including preservation, funding and processing capabilities. Most samples must be processed and analyzed by specialists.

Recovery Methods

The methods of recovering archaeological materials should be guided by the Phase II workplan or the data recovery plan. Methodology becomes particularly important when attempting to retrieve information on subsistence or settlement patterns. For example, dry and wet screening methods are both acceptable. Wet-screening, however, is less destructive to botanical and faunal materials. The technique chosen also depends upon soil types and conditions. All excavated soils should be screened through 1/4-inch mesh hardware cloth, although 1/8-inch and 1/16-inch mesh hardware cloth is also acceptable if smaller artifacts or ecofacts are expected to be recovered.

VII. Recordation and Documentation of Archaeological Sites

An archaeological site may be defined as a locus of human activity that is manifested by the presence of artifacts. Examples of archaeological sites include isolated finds, petroglyphs, pictographs, rockshelters, village sites, cemeteries, prehistoric earthworks and mounds, historic earthworks and fortifications, farmsteads, industrial sites, foundations, and ephemeral scatters of prehistoric and historic debris.

When an archaeological site is identified, additional steps are necessary to determine its horizontal boundaries. During a pedestrian survey, site boundaries can be defined by reducing survey intervals between observation points (in a plowed field) or by implementing shovel test probes (in wooded or grassy areas). If a previously recorded site is known to be within an area it must be relocated and re-identified.

Proper recordation and documentation of historic or prehistoric archaeological sites requires representative photographs and/or profiles of STPs, and the placement of STPs on the site map. Representative photographs of identified sites must also accompany each site form and technical report.

A West Virginia Archaeological Site Form (see Appendix H) must be prepared for each identified site. A revised archaeological site form must be prepared for each relocated and re-identified site. A West Virginia Isolated Find Site Form (see Appendix I) must be completed for each isolated find, defined as a single artifact find. A West Virginia Cemetery Survey Form (see

Appendix J) must be prepared for each identified cemetery. If standing structures are identified within the boundaries of the project area, then a West Virginia Historic Property Form must be completed (see Appendix K).

Completed West Virginia Archaeological Site forms must include the following: a detailed site plan or sketch map (must include location of STPs), a USGS quadrangle map with site location noted, and representative photographs of the site. The USGS map must include a north arrow, scale, quad name, year and contour interval. Site sketch maps must include a north arrow and scale. The form should also include a discussion of artifact densities or percentages noted, as well as a discussion of all diagnostic artifacts recovered. If structural or foundation remnants are identified, a site plan or sketch map of each foundation must be included. Two copies of each site form must be submitted separately, one for the permanent site records and one as an appendix to the technical report. Site forms must be printed on acid-free paper. Incomplete forms will be returned for revision.

Permanent, trinomial site numbers will be assigned upon receipt of the **original** archaeological site form. Facsimile transmission of site forms is not acceptable. As stated in WVSHPO June 25, 1994 and March 23, 1998 letters, site numbers will **not** be assigned over the telephone. Archaeological site numbers will be assigned within three working days upon receipt of the form. Site numbers are not necessary for report submission.

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If a previously unrecorded site is identified during Phase II investigations, a West Virginia Archaeological Site Form must be prepared. An amended and revised archaeological site form should also be prepared for each site in which Phase II investigations have been completed. The form should include information concerning site size, archaeological components present, diagnostic artifacts recovered, and artifact density. The form should also include a map indicating the location of investigations and site boundaries.

VIII. Inclusion of West Virginia Historic Property Inventory Forms

When historic buildings or structures are located within the area of potential effect or project area, no archaeological report is complete without their identification and evaluation. Although report text may include a description of the resources, the West Virginia Historic Property Inventory Form (see Appendix K) must be completed. Original forms must be submitted separately, and copies may be included in the bound report. If Phase I archaeological results dictate additional research at the Phase II level, evaluation of the standing structure(s) according to National Register Criteria may be postponed until that time. If not, full evaluation of the structure(s) must be submitted with the completed Phase I report. Full evaluation includes, at minimum, the following:

1. Historic Context: an explanation of the relationship of the resource to its setting and historic use. Include dates within which the property was in use;
2. Deed Research: identification of date of construction and property ownership;
3. Oral History: information obtained from local informants regarding ownership, use and significance of the property;

4. Brief Description: information regarding the appearance of the structure and materials used in its construction; and
5. Statement of Significance: in relation to National Register Criteria.

The WV SHPO relies upon National Register (NR) Bulletins for further guidance regarding application of the Criteria of Eligibility. Notable among these are NR Bulletin No. 15 “How to Apply the National Register Criteria for Evaluation”, NR Bulletin No. 24 “Guidelines for Local Survey: A Basis for Preservation Planning”, and NR Bulletin No. 21 “Defining Boundaries for National Register Properties.” The WV SHPO encourages early consultation regarding historic properties, and can provide further guidance upon request.

IX. Recommendations

Phase I Investigation

If data generated during a Phase I investigation clearly document the absence of cultural resources, or if identified cultural resources do not meet the criteria for eligibility to the National Register of Historic Places, then a recommendation of no additional work is appropriate. WVSHPO staff will provide additional recommendations to the lead agency regarding the eligibility of the resource and whether additional investigations are necessary.

In order to reach this conclusion, reasons for the determination of ineligibility must be clearly stated. For example, an isolated find usually does not meet the minimum Criteria for inclusion in the National Register and will require no additional investigation. The recordation and documentation of such a site exhausts its research potential, therefore the project will have no effect on the site.

If the research potential for a particular site has not been exhausted at the Phase I level, further archaeological investigations may be necessary. A number of factors and questions may

be considered at this point, including site integrity, presence/absence of intact stratigraphic deposits, subsurface features and/or ecofactual materials, site location, and topographic setting.

If the eligibility of an archaeological resource cannot be determined upon completion of Phase I investigations, then avoidance or Phase II testing may be recommended. If avoidance is not a viable option, then Phase II investigations must proceed.

Phase II Investigation

At the close of Phase II investigation, the investigator must provide recommendations regarding the eligibility of the resource(s) for inclusion in the National Register of Historic Places. Following these recommendations, the federal agency responsible for the undertaking, in consultation with the WVSHPO, makes a final determination of eligibility. If the WVSHPO disagrees with the report's recommendations, or determines that the report is incomplete or insufficient, further Phase II investigations may be required in order to make an accurate determination.

If the resource is recommended to be not eligible for inclusion in the National Register of Historic Places, and the consulting parties concur, then no further archaeological investigations are considered necessary. Monitoring during construction activities may be recommended to ensure that a qualified archaeologist is on site in the event that archaeological deposits or features are discovered.

If the resource is recommended as eligible to the National Register and the consulting parties concur, the agency responsible must determine what effect the undertaking will have on the resource. In accordance with 36 CFR 800.5, the responsible agency must apply the Criteria of Effect. Once a resource has been determined to be eligible, two options may be exercised:

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- 1). Avoidance
or
- 2). Mitigation

If a resource can be avoided, then the undertaking will have no effect on the National Register eligibility of the resource (36 CFR 800.4(d) as defined in 800.16(i)). If avoidance is possible, stipulations must be established to ensure that the resource will not be harmed. Avoidance measures may require fencing or monitoring activities.

If avoidance is not an option, then the undertaking will have an adverse effect on the resource in accordance with 36 CFR 800.5(a)(1). A finding of adverse effect requires resolution under 36 CFR 800.6, including involvement of consulting parties and the Advisory Council on Historic Preservation. Consultation results in the development of a Memorandum of Agreement outlining the methods to be used in the resolution of the adverse effect.

Phase III data recovery is usually recommended in response to a determination of adverse effect. Once data recovery efforts have been recommended as a mitigative response, a detailed data recovery plan must be submitted for review and comment to the WVSHPO and the Advisory Council on Historic Preservation. The WVSHPO will respond with written comments within thirty days of receipt of the data recovery plan.

X. Determination of Eligibility

A number of factors must be considered in order to make eligibility recommendations. The investigator must be able to answer the following questions: Does the data recovered answer research questions posed in the scope of work? More importantly, does the site have the potential to address research questions not answered?

The quality of significance is of paramount importance in any determination of eligibility for inclusion in the National Register. There are four Criteria of Eligibility, and a resource must meet at least one of these to be considered eligible (NR Bulletin No. 15). Briefly, these Criteria are:

- A. Association with events that have made significant contributions to broad patterns

- of history;
- B. Association with the lives of persons significant to our past;
- C. Embodiment of distinctive and significant characteristics of a type, period or method of construction;
- D. Having yielded, or having the potential to yield, significant information important to prehistory or history.

Archaeological sites are most often determined eligible under Criterion D, but may qualify under any or all of the Criteria above. For instance, a Civil War battlefield site may be eligible under Criterion A for its association with a pivotal conflict. Archaeological properties may also be classified as individual sites or as historic or prehistoric districts (NR Bulletin No. 36). It is important to keep the overall context of the site in mind when presenting a determination of eligibility.

There are several variables to consider when making recommendations concerning the eligibility of an archaeological site. These include the following:

- 1). Integrity
- 2). Site Type
- 3). Temporal and Cultural Affiliation

Archaeological sites are complex and the variables noted above are interrelated. Generally, an archaeological site is not considered eligible on the merits of one variable alone. In addition to these variables, the researcher should be familiar with the literature covering the area under study. This includes a familiarity with the so-called "gray literature" found in preservation offices and universities. A discussion of each variable follows.

A. Integrity - The integrity of an archaeological site is one of the most important variables to consider when determining the eligibility of a resource. Integrity refers to the level of site preservation as well as to the quality of information recovered from that site. The site must possess relatively intact deposits, even if such deposits lie beneath a plowzone or

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other surface disturbance. As well, the site must provide spatially, temporally, and functionally diagnostic information (NR Bulletin No. 36).

B. Site Type - The type of site under investigation also contributes to the eligibility of a resource. It is important to consider the data that may be retrieved from a site and how that information may contribute to the understanding of similar site types in the state. Sites that address "data gaps", or areas where little or no documented archaeological research exists, are also potentially eligible. For example, little is known about historic grist mills in the western portion of the state, any information that can be gathered from such a site will contribute significantly to our knowledge of the archaeological record.

- C. Temporal or Cultural Affiliation - The age or temporal affiliation of a site is another important factor to consider. Some archaeological investigations have focused on sites from a specific temporal or cultural affiliation, to the exclusion of others. Again, sites that address such “data gaps” must be carefully considered.

XI. Data Recovery Plan

The data recovery plan must include an overview of previous investigations that were conducted for the archaeological resource(s) in question. The data recovery plan must include a brief description of the Phase II finding and justification for the determination of National Register eligibility. The plan must also discuss the research potential of the archaeological site(s) under study. The investigator must develop a research design that is tailored to the specific site type, and formulated to gain optimum information from the archaeological site. The development of research questions or topics may guide the research design. Research

questions may include such topics as placement of the site into regional subsistence and settlement patterns, or development of data regarding raw material procurement and trading networks.

A detailed discussion of field and laboratory methods should follow the introduction and research design. A field methods and technique section should discuss an excavation plan, including the size and number of test units and total square meters to be excavated. This section should indicate whether test units are to be excavated in arbitrary or natural levels, or arbitrary levels within natural or archaeological strata. It should also include unit level depth, in centimeters for prehistoric sites or inches for historic sites. As well, this section should discuss recovery techniques and what size hardware cloth mesh will be used. If large-scale mechanical stripping is to occur, the total area of exposure must be determined and included in this section.

The field methods section should also be concerned with the sampling strategy to be used. Because of the time and funding required, it is not always possible to excavate an entire site. In these instances, the site must be sampled in order to properly mitigate an adverse effect. Phase II investigations should be used to determine areas in which to concentrate data recovery efforts. This section must include the types of samples to be taken (e.g. radiocarbon, flotation, and soil), how they are to be recovered, and sample size. Methods for identification, excavation, and sampling of features must also be discussed.

A laboratory methods section should discuss the types of analysis to be used and how analysis is to be conducted. It should also discuss any special methods that may be used (e.g. residue or use-wear analysis, etc.). The data recovery plan should also contain discussion of the identification and treatment of human skeletal remains. In accordance with 36 CFR 79: "Curation of Federally Owned and Administered Archeological Collections", the data recovery plan must discuss the treatment and disposition of artifactual materials and associated documents.

Finally, the data recovery plan must include information about public access to data generated by the project. This may consist of setting up public displays or providing copies of reports to local public libraries, landmark commissions, historical societies or schools. Other means may include public lectures, videos, web sites, or traveling exhibits. The manner in which public access is provided should be developed in consultation with the sponsor and WVSHPO. Any revisions or amendments to the data recovery plan must be reviewed and approved by the WVSHPO and the ACHP prior to commencement of work.

XII. Report Format

Cultural resource reports for different stages of project development should adequately reflect the level of investigation completed. The following format outline is intended to serve as a guide to the types of information that should be included in each report. Certain sections may not be applicable to Phase I or Phase II investigations. The Society for American Archaeology

style guides should be used in preparing any report. Two copies of the report, one with original photographs and on acid-free paper, must be submitted to WVSHPO for review and comment.

During Phase I, II and III investigations, expedient review is often necessary in order to accommodate various state and federal agency project schedules. To facilitate these reviews, WVSHPO has (on a case by case basis) agreed to accept variations to technical reports, including Management Summaries, Addendum Reports and Letter Reports. For projects where no cultural resources or isolated finds are identified, Abbreviated Reports are acceptable. The formats for Management Summaries, Addendum Reports and Abbreviated Reports are found below. The numbers and letters referenced are defined in the Standard Technical Report Format.

Management Summaries

In order to expedite the review of a project, Management Summaries are acceptable with the understanding that a completed Phase I or Phase II report is still required. At the minimum a Management Summary should include:

- Title Page
- Introduction, 3 a-c (Standard Technical Report Format)
- Environmental Setting, 4 d
- Field Techniques, 7
- Results/Inventory of Resources, 9 a (1,2,4,5,6); and b (1,3,4,5,7)
- Composite Assemblage, 10 c
- Recommendations
- Conclusions
- References Cited
- Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

Addendum Reports

If Phase I investigations are an extension or amendment to a previously submitted and reviewed project, an Addendum to the existing report may be prepared in lieu of a standard Phase I report and should include:

- Title Page
- Introduction, 3 a-c
- Environmental Setting, 4 d
- Field Techniques, 7

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- Results/Inventory of Resources, 9 a (1,2,4,5,6); and b (1,3,4,5,7)
- Composite Assemblage, 10 c
- Recommendations

Conclusions
References Cited
Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

Abbreviated Technical Reports

If no cultural resources have been identified during a Phase I Investigation, an Abbreviated Technical Report is acceptable for submission and must include:

Title Page
Introduction, 3 a-c
Environmental Setting, 4 c-d
Field Techniques, 7 a-c, and h
Results 9 a (1-5)
Recommendations
Conclusions
References Cited
Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

Standard Technical Report (Phase I, II and III Investigations)

1. Title Page:

- a. Title of report including name and location of project;
- b. Author(s);
- c. Principal Investigator(s), affiliation, address, phone number and signature (mandatory);
- d. Name, address and phone number of client;
- e. Lead state/federal agency and contract/permit number(s);
- f. Date of report; and
- g. WVSHPO-assigned FR number, if known (should be placed in upper right hand corner of report to facilitate tracking).

2. **Abstract/Management Summary:** Should not exceed two pages, and should include:
 - a. Brief description of the project and purpose of investigation; and
 - b. Precise summation of report's findings, conclusions and recommendations.
3. **Introduction:** Discuss the purpose of the project, results and possible impacts to archaeological sites, including the following information:
 - a. Project sponsor, permit/contract numbers and include statutory regulations under which project is being conducted;
 - b. Detailed description of project area or area of potential effect (APE), specific project location (including county, town, or township), number of acres surveyed, reason for conducting project, how project areas were investigated, and potential impact on cultural resources. Locate the project area geographically on a state or county map, and include the project area on a 7.5' USGS quadrangle. Include the name and date of the USGS map. Construction or project planning maps may also be included. Each map must include a north arrow and key;
 - c. Dates of the investigation and personnel involved in the project; and
 - d. Disposition of field notes, artifacts and other materials.
4. **Environmental Setting:** This should be a detailed description of the project area environment, focusing on its resource utilization potential and factors affecting the preservation of archaeological sites. This should include past and present disturbances within the project area. This section should also discuss the ecological methods and techniques used to model past environments. At a minimum the following information should be included:
 - a. Physiographic province and local features of the landscape, including discussions of drainage, soils, hydrology, geomorphology, and geology;
 - b. Regional/local Pleistocene and Holocene environmental overview (if appropriate);
 - c. Modern environmental setting (historic environment and land use patterns, etc); and
 - d. Current land use pattern in project area.
5. **Previous Archaeological Investigations and Background Overview:** This section should include a statement that a site file search has been conducted at WVSHPO. An overview of previous archaeological investigations should include the names of investigators, institutions, dates of work, research purposes, methods, and results. A USGS 7.5' map indicating the locations of previously recorded archaeological sites

within a one mile radius must be included. Other information to be included:

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- a. Location and nature of any publications, manuscripts, field notes and collected materials;
 - b. Informants and their addresses;
 - c. Listing of all known resources located within a one-mile radius of the project area, including all National Register properties and historic properties within and adjacent to a project area. (All previously identified archaeological sites and historic properties must be located on the appropriate USGS 7.5' quadrangle map, including the current project area); and
 - d. Concise synopsis of the prehistoric and historic cultural record for the project area and the surrounding region.
6. **Research Design:** Include a discussion on the expected archaeological potential for the project area and research objectives. This section should focus on the relation of the investigations to state, regional, and national archaeological, architectural and historical studies. Discuss the hypotheses and implications to be tested, including techniques (field and laboratory) used to test implications. Include discussions on the limitations of the research design.
7. **Field Techniques:** This section should be presented so that reviewers and future researchers may reconstruct what was done and why. Present a detailed discussion and evaluation of field techniques employed, including types of information collected, sampling techniques, artifact retrieval, and provenience recording measures. Include the following information:
- a. Field maps (should include locations of all areas investigated, including pedestrian and subsurface surveys);
 - b. Surface-survey techniques: Describe and justify in detail techniques used in the project area and on specific sites. Document surface conditions, survey intervals, and collection methods;
 - c. Subsurface techniques: Document shovel test and other subsurface methods used, including STP intervals and dimensions, and recovery methods used;
 - d. Remote-sensing techniques: Describe and evaluate;
 - e. Test units: Describe test units, discussing size, depth, types of levels used and screen mesh size. Specific information about individual units should be discussed in the

results section;

f. Backhoe trenches: Describe backhoe trenches, methods used, discussing length, width depth and location. Specific information about individual backhoe trenches should be discussed in the results section;

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g. Features: Describe methods used to excavate features. Specific information about individual features should be discussed in the results section; and

h. Note all constraints on the investigation (e.g. limited access, poor visibility, landowner restrictions and weather conditions).

8. **Laboratory Methods and Artifact Curation:** This section should involve a detailed discussion of laboratory methods used to analyze and curate artifacts, and should include the following:

a. Describe classificatory or typological schemes used in artifact description and analysis. Give rationale for selection;

b. Discuss all metric and non-metric techniques used to process and analyze artifacts and other archaeological materials;

c. Note means of chronological determination for artifact assemblages (e.g. relative or radiometric);

d. Describe any specialized samples that were recovered and how they were processed and analyzed (e.g. flotation, radiocarbon, faunal, botanical, pollen, soils, residue analysis, lithics, ceramics or skeletal remains). Discuss size of samples taken; and

e. Include information regarding the future location of the curated artifacts and documents.

9. **Results/Inventory of Resources:**

a. Results: Discuss the results of fieldwork, including surface and subsurface investigations.

1. Maps should include the location of all STPs, auger probes, backhoe trenches, collection blocks, test units and features. All maps must include a north arrow scale, and legend;

2. Representative profiles of STPs, auger probes, backhoe trenches, and test units

must be in the report. All profiles must include a scale and legend;

feature
are
quality
preferred, but color

3. Representative photographs of the project area, excavation unit profiles, profiles, and backhoe trenches must be included. Photographs must have a photo board, scale, and legend. Photographs of backhoe trenches must include a vertical scale. All captions must include the direction from which photos taken. Original photographs, halftones or their equivalents, and high-scanned images are acceptable. Black-and-white photos are preferred, but color are also acceptable;

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4. Describe the number of STPs, test units, auger probes, and backhoe trenches excavated. Discuss the total area excavated in square meters. If large areas were exposed through plowzone removal, indicate the amount of area in square meters;
5. Describe soils identified in STPs, test units and backhoe trenches, including texture, composition, and Munsell. Include a discussion on geomorphology and site formation processes. Discuss depth or limits of cultural deposits at site;
6. Indicate the depths at which artifacts were encountered within STPs and their overall density across the site;
7. Include planview and profile drawings of identified features with the appropriate scale and legend. Discuss and describe identified feature types (e.g. postmolds, hearths, basin-shaped pits, etc.). Information on length, width, and depth may be presented in table format;
8. Artifact densities per unit and unit level should be presented, as well as distribution of artifact types per unit and unit level. Unit and feature descriptions should include total artifacts and artifact types recovered;
9. Discuss comparisons in the variability between test unit and feature artifact frequencies across the site; and
10. Discuss the occupational history of the site.

b. Inventory of Resources: Discuss all of the cultural resources (i.e. archaeological and architectural) identified during the investigation. Clear, concise descriptions of the resource should include:

1. Maps: Include the location of all identified sites on USGS quadrangle. Sketch or site maps should include the location of all positive/negative STPs, as well as foundations, structures, earthworks, and gravestones;

2. Photographs: Include representative photographs of all resources identified;
3. Site number;
4. Site size and boundaries;
5. Site location, including verbal location description and UTM Coordinates;
6. Site setting, including landform, elevation, soils, and nearest water source;

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- collection,
artifacts
7. Discussion and description of artifacts recovered from STPs, surface test units and backhoe trenches. Discuss the number and types of artifacts recovered from each site, including the overall artifact density across the site; and
 8. For historic sites include a discussion on archival research conducted for the site. Include chain of title, deeds, manifests and other inventories.

10. **Composite Assemblage:** This section should present the results of artifact and sample analysis, including:
 - a. Definitions of analytical units used (e.g. used flake, shatter, biface, projectile point);
 - b. Metric observations on artifacts recovered (i.e. length, width, thickness, weight, etc);
 - c. Complete inventory of all artifacts and other materials recovered from field investigations with appropriate provenience information;
 - d. Photographs and/or drawings of representative artifact types and diagnostic artifacts, including key and scale;
 - e. Description and discussion of specialized analysis conducted (e.g. faunal and botanical);
 - f. If variable densities are noted (e.g. define activity areas), discuss the variation in artifact types recovered at the site from one area to the next;
 - g. If multiple occupations or components are identified; discuss variability in artifact density and types among and between components; and
 - h. Discuss intersite variability, comparing the artifact assemblage between site and

similar sites in the region.

11. **Evaluation of Research:** Discuss and evaluate research goals and questions addressed in the research design, including:

- a. Data reliability;
- b. Relation of analysis to stated goals;
- c. Synthesis and comparison of analytical results;
- d. Integration of ancillary data;

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e. Identification and discussion of the data in terms of regional and local history and prehistory; and

f. Address future research questions.

12. **Recommendations:** This section must be a concise statement concerning the eligibility of identified resource(s). Information must contain adequate information so that proper management decisions can be made. The following recommendations may be made:

A. No cultural resources present - no additional work (Abbreviated Report is acceptable)

B. Cultural resources present:

1. Resource is not eligible to the National Register - No Effect determination

2. Eligibility of resource is indeterminable - Phase II testing recommended

3. Resource is considered eligible to the National Register and project will have Adverse Effect:

- a. Develop Memorandum of Agreement, stipulating mitigative measures; and
- b. Develop data recovery plan to be implemented

4. Resource is considered eligible to the National Register and project will have no effect, through:

- a. Avoidance; or
- b. Preservation in Place

13. **Conclusions:** Succinct summation of project, findings, recommendations and effect determination.
14. **References Cited/Bibliography:** Must conform to the following Society for American Archaeology guidelines: **Editorial Policy, Information For Authors, And Style Guide For American Antiquity and Latin American Antiquity**, revised August 1996.
15. **Appendices**
 - a. Project correspondence;
 - b. Full reports on ancillary studies (may be placed within main body of report);
 - c. Artifact inventories;
 - d. Site forms (must also be submitted separately);
 - e. Current curriculum vitae of principal investigators and field directors; and
 - f. Signed copy of Cultural Resources Files and Library User Registration and Research Record Form.

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Appendix A - Reference Materials



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: January 22, 2026
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 November 4, 2025 Planning Commission meeting, Planning Commission voted to recommend the Rural Residential Zoning District text amendment to County Commission and found the text amendment consistent with the Comprehensive Plan update. At the November 20, 2025 County Commission meeting, County Commission scheduled the required Public Hearing for January 22nd.

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.

The proposed Rural Residential district also 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.

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.

Attachments

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.

Table 21.105 Parkland Requirements for R-LI-C, RR & RG Districts and Cluster 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 <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 ~~Reserved~~²³ 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.

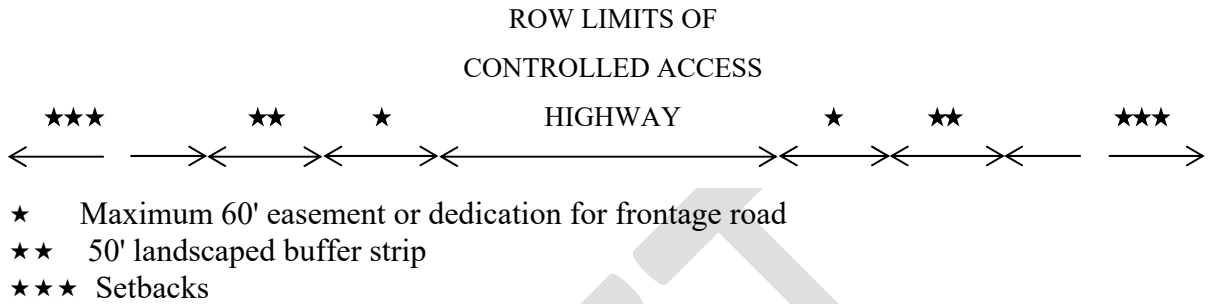
Section 6.3 Conditional Use Permit³²

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.

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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		
	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	"	"	"	"	"		
	<u>Triplex, Quadplex, Townhouse Dwelling</u> ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12	N/A	N/A
		30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	‡	12		
Under 30,000 sq. ft.		N/A	N/A	N/A	40	20	8	‡	12			
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12		
Cluster Subdivision	See RG District											
Rural Residential (RR)	<u>Single-Family Detached Dwelling</u>	<u>Public/Central water and sewer</u>	<u>10,000</u>	<u>N/A</u>	<u>N/A</u>	<u>25</u>	<u>25</u>	<u>12</u>	‡	<u>20</u>	<u>N/A</u>	<u>N/A</u>
		<u>Public/Central water or sewer</u>	<u>20,000</u>	<u>N/A</u>	<u>N/A</u>	"	"	"	‡	"	<u>N/A</u>	<u>N/A</u>
		<u>No Public/Central water or sewer</u>	<u>40,000</u>	<u>N/A</u>	<u>N/A</u>	"	"	"	‡	"	<u>N/A</u>	<u>N/A</u>
	<u>Duplex, Triplex, Quadplex Dwelling Units</u>	<u>Public/Central water and sewer</u>	<u>7,000</u> ⁴²	<u>N/A</u>	<u>N/A</u>	<u>25</u>	<u>25</u>	<u>12**</u>	‡	<u>20</u>	<u>N/A</u>	<u>N/A</u>
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."

Ω 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		See IC District for commercial sites			N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100		See IC District for commercial sites			N/A	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	See IC District for commercial or industrial use; Otherwise, N/A			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 [Ⓞ]	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 [Ⓞ]									
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).														

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

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

* Maximum building height is subject to Sec. 9.2.

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

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

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

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

‡ Setback may be reduced if adjacent to industrial use.

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

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

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

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

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

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	<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.



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MEMORANDUM

TO: Jefferson County Planning Commission
FROM: Luke Seigfried, Chief County Planner
DATE: January 22, 2026
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 alongside the proposed Residential Commercial District (File # STA25-04 & ZTA 25-04). The following proposal is for an update to the Office Commercial portion of the Zoning Ordinance.

Sections of Zoning Ordinance to Amend

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

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 about 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	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial													
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

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.



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MEMORANDUM

TO: Jefferson County Planning Commission
FROM: Luke Seigfried, Chief County Planner
DATE: January 22, 2026
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. At the November 4, 2025 Planning Commission meeting, Planning Commission voted to recommend the Residential Commercial Zoning District text amendment to County Commission and found the text amendment consistent with the Comprehensive Plan update. At the November 20, 2025 County Commission meeting, County Commission scheduled the required Public Hearing for January 22nd. 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

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 permissible 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>
- 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 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.

A minimum of 25% of the total tract area shall be composed of commercial uses.

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				
	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 ^⓪	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		
											Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear	
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial [‡]	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 ^⓪	See I-C District		25	See IC District						
Residential Commercial (RC)	Commercial	N/A	N/A	45	70%	15 min 25 max	10 [£]	10 ^⓪	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 ^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.

⓪ 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

⓪ 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.



MEMO

TO: Jefferson County Commission

FROM: Jefferson County Historic Landmarks Commission

DATE: January 12, 2026

RE: Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations.

At its April 29, 2025 meeting, the Planning Commission proposed revisions to the Subdivision Regulations to further elaborate on criteria related to Historical Resource Protection. On May 13, 2025, County Staff submitted a proposed amendment to the Planning Commission. The Historic Landmarks Commission finds that the proposed amendment does not provide sufficient clarification and would remove existing protections for historic resources. Accordingly, the Historic Landmarks Commission proposes the alternative amendment changes outlined below.

Note that Subdivision & Land Development Regulations currently states “(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The ~~Staff Department~~ shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the ~~Staff Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.



1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.⁶
5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning,



phasing, and development option selected if the development is residential.

12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
 13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
 14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
 15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
 16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.
- Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next



regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

“Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.



7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Historic Resource Preservation.** Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.⁴
13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
16. **Additional Information.** The Department shall:
 - a. Review and approve all matters under its jurisdiction.
 - b. Issue a zoning compliance letter.



c. Certify that all proffers have been satisfied.

C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Division 26.200 Definitions of Terms

Phase IA Archaeological Study. A non-invasive research phase designed to identify archaeological sensitivity across the entire parent parcel through archival research, documentary review, WV State Historic Preservation Office (SHPO) site file searches, environmental and cultural context analysis, and predictive modeling, prepared in accordance with WV SHPO Guidelines and performed by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).

Phase IB Archaeological Field Survey. A field investigation phase following Phase IA that includes systematic pedestrian survey and subsurface shovel test pit investigations conducted in accordance with WV SHPO Guidelines to identify, evaluate, and document archaeological resources across the proposed area of development.



TO: Jefferson County Commission
FROM: Jefferson County Historic Landmarks Commission
RE: Justification for Alternative Archaeological Survey Text Amendment
DATE: 1/12/2026

Purpose:

The Historic Landmarks Commission (HLC) submits this memorandum in support of its alternative text amendment to Sections 24.133(B)(10) and 24.122(B)(10) of the Subdivision and Land Development Regulations. This alternative language restores archaeological review requirements to professional, state-accepted standards and corrects deficiencies in the staff-proposed amendment that would substantially weaken the protection of historic and archaeological resources in Jefferson County.

Background:

Jefferson County has long required Phase I archaeological investigations for major subdivisions, intended to identify and protect archaeological resources prior to ground disturbance. The staff-proposed amendment, however, narrows this requirement by explicitly stating that subsurface testing is not required. This approach departs from established professional standards and from the West Virginia State Historic Preservation Office (WV SHPO) Guidelines, which define Phase I investigations as including both background research and field testing where appropriate.

Under the staff-proposed language, applicants could satisfy the County's archaeological requirement through limited records review and surface inspection alone. Such an approach cannot reliably identify buried archaeological resources, which are common in Jefferson County's river valleys, floodplains, and historic settlement areas. Without subsurface testing, significant archaeological resources could be permanently destroyed before they are documented.

Need for the Alternative Amendment:

The HLC's alternative amendment restores archaeology requirements consistent with accepted professional practice and WV SHPO guidance:

- It distinguishes between a Phase IA research and sensitivity study and a Phase IB field survey.
- It requires systematic subsurface shovel testing for all major subdivisions and major site plans.
- It requires all work to be conducted by qualified professionals meeting the Secretary of the Interior's Standards (36 CFR Part 61).
- It preserves the Planning Commission's authority to require additional Phase II or Phase III investigations where warranted.

These provisions are not new or excessive; they reflect the minimum professional standards already used by WV SHPO, federal agencies, and neighboring counties, notably Loudon County, to ensure credible and defensible archaeological review.

Proposed Review Mechanism:

Concerns have been raised by the Planning and Zoning Office regarding the absence of a subject matter expert within staff and the lack of a permanent HLC employee to monitor compliance with archaeological regulations. To address this, all Phase I surveys would be submitted to the HLC in the same manner as Concept Plans, allowing the Commission to provide affirmative or negative comments within a specified timeframe. If no response is provided within that period, it would be understood as passive approval. This review mechanism is already successfully employed for new Concept Plans and major site plans and is entirely appropriate to ensure effective and timely oversight of archaeological compliance while maintaining consistency with existing County review procedures.

Conclusion:

The Historic Landmarks Commission respectfully recommends adoption of the alternative text amendment. It preserves Jefferson County's historic and archaeological resources, aligns County regulations with WV SHPO and federal standards, and ensures that development proceeds in an informed and responsible manner.

Harpers Ferry/ Bolivar PSD
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HARPERS FERRY, WEST VIRGINIA 25425
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THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE NOVEMBER MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON NOVEMBER 13th, 2025.

The meeting was called to order at 7:41 a.m.

Those in attendance were:

Mike Lowrey-Secretary Term 6/30/2027
Helen Dettmer-Treasurer Term 6/30/2030

Eddy Tennant-Operations Supervisor

Meeting open to public comment:

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve meeting agenda, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the October minutes, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the October revenue checking account financial statement, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the October security deposits financial statement, approved.

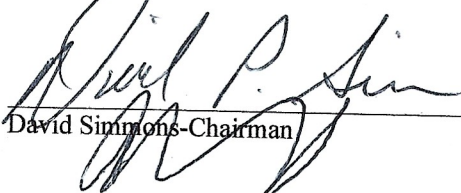
Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the October working capital reserve account, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the October capital replacement account, approved.

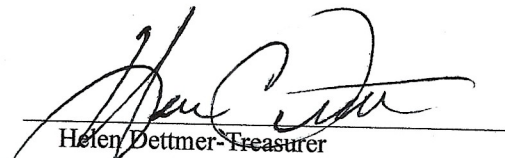
Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve transferring as determined from the revenue checking account over to the working capital reserve account, approved.

Discussion on water meters reading 0 to 500 gallons usage per month causing revenue problems for the PSD. Staff to compose a letter to the HFWW. Mr. Tennant to attend the Harpers Ferry Water Board meeting this month.

The meeting was adjourned at 8:10 a.m.



David Simmons-Chairman



Helen Dettmer-Treasurer

Mike Lowrey-Secretary