

AGENDA
JEFFERSON COUNTY PLANNING COMMISSION
APRIL 10, 2012

Planning Commission meetings are located in the Old Charles Town Library meeting room at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 PM

1. Approval of the minutes for the March 13, 2012 meeting.
2. Citizen Communications.
3. Request for postponement.
4. Presentation by Roger Goodwin and Becky Burns regarding an Overview of the Engineering Department and the Jefferson County Bonding Policy.
5. Final Plat Public Hearing for the Breckenridge East Subdivision. The property is to consist of 9 single-family lots and 1 residue lot on 74.895 acres. The property is located on the east side of Route 24 (Country Club Road) approximately 1 mile north of its intersection with Route 340. The owner of the property is B.C. Partners, Inc. This property is designated as Tax District: Harpers Ferry, Map: 10, Parcels: 2, 3 and 10.
6. Public Hearing regarding Proposed Additional Commercial and Industrial Zoning Categories and related amendments to the Jefferson County Zoning and Land Development Ordinance.
7. Discussion and scheduling of public hearing for the US 340 Gateway Plan.
8. Reports from Legal Counsel and legal advice to PC.
Active Litigation:
 - Far Away Farms
 - Cedar Meadows Airpark
9. Director's Report.
10. County Commission Liaison Report.
11. Planning Commission Exchange.
 - Report from the Health Department Meeting Liaison.
 - Report from the Public Service District Meeting Liaison.
 - Report from the Parks and Recreation Meeting Liaison.
 - Report from the Jefferson County Development Authority Meeting Liaison.
 - Report from the Water Advisory Committee Meeting Liaison.
12. President's Report.

AGENDA
JEFFERSON COUNTY PLANNING COMMISSION
APRIL 10, 2012
PAGE 2 OF 2

13. Actionable Correspondence.

14. Non-Actionable Correspondence.

The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address is planningdepartment@jeffersoncountywv.org and our website is www.jeffersoncountywv.org.

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes and video recordings of past meetings, Subdivision Regulations, Zoning Ordinance, and the Comprehensive Plan can be found on the website. The office has a file on each project as well as aerial photos of the county. Minutes and audio recordings of older meetings not on the website are available for review in the office.

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
MARCH 13, 2012

The Jefferson County Planning Commission met on Tuesday, March 13, 2012 with the following Commission members present: Paul Taylor, President; Kelly Baty, Ed Burns, Morgan Etters, Gene Taylor, Arnie Dailey and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; Stephan Groh, Assistant Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Daniel Hayes was absent with notification.
Mr. Eric Smith was absent without notification.

Mr. P. Taylor called the meeting to order at 7:04 PM.

Mr. P. Taylor recognized Mr. Arnie Dailey for his 15 years of service on the Planning Commission and presented Mr. Dailey with a plaque. Mr. P. Taylor also recognized Mr. Burns for his assistance in organizing the video recording and sound for this night's meeting.

1. Approval of the minutes for the February 14, 2012 meeting.

Mr. Baty stated that page 4, under Item #5, where he is quoted, did not accurately reflect his intent. Mr Baty explained that the Planning Commission requested that staff propose possible additional zoning categories after recently holding public hearings on rezoning requests that met public resistance due to the broad range of permitted uses in the current zoning categories. While some of these requests were approved by the County Commission, there continued to be concern regarding the wide variety of potential uses that each of the existing categories permits. Narrower non-residential zoning categories may permit appropriate uses in appropriate locations with less negative impact on neighboring properties.

Mr. Burns moved to approved the minutes of the February 14, 2012 Planning Commission meeting as amended by Mr. Baty. Mr. G. Taylor seconded the motion which carried 6 for and 1 abstention (Ms. Etters).

2. Citizens Communication. None.

3. Request for postponement. None.

4. Tabled from the 02-14-2012 meeting: Request by THZ Enterprises, LLC for a waiver from the Subdivision Regulations Section 8.2.a to allow for a 20' road width for Canal Way instead of the required 24'. This property is located off of Route 45 east of Potomac Farms Drive and is designated as Tax District: Shepherdstown, Map: 8, Parcel: 15.

Mr. Rivard reviewed the events of the last meeting. He reminded the Planning Commission that it was determined at the February 14, 2012 meeting that a certified letter was to be mailed to the Homeowner's Association (HOA) and to the Property Management Company

requesting their agreement with the waiver request. He reported that a letter of support from the Homeowner's Association had been received by the department.

Mr. John Thomas, with THZ Enterprises, LLC, was present for questions.

Mr. P. Taylor opened the public hearing. There was no public comment. Mr. P. Taylor closed the public hearing.

Mr. Burns moved to approve the waiver due to the letter of support received from the HOA. Mr. Pellish seconded the motion which carried unanimously.

5. **Presentation of a petition by Gene Capriotti for a zoning map amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days. This property is currently zoned Residential Growth and the applicant is requesting Residential/Light Industrial/Commercial zoning. This property is located on the south side of Route 340 (William L. Wilson Freeway) and on the east side of Route 27/2 (Allstadt's Hill Road). District: Harpers Ferry, Map: 9, Parcel: 58.**

Ms. Brockman, on behalf of the applicant, requested that the Planning Commission schedule a public hearing to discuss the rezoning of this property. She stated that, due to the advertising requirements, the Planning Commission would need to have a special called meeting on April 24, 2012. Mr. P. Taylor called a special meeting for April 24, 2012.

Mr. Baty moved to hold the public hearing on April 24, 2012. Mr. Burns seconded the motion which carried unanimously.

6. **Request by Judy Hockman and Brian Bircher (Black Dog Coffee) for a waiver from the Subdivision Regulations Appendix B, Section 2.5 requiring off-street parking to be paved. This property is located at the corner of Route 9 and Wiltshire Road and is designated as Tax District: Charles Town, Map: 1, Parcel: 14.**

Mr. Rivard explained the waiver request and the location of the property. He read from his staff report and recommended denial since the intensity of the operation may be significant and paving the parking lot would not be unreasonable and would provide a better quality project. He reported that, whether or not the waiver is granted, the applicant would be required to pave at least one parking space in accordance with the Americans with Disabilities Act. Mr. Rivard asked that, if the Planning Commission were inclined to grant the waiver, the approval be limited to the current user of the property and not for future uses.

Mr. Saunders read from his staff report and recommended approval of the waiver since the property is of a rural nature and the site has existed for over 20 years. He further noted that his recommendation would be contingent upon the applicant demonstrating that 9 inches of stone exists or would be added to achieve 9 inches of thickness.

Ms. Brockman reported that numerous e-mails of support were received by the department prior to the meeting.

Ms. Judy Hockman, owner of Twin Ridge Orchards and the Bardane Market, provided staff with 20 additional letters of support. She explained the history of the property detailing past 20 years of operations and the stalled negotiations with the Jefferson County Development Authority in 2009/2010. She described the proposed use by Black Dog Coffee. Ms. Hockman stated that the interruption of business at the site was not self-imposed and she feels that the grandfathering of the property should not have been lost.

Mr. Brian Bircher, owner of Black Dog Coffee, explained the history of his business and the need for expansion to this property.

Ms. Hockman added that the condition to require 9 inches of gravel is unreasonable. She stated that she feels that the parking lot as it exists is well constructed and compacted. She also requested that the waiver be granted for future uses and not just confined to this user.

Mr. Saunders clarified that the condition of 9 inches of gravel included what already exists on the parking lot.

Mr. P. Taylor opened the public hearing.

Nance Briscoe, county resident and Bardane Market patron, spoke in support of the waiver.

Mr. John Maxey, resident of Harpers Ferry, also spoke in support of this request stating that he believes that a waiver should not be required. He stated that the use had not been abandoned since negotiations with the Jefferson County Development Authority were pending. He commented that the applicant should not be penalized for time lost due to those negotiations.

Mr. Dave Hardy, area resident, also spoke in support of the waiver and stated that the parking lot seems fine.

Mr. P. Taylor closed the public hearing.

Mr. Burns moved to approve the waiver with the exception that at least one handicapped parking space be provided. Mr. Pellish seconded the motion which carried unanimously.

7. Public Workshop Regarding Recreational Uses/Potential Zoning Amendments.

Mr. Barney explained the purpose of the proposed amendments and stated that staff is not recommending any new zoning districts, zoning overlays, or the rezoning of any property with these amendments. He commented that the staff has heard concerns of river access issues in relation to impact on residential areas and that some land uses would be more appropriate in a public park area. He also reported that staff heard support for tourism, trails and bike paths, and health improving activities.

Mr. Barney described each proposed category in detail. Those categories were: Rural Recreational Uses, Seasonal Uses, Agricultural Tourism, Hunting, Shooting and Fishing

Clubs; Shooting Ranges, and Site Standards for Campgrounds. Mr. Barney stated that the goal would be for staff to draft ordinance language and to hold a public hearing in May for recommendation to the County Commission.

Mr. P. Taylor opened the public hearing requesting that comments be kept brief and that there be no personal attacks on individual business owners or individual businesses.

Mr. J. Michael Cassell, representing the Shorekeepers of Jefferson County, asked that the Planning Commission and Planning Staff to recognize the need for the Conditional Use Permit process to continue. He stated that he feels that the recreational uses being discussed have the potential for a significant site impact. He spoke in support of the LESA scoring system and stated that a guideline within LESA should be created for these uses. He commented that the soils and amenities assessment should be kept as a requirement. He requested that staff meet with him and the Shorekeepers to discuss specific site standards for campgrounds and impact on neighborhoods. Mr. Cassell again expressed the importance of the LESA site standards. He commented that the Pack Horse Ford Study, which is detailed in the Comprehensive Plan, had not been done and that it would have relevant importance to these amendments. He asked that the amendments not allow public input to be curtailed.

Mr. Ted Schiltz, Potomac Terrace Homeowner's Association, stated that staff should be working on the Comprehensive Plan instead of these amendments. He commented that all standards are written in the Zoning Ordinance and that we should follow it as written.

Mr. Brian Goodman, Potomac Terrace resident, raised concern that sufficient infrastructure and funding did not exist. He discussed traffic impacts of these amendments. He stated that definitions need to be made very clear.

Mr. Dale Manuel, speaking as a citizen of Jefferson County, remarked that regulations on shooting ranges need to be strict as there were current issues with regulating and monitoring shooting ranges in the County.

Mr. Clay Lashly, local resident, voiced his support of local businesses however he is not in favor of the proposed amendments as they are written. He stated the following as issues to be addressed regarding the proposed amendments:

- The need for responsible commercial growth. He stated that commercial growth should be contained to the existing routes of US 340, Route 9, and Route 51. He commented that there are existing Industrial Parks that are looking for tenants.
- Taxes for the County. He stated that while he understands the need for revenue in the County, he believes that stronger standards to slow the housing development, so as to not overwhelm the schools and emergency services, would accomplish revenue goals.
- Fairness to citizens and property values. He gave examples of possible recreational uses that may bring property values down and disturb the residents' current way of life.
- The value of the county history and heritage. Mr. Lashly stated that he would like to maintain the rural character of the county.

- Jobs. He stated that the unemployment rate in Jefferson County was 5.9%. He commented that small businesses only employ one or two people besides the employer. He asked that there be a compromise by protecting the Potomac River and using only the Shenandoah for commercial ventures.
- Existing avenues for zoning changes under the current regulations. He commented that the current regulations should be used.
- The officials. He asked that the citizens of the county observe which officials allow these changes to occur and to refrain from voting for them in the next election.

Mr. John Hines, Shepherdstown resident, commented that there are an excess of commercial venues existing in the county. He requested that none of the proposed commercial uses be placed within view of his home. He stated that he feels that commercial river access is being abused.

Ms. Helene Goldberg, Harpers Ferry property owner, raised concern of parking issues and restroom facilities for the categories noted in the proposed amendments such as campgrounds.

Mr. Dane Konop, resident of Potomac View Lane, commented that in 2008, the County Commission approved a new Zoning Ordinance that did not include the LESA scoring system which was soundly rejected by the voters. He questioned why the amendments were being proposed when the voters have already clearly expressed their views on this topic.

Ms. Bonnie Dorman, Harpers Ferry resident, requested that the Planning Commission explore the criminal activity statistics associated with campsites and similar activities.

Mr. Robert Smith, river property owner, raised concern that there will be campers that will have long stays and take part in activities such as gambling and drinking which could lead to littering and vandalism issues. He also stated that the current road systems and conditions in the county would not be able to support the related Recreation Vehicle traffic.

Ms. Christa Stidy raised concern that the infrastructure of the roads cannot handle the increased traffic. She stated that roads were currently not being fixed and paved properly and that the problems needed to be fixed and not created.

Mr. P. Taylor called for a 10 minute break at 8:37 PM. Mr. P. Taylor called the meeting back to order at 8:50 PM.

Mr. P. Taylor stated that the Planning Commission understands that the infrastructure of the roads is a concern and that the Department of Highways would be contacted.

Ms. Monae Lienhard, Harpers Ferry resident, spoke in support of the amendments.

Ms. Lenore Stroop, local resident, discussed her apprehension that recreational uses will be placed too close to neighborhoods and what safety issues that would cause for the children. She stated that she supports commercial growth providing that residents are protected. She

commented that business should not be allowed in neighborhoods since families have no control over who may enter their neighborhoods when businesses exist within them.

Mr. Douglas Stroop, local property owner, stated that he did not believe business owners will benefit from these amendments. He stated that he was concerned that there is not enough local interest for these amendments to be discussed.

Mr. Rick Wiest, Harpers Ferry resident, reiterated concerns mentioned earlier regarding river access, traffic and overcrowding of people. He stated that he sees no benefit in these amendments.

Mr. Lee Baihly, founder of River and Trail Outfitters, supported recreational river use and reported that many jobs are created by these businesses especially for students and teachers as summer jobs. He commented that the people who drive the buses for these businesses in the summer are the same people who are driving the area children during the school season.

Ms. Bonnie Dorman, Bakerton resident, spoke regarding the existing traffic at the tunnel in Bakerton. She raised concern that the increase in traffic will have a negative impact on wildlife.

Mr. Andrew Nessler, Bakerton resident, stated that he was concerned of the increase in traffic and the potential for more accidents along the river.

Mr. Scott Mikles, local mechanic/bus driver, spoke in support of river uses and stated that he feels that it's better for children to take part in river recreation than to spend time in front of the television.

Mr. Robert Smith stated that the increased traffic that will actually be on the river could be an issue since the infrastructure of a natural resource cannot be expanded. He also raised concern of the type of commercial boating that will be allowed and whether the wakes will further damage residential properties.

Mr. Clay Lashly suggested to use the Shenandoah River for recreational use and to preserve the Potomac River. He stated that he believed the uses that are already in use should be maintained properly and that growth should be restricted.

Mr. Matt Knott, owner of River Riders, responded to some of the comments made at this meeting. He stated that the river cannot be accessed from an industrial park so they would not be able to move the business there. He commented that he gets no subsidized funding to operate his business. Mr. Knott stated that River Riders owns 100 acres of land and that 90 acres of that is preserved and managed timber. He reported that only 3 acres of land have been cleared since 1995 and that his business has had very little impact on the environment. He stated that his employees perform trash pick-ups along the road and along the river. He commented that he keeps swift water rescue teachers, emergency service technicians, and CPR instructors on staff. He stated the campground is kept and secured by a caretaker. He stated that the zip line cannot be seen by residences in the county except for one. He

commented that buses do not increase the traffic and in fact are used to lessen traffic so that individual cars are not traveling to access points. He spoke in support of the amendments and stated that the LESA scoring system doesn't work in these uses due to the soils assessment. Mr. Knott questioned if conditions placed on an applicant will be conditions placed by the Planning Commission or by the public.

Mr. Scott Beveridge stated that he is concerned with rafting on the Potomac River. He also commented that bus traffic is a concern.

Ms. Helene Goldberg stated that she enjoys the river recreation although she is concerned with the increase in population and noise of the businesses.

Mr. Brian Goodman thanked River and Trail Outfitters for being good neighbors. He stated that he feels impacted by the increased traffic on Bakerton Road which he believes is due to the River Riders business.

Mr. Dane Konop stated that the voters spoke clearly in 2009 to keep the Zoning Ordinance as it was written and he feels that these amendments are a waste of public's time. He addressed River Riders specifically stating that he does not feel that business should benefit at the expense of its neighbors.

Mr. Burns moved to close the public hearing. There was no second and the motion failed. Mr. Baty moved to continue the public hearing for 15 additional minutes. Mr. G. Taylor seconded the motion which carried 6 for and 1 against (Mr. Burns).

Mr. Adam Brastow, resident of Knott Road, stated that the boat ramp in that area can only be accessed by crossing privately owned property.

Ms. Marilee Cunningham, resident of Potomac Terrace, suggested that a comprehensive site review, including a review of river use, is necessary. She stated she would like there to be a study done that would analyze the facts before jumping into a public hearing full of opinions only. She questioned if there would be a committee that would review all aspects of impact of these amendments.

Ms. Janet Nesselrodt, employee of River Riders and school bus driver designated to Bakerton Road, spoke in support of River Riders stating that the pay is higher for her with River Riders than with her employment with the schools. She stated that River Riders is a source of summer employment for many college-aged students, teachers and bus drivers. She boasted that River Riders takes great efforts to protect and maintain the environment.

Mr. Steven Arnold, resides near the river, commented that he feels an environmental study and an impact statement are a necessity. He suggested that a lot of thought should be placed on the future impact of the river.

Mr. Everett Rupert stated that growth is not always pleasurable or desirable however, growth cannot be stopped. He commented that he is supportive of the amendments and that he sees the potential to cover everyone's concerns while not everyone will be happy.

Mr. P. Taylor closed the public hearing.

8. Reports from Legal Counsel and legal advice to PC.

Active Litigation:

- **Far Away Farms**
- **Cedar Meadows Airpark**

Mr. Groh stated that a discussion would need to be held in executive session which could not be facilitated in the building where the meeting was being held. He stated that there was nothing that was time sensitive enough that it couldn't wait until the April 10, 2012 meeting.

9. Director's Report.

Ms. Brockman suggested that the staff recommendation regarding the next steps related to the Commercial Zoning Category Amendments are to table discussion of the rural commercial zoning while moving forward with the other proposed amendments at a public hearing to be held April 10, 2012.

Ms. Brockman reported that the US 340 Gateway Plan had been sent to the US 340 Technical Advisory Committee with a request to have feedback to the department by April 4, 2012. She requested that the Planning Commission also review the document and be prepared to hold a discussion of the plan at the April 10, 2012 Planning Commission meeting prior to scheduling a public hearing.

Ms. Brockman stated that there have been a number of requests presented to the department regarding properties in Millville, which is the only village type area in the county that is not zoned Village. She requested that the Planning Commission consider the options regarding potential rezoning of property in Millville from Industrial/Commercial to Village or to one of the proposed new commercial categories if it is approved and applicable. She reported that this topic would be placed on a future agenda.

Ms. Brockman explained that all Planning Commission members are required to have 2 hours of training per year by order of the County Commission. She stated that there would be training for new Planning Commission members which would be facilitated by staff. Additional training will be placed on the agenda when time permits. She also requested input as to whether Planning Commission members would be willing to complete some online training. She stated that staff would be able to assist each member in joining an APA website to take part in the education and webinars provided on that site. This item will also be placed on a future agenda for further discussion.

Ms. Brockman reviewed upcoming agenda items.

10. **County Commission Liaison Report.** None.

11. **Planning Commission Exchange.**

- **Report from the Health Department Meeting Liaison.**
Mr. Burns reported that Public Service Commission may be lifting the moratorium regarding water connections for properties located on the mountain.
- **Report from the Public Service District Meeting Liaison.**
Ms. Brockman reported that staff would be speaking at the next Public Service District meeting regarding the US 340 Gateway Plan.
- **Report from the Parks and Recreation Meeting Liaison.**
Mr. Brockman reported that the Facilities Committee met and discussed the options of acquiring property with little funding to use for recreational uses. She stated that Hite Road Park is the Parks and Recreation Committee's top priority.
- **Report from the Jefferson County Development Authority Meeting Liaison.**
Mr. Burns reported that he had met with the new Head of the Development Authority and predicted good relations.
- **Report from the Water Advisory Committee Meeting Liaison.** None.

12. **President's Report.** None.

13. **Actionable Correspondence.** None.

14. **Non-Actionable Correspondence.** None.

Mr. Burns moved to adjourn the meeting at 9:57 PM. Mr. G. Taylor seconded the motion which carried unanimously. An audio recording and/or a video recording of the meeting may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.

STAFF REPORT

Jefferson County Planning Commission Meeting

April 10, 2012

Item #5

Breckenridge East Subdivision PC File # 12-01

Final Plat Public Hearing for the Breckenridge East, Phase 1A Subdivision (PC File #12-01). This phase is to consist of 9 single-family lots and 1 single-family residue lot on 74.895 acres.

APPLICANT:	B.C. Partners, Inc	
OWNER:	Same as above	
DEVELOPER:	Same as above	
SURVEYOR/ENGINEER:	Loiderman Soltesz Associates, Inc.	
PROPERTY LOCATION:	The property is located on the east side of Route 24 (Old Country Club Road) approximately 1 mile north of its intersection with Route 340.	
LEGAL DESCRIPTION:	District: Harpers Ferry; Map: 10; Parcels: 2, 3 & 10	
ZONING DISTRICT:	2011 Zoning Map: Residential Growth	
SURROUNDING PROPERTIES:	2011 Zoning Map North: Residential Growth South: Residential Growth East: Residential Growth West: Rural	
LOT AREA:	415 acres (this tract 74.895 acres)	
PROPOSED DENSITY:	9 single-family lots and 1 residue lot on 74.895 acres.	

STAFF REPORT

Jefferson County Planning Commission Meeting

April 10, 2012

Breckenridge East Subdivision PC File # 12-01

PERMIT APPROVALS:	
Health Department	Permit No.: 18392 (sewer) & 18289 (water)
Dept. of Highways	Permit No.: 5-06-0110 & 5-06-0111
APPROVALS:	
DEVELOPMENT HISTORY:	<p><u>Breckenridge East Subdivision (PC File # 08-18)</u></p> <ul style="list-style-type: none"> • Final Plat submitted March 2, 2012. • November 10, 2009 – Breckenridge East, Phase 1A Final Plat is approved by the Planning Commission. • September 22, 2009 – Variance granted to extend the file expiration date from November 16, 2009 to May 16, 2010. • July 18, 2008 – Staff review meeting for Preliminary Plat. • February 26, 2008 – CIS accepted by the Planning Commission. • November 2, 2007 – Staff review meeting for CIS.
Final Plat	Submitted: 03/2/12 Public Hearing Scheduled: 4/10/12 60-Day Provision Ends: 05/25/12
OTHER APPROVALS:	None required

Breckenridge East is located on the east side of Old Country Club Road. Since this subdivision started before the 2008 Subdivision Regulations were adopted, the subdivision is being reviewed under the 1979 Subdivision Regulations. This is the second phase of Breckenridge East. The applicant is seeking Final Plat approval for 9 lots and residue on 74.895 acres. There are two outstanding conditions that do need to be addressed and are noted below. Staff believes the outstanding conditions can be handled administratively. With the exception of the noted conditions, the Final Plat complies with the approved Community Impact Statement and Preliminary Plat. Staff recommends approval with the conditions to be addressed.

Approval with following conditions:

1. Rename this phase.
2. On sheet 3 add the lot setbacks in the notes.

Per the 1979 Subdivision Regulations, the following details the Planning Commission responsibility for a Final Plat Public Hearing:

STAFF REPORT

Jefferson County Planning Commission Meeting

April 10, 2012

FINAL PLAT PUBLIC HEARING held before the Planning Commission during a regular meeting. New or revised information not previously considered at the Community Impact Evaluation stage is solicited from the public. The Planning Commission, after considering public comment, all previous information and comment, the provisions of this Ordinance, and the provisions of Section 8-24-30 of the West Virginia Code, approves, approves with conditions or disapproves the subdivision proposal and Final Plat.

The Planning Commission shall approve, approve with conditions, or disapprove a subdivision proposal and Final Plat within 60 days from the day the final plat and support material are submitted to the Planning Commission office. Failure to take action within the 60 day period shall result in final plat approval, unless a waiver of the 60 day period is granted to the Planning Commission by the subdivider.

Engineering Report

**Planning Commission Meeting
04/10/2012**

**Breckenridge East, Phase 1A
Final Plat Approval**

Request:

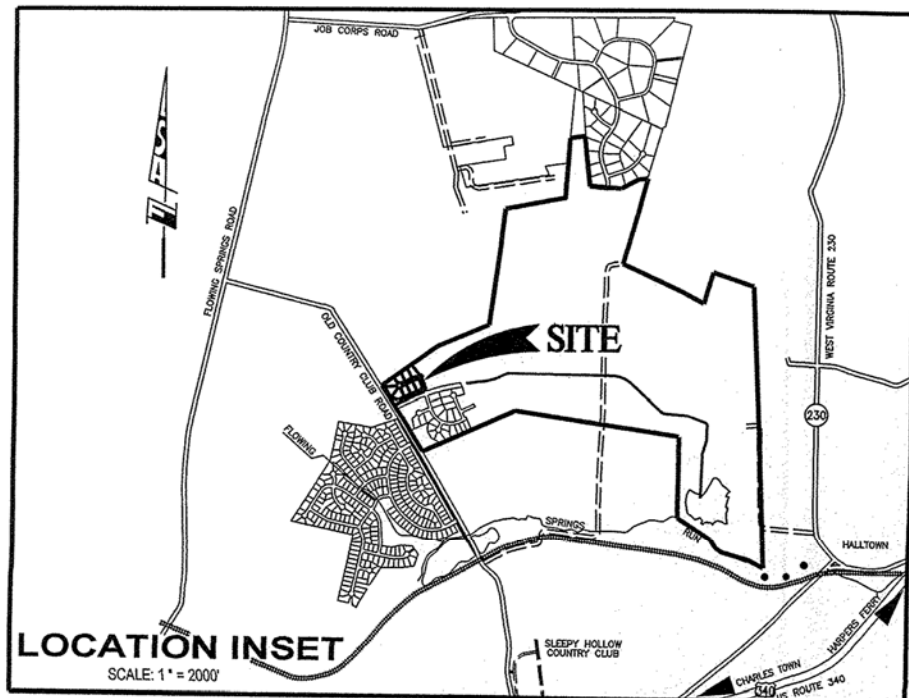
B. C. Partner Inc. is requesting approval of a final plat for the Breckenridge East Subdivision, Phase 1A: Jefferson County file number 12-01.

Findings:

The final plat appears to meet the JEFFERSON COUNTY SUBDIVISION ORDINANCE (1979).

Conclusion:

The County Engineer recommends approval of the final plat.



LEGEND

- property corner, to be set #5 rebar unless otherwise noted
- concrete monument to be set
- iron pipe found
- concrete monument or stone find.
- - - - - easement
- — — setback
- + corner not set

REVISIONS

no.	revision	date

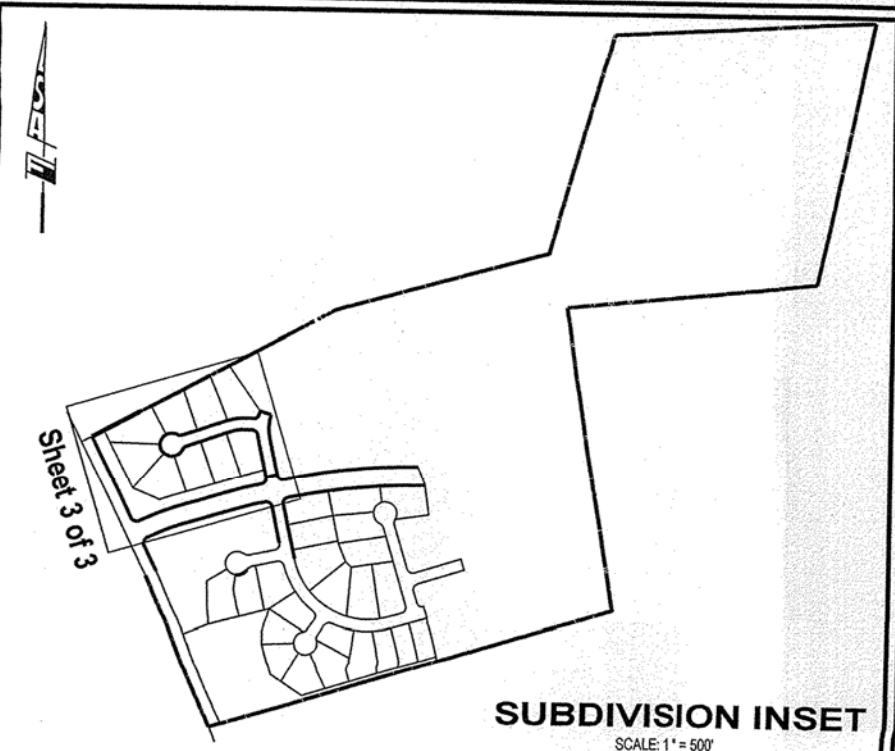
SURVEYOR'S CERTIFICATION
 The perimeter and all lot boundaries shown hereon have been established by a network of traverse control having a relative error of closure of 1:7,500 or better.

Brian L. Wood, PS

STATEMENT OF ACCEPTANCE
 The developer, in signing this plat, agrees to abide by all conditions, terms, and specifications provided hereon.

B.C. Partners, Inc. (Owner)

Jerry Connelly, Vice President



*Final Plat showing
 Lots 1 - 9 & Parcel C*

Breckenridge East

Phase 1A

**Harpers Ferry District
 Jefferson County, West Virginia
 Map 10 P/O P.1 D.B. 850 PG. 470**

**Owner/Developer:
 B.C. Partners, Inc.
 24024 Frederick Rd.
 Clarksburg, MD 20871
 (301) 428 0800**

JCPZC: # _____

JCPZC APPROVAL

Jennifer Brockman - Director of Planning, Jefferson Co. Dept. of Planning & Zoning

Date: _____

February 27, 2012

Prepared By:
**Loiederman Soltesz
 Associates, Inc.**

**FINAL PLAT showing
 Lots 1-9 & Parcel C
 Breckenridge East Phase 1A**

**Harpers Ferry District - Map 10
 Jefferson County, WV**

DATE: February 27, 2012 Scale: As Noted
 Map 10 P/O Parcel 1 DB.850 PG.470



Loiederman Soltesz Associates, Inc.
 ROCKVILLE OFFICE
 2 Research Place, Suite 100 Rockville, MD 20850 t.301.948.2750 f.301.948.9067
 Engineering Planning Surveying Environmental Sciences
 www.LSAssociates.net

RECEIVED

APR 04 2012

JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING

#2 NOT FOR REVIEW COPY

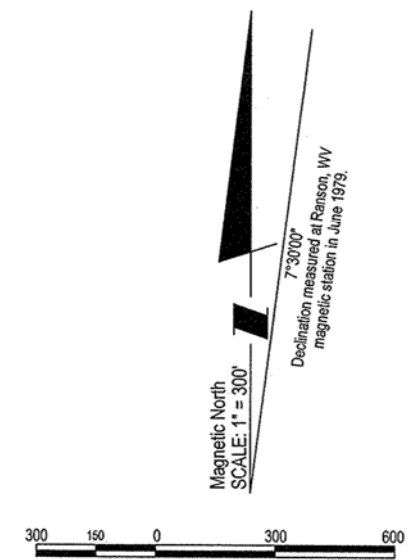
AREA TABULATION

9 LOTS.....	220,276 SQUARE FEET OR 5.0568 ACRES
PARCEL C (open space).....	55,918 SQUARE FEET OR 1.2837 ACRES
ROAD RIGHT OF WAY.....	38,478 SQUARE FEET OR 0.8833 ACRES
RESIDUE (future section).....	2,947,755 SQUARE FEET OR 67.6711 ACRES
TOTAL BY THIS PLAT.....	3,262,427 SQUARE FEET OR 74.895 ACRES

**BRECKENRIDGE EAST PHASE 1A
DRIVEWAY CULVERT SCHEDULE**

LOT NO.	PIPE / SWALE
1	15" CMP
2	15" CMP
3	N/A
4	N/A
5	N/A
6	N/A
7	N/A
8	15" CMP
9	15" CMP

NOTE:
For Curve Information see Sheet 3 of 3.



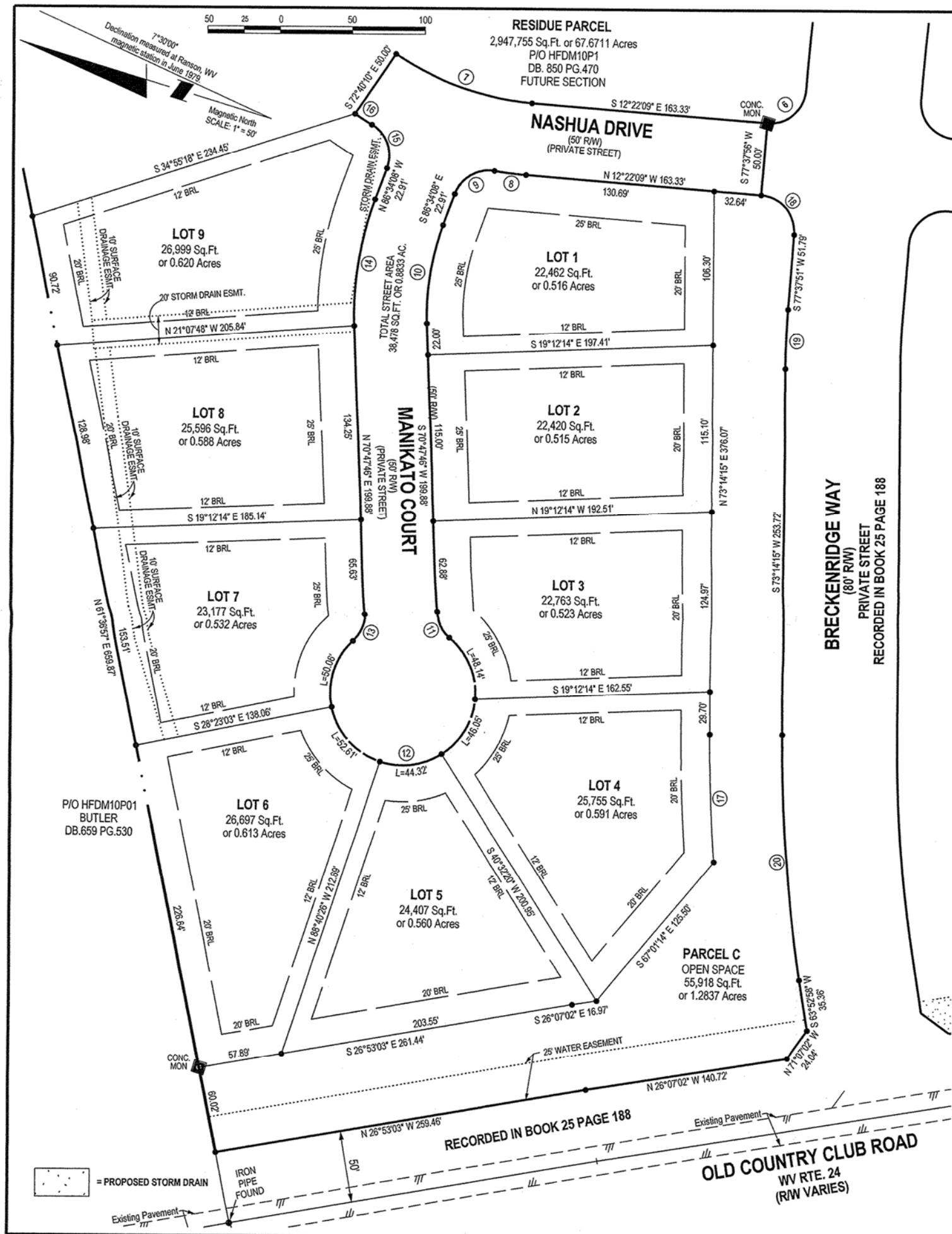
**FINAL PLAT showing
Lots 1-9 & Parcel C
*Breckenridge East Phase 1A***

**Harpers Ferry District - Map 10
Jefferson County, WV**

DATE: February 27, 2012 Scale 1" = 300'
Map 10 P/O Parcel 1 DB.850 PG.470



ROCKVILLE OFFICE
2 Research Place, Suite 100 Rockville, MD 20850 t.301.948.2750 f.301.948.9067
Engineering Planning Surveying Environmental Sciences www.LSAssociates.net



NOTES:

- 1.) BUILDING SETBACKS LIMITS ARE AS SHOWN HEREON, ACCESSORY STRUCTURES UNDER 144 SQUARE FEET IN SIZE SHALL HAVE A 6' SETBACK LIMIT. ATTACHMENTS TO UNITS MAY NOT PROJECT INTO REQUIRED YARD MORE THAN 4' WIDTH, 10' LENGTH MAXIMUM EXCEPT AS PROVIDED BY EXCEPTION WITHIN ARTICLE 9 OF THE JEFFERSON COUNTY ZONING ORDINANCE.
- 2.) ALL LOTS TO HAVE ACCESS THROUGH INTERIOR SUBDIVISION ROADS ONLY.
- 3.) EACH PARCEL SHOWN ON THIS PLAT SHALL BE RESTRICTED TO A SINGLE FAMILY RESIDENCE ONLY UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION IN CONFORMANCE WITH THE PREVAILING COUNTY LAND DEVELOPMENT LAWS.
- 4.) DRIVEWAY CULVERTS TO BE 15" ROUND CMP OR EQUIVALENT ARCH CMP UNLESS NOTED OTHERWISE OR DEEMED NOT NECESSARY BY THE COUNTY ENGINEER.
- 5.) PER SECTION 8.2.9.22, A BLANKET EASEMENT, WITHIN ALL PROPOSED RIGHT-OF-WAYS, SHALL BE GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT FOR CONSTRUCTION OF UTILITIES.
- 6.) THERE ARE NO FLOOD ZONES WITHIN PHASE 1A PER FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 540065 0035 C.
- 7.) PER ARTICLE 12 "LAND FOR PARKS AND RECREATION", DWELLING UNITS PER ACRE DETERMINES THE PERCENTAGE OF OPEN SPACE REQUIRED, FOR ENTIRETY OF PHASE 1A, 45/22.8 AC. = 1.97 UNITS / ACRE. THEREFORE, NO OPEN SPACE IS REQUIRED.
- 8.) A HOMEOWNERS ASSOCIATION MUST BE ESTABLISHED WITHOUT DELAY AS SOON AS 50% OF THE LOTS ARE SOLD. MEMBERSHIP IN THE ASSOCIATION IS MANDATORY FOR ALL LOT OWNERS WITHIN THE SUBDIVISION. ALL DEVELOPERS SHALL DEDICATE ALL COMMON LANDS (SWM BASIN, ROADS, RIGHTS-OF-WAY, ETC.) TO THE HOMEOWNER'S ASSOCIATION.
- 9.) A COMMON INTEREST OWNERSHIP AGREEMENT MUST BE ESTABLISHED TO PROVIDE FOR THE MAINTENANCE OF COMMONLY-OWNED LAND, INCLUDING, BUT NOT LIMITED TO THE PRIVATE ROAD SYSTEM WITHIN THE SUBDIVISION. THIS COMMON INTEREST OWNERSHIP AGREEMENT MUST BE DEVELOPED IN ACCORDANCE WITH THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF WEST VIRGINIA.
- 10.) ONCE A HOMEOWNER'S ASSOCIATION IS FORMED, THEY SHALL PETITION THE COUNTY COMMISSION TO ADOPT A "LEASH LAW."
- 11.) NO MODEL HOMES SHALL BE PLACED ON ANY LOTS SHOWN HEREON, MODEL HOME LOCATIONS SHALL BE LIMITED ON PLAT ENTITLED, "LOTS 23-45 & PARCELS A AND B, BRECKENRIDGE EAST, PHASE 1A" AND RECORDED AMONG THE LAND RECORDS OF JEFFERSON COUNTY, WEST VIRGINIA AS BOOK 25 AT PAGE 188.
- 12.) MAIL BOX KIOSK AND SCHOOL BUS DROP SHALL BE PROVIDED VIA PROPOSED PARKING AREA LOCATED PARCEL A: AT CORNER OF PERUVIAN DRIVE AND HALLOWED DREAMS COURT.
- 13.) CORNERS ARE TO BE SET WITH 5/8" x 3/8" REBARS WITH I.D. CAPS UNLESS NOTED OTHERWISE.
- 14.) ELECTRIC AND TELEPHONE SERVICE TO BE UNDERGROUND.
- 15.) ROOF DRAINS SHALL DISCHARGE TO AREAS DESIGNATED OR GRADED TO SAFELY CARRY WATER AWAY FROM DWELLINGS.
- 16.) MAINTAIN TREES IN NATURAL CONDITION THROUGHOUT SUBDIVISION WHEREVER POSSIBLE.
- 17.) IN ACCORDANCE WITH SECTION 4.1 OF THE IMPROVEMENT LOCATION PERMIT ORDINANCE INDIVIDUAL LOTS WILL HAVE STABILIZED CONSTRUCTION ENTRANCES DURING HOUSE CONSTRUCTION ON THE LOTS.
- 18.) LOTS ARE SERVED BY WATER AND SEWER LINES. PRIVATE WELLS AND SEPTIC ARE PROHIBITED.
- 19.) WV DOH HIGHWAY ENTRANCE PERMIT #: 5-06-0110 & 5-06-0111
- 20.) WV HEALTH DEPARTMENT SEWER SYSTEM PERMIT #: 18392 & WATER SYSTEM PERMIT #: 18289.
- 21.) ALL EXISTING, PROPOSED AND FUTURE EASEMENTS WHICH THE SURVEYOR HAS BEEN ADVISED, ARE SHOWN ON THE PLATS.
- 22.) THERE ARE NO WETLANDS, SPRINGS, OR WOODED AREAS WITHIN THIS SECTION (PHASE 1A) OF BRECKENRIDGE EAST; PER ONSITE OBSERVATION AND JEFFERSON COUNTY WETLAND MAPPING.
- 23.) ALL STREET SIGNS WILL BE IN COMPLIANCE WITH THE JEFFERSON COUNTY E9-1-1 ADDRESSING ORDINANCE.
- 24.) NO STRUCTURES, FENCES OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
- 25.) THE PARTIES HERETO STATE AND ACKNOWLEDGE THAT SAID ACCESS ROAD OR ACCESS EASEMENT IS PRIVATE AND ITS MAINTENANCE, INCLUDING SNOW REMOVAL, IS NOT A PUBLIC RESPONSIBILITY OR RESPONSIBILITY OF JEFFERSON COUNTY, WV.
- 26.) AREAS DEDICATED FOR SCHOOL BUS SHELTER, MAIL BOX CLUSTER AND STORMWATER MANAGEMENT EASEMENT ARE DEDICATED ON PLAT BOOK 25, PAGE 188.

CURVE DATA

Curve #	Delta	Radius	Length	Tangent	Chord Bearing	Chord Dist.
1	90°00'06"	25.00'	39.27'	25.00'	N 62°00'21" W	35.36'
2	89°46'46"	25.00'	39.17'	24.90'	N 27°53'05" E	35.29'
3	90°13'14"	25.00'	39.37'	25.10'	N 62°06'55" W	35.42'
4	48°11'23"	25.00'	21.03'	11.18'	N 07°05'23" E	20.41'
5	11°56'02"	2,790.00'	581.12'	291.62'	S 83°39'00" W	580.07'
6	89°56'52"	25.00'	39.25'	24.98'	N 57°20'35" W	35.34'
7	29°41'59"	195.00'	101.08'	51.70'	N 02°28'51" E	99.95'
8	05°07'42"	245.00'	21.93'	10.97'	N 09°48'18" W	21.92'
9	79°19'41"	25.00'	34.61'	20.73'	N 46°54'17" W	31.91'
10	22°38'06"	175.00'	69.13'	35.02'	S 82°06'49" W	68.69'
11	48°11'23"	25.00'	21.03'	11.18'	S 46°42'04" W	20.41'
12	276°22'46"	50.00'	241.19'	-1.00'	N 19°12'14" W	66.67'
13	48°11'23"	25.00'	21.03'	11.18'	S 85°06'33" E	20.41'
14	22°38'06"	225.00'	88.89'	45.03'	N 82°06'49" E	88.31'
15	79°19'41"	25.00'	34.61'	20.73'	N 53°46'01" E	31.91'
16	03°13'39"	245.00'	3.80'	6.90'	N 15°43'01" E	13.80'
17	04°37'41"	1,090.00'	88.04'	44.04'	N 70°55'25" E	88.02'
18	90°00'00"	25.00'	39.27'	25.00'	S 32°37'51" W	35.36'
19	04°23'37"	540.00'	41.41'	20.71'	S 75°26'03" W	41.40'
20	09°21'17"	1,040.00'	169.80'	85.09'	S 68°33'36" W	169.61'

**FINAL PLAT showing
Lots 1-9 & Parcel C
Breckenridge East Phase 1A**

**Harpers Ferry District - Map 10
Jefferson County, WV**

**DATE: February 27, 2012 Scale 1" = 50'
Map 10 PIO Parcel 1 DB.850 PG.470**



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MEMO

TO: Planning Commission Members
FROM: Steve Barney, Zoning Administrator
DATE: April 10, 2012
RE: Draft Zoning Ordinance Amendments – Article 5 (New Zoning Districts)

Background

Throughout this Fiscal Year, the Departments of Planning and Zoning have proposed a series of text amendments to improve the usability and reliability of the locally adopted Zoning Ordinance and Subdivision Regulations. A high priority for an additional amendment, determined by both the Planning Commission and County Commission, was the expansion of the number and variety of commercial zoning districts in the Zoning Ordinance. The Zoning Ordinance currently has only two commercial districts: Residential-Light Industrial-Commercial and Industrial-Commercial District. The overly broad nature of these districts has led to concern expressed by the members of the public, the Planning Commission and the County Commission when these two districts have been proposed in new locations throughout the County.

Accordingly, Staff has undertaken an effort to develop additional zoning categories, including districts that would allow appropriate limited commercial ventures in appropriate locations.

Planning Commission and Public Input Received to Date

At the January 10, 2012 Planning Commission meeting, staff presented initial concepts to the Commission, which then provided direction to staff regarding this proposal. Following this meeting, the Planning Commission conducted a public workshop on the proposed new districts at its regularly scheduled February 14, 2012. Several residents who attended the workshop expressed concerns regarding the proposed "Rural Commercial" district, which was intended for limited commercial uses such as farm markets and country inns. Based on the feedback received, staff recommends that consideration of this proposed district be addressed at a later time, as part of a future amendment to address land uses in the Rural District. This amendment would include a broad, comprehensive stakeholder process, including the agricultural community and property owners in the Rural District. Accordingly, the "Rural Commercial" district is no longer part of the staff recommendations for the new commercial zoning districts.

Intended Use of New Zoning Districts

The goal of this amendment is solely to establish a wider variety of commercial zoning categories in order to make available more choices to property owners, the Planning Commission, and the County Commission when a zoning change is requested. Staff's understanding is that no County-initiated rezoning of properties will occur in conjunction with this Zoning Ordinance amendment, unless otherwise directed by the County Commission.

During the development the 2014 Comprehensive Plan update, staff will analyze the County's existing land use pattern and make recommendations regarding future land use and zoning. These recommendations will result in a future land use map, which the Planning Commission and County Commission will use as guidance when zoning changes are requested.

Recommended Districts

Recommended additional zoning categories are as follows:

1. Neighborhood Commercial (NC) – Neighborhood serving shops and services, compatible with adjacent residential areas.
2. General Commercial (GC) – Retail stores, shopping centers, gas stations, and other general-purpose commercial uses.
3. Highway Commercial (HC) – Land uses appropriate for major highways, including larger retail stores and large gas stations.
4. Light Industrial (LI) – Warehousing, light manufacturing and other land uses that do not produce significant externalities (noise, odors, etc).
5. Major Industrial (MI) – Uses of a more intense nature than would otherwise be permitted in the Light Industrial district.
6. Planned Neighborhood Development (PND) – A district that allows customization of standards in order to provide a better fit for a particular development or piece of property. This district would allow implementation of conditions or restrictions offered by a property owner or developer.
7. Office/Commercial Mixed Use (OC) – A district intended to allow for well-designed employment centers that may also include residential uses.

Proposed New Land Use Categories

In tandem with the establishment of new districts, the list of permitted, conditional, and prohibited land uses in the ordinance should also be revised in order to effectively make distinctions between the new districts. As such, a number of new land uses are proposed. These new uses are predominantly commercial. The list of new uses is drawn from examples of a variety of zoning ordinances in nearby communities as well as nationwide best practices. The establishment of additional commercial land uses allows for the removal of the overly broad term "commercial uses" as a named land use. Definitions are proposed for several of these new land uses whose meaning may be debatable.

New uses added to ordinance are also reflected in the 5 existing zoning districts. In determining the permitted use status of the new uses in the existing districts, staff has made every effort to reflect the character of the existing zoning districts. For example, new land uses of an overall commercial character are shown as permitted in the Residential - Light Industrial - Commercial

district, but not permitted in the Rural, Residential Growth, or Village Districts, consistent with the intent of these districts.

A related amendment to Section 3.2 of the ordinance would allow the Zoning Administrator to make administrative determinations regarding whether a land use not listed in the ordinance is similar in character to a listed use. This authority, which is a common element in the zoning ordinances of many communities, is currently implicit in the Zoning Ordinance but should be clearly stated. As with any determination by the Zoning Administrator, an interested party has the right to appeal the determination to the Board of Zoning Appeals.

Proposed Related Amendments

As a part of the process of the development the proposed new districts, staff has identified related sections of the ordinance that would benefit from amendment or clarification. These sections are attached in the table entitled "List of Related Amendments."

Items in Planning Commission Packet

In addition to this memo, there are several items in the Planning Commission packet associated with these amendments:

1. Text of proposed Zoning Ordinance changes
2. Draft Site Development Standards tables, residential (Appendix A) and commercial (Appendix B)
3. Draft Principal Permitted Uses table (Appendix C)
4. Proposed definitions for new land uses
5. List of related amendments

Next Steps

In order to meet the notification requirements of the Zoning Ordinance, the Planning Commission should leave the public hearing open at the conclusion of this meeting, and allow additional opportunity for testimony at the April 24 meeting.

Following the conclusion of the public hearing, the Planning Commission will ultimately vote to recommend the draft ordinance to the County Commission for review and adoption. The Planning Commission may also direct staff to make specific amendments in response to public comments received. The County Commission will also conduct a public hearing on the amendments prior to voting on their adoption.

For more information, please contact me at zoning@jeffersoncountywv.org.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

Section 3.1 Administration

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

Section 3.2 Zoning Administrator

- A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:²³
 - 1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
 - 2. Interpret the provisions of the Ordinance as required by law.
 - 3. Issue Zoning Certificates as permitted by the Ordinance.
 - 4. Calculate the LESA point scores and determine the adequacy of the Support Data for all applications for a Conditional Use Permit.
 - 5. Issue all permits and Certificates as permitted by the Ordinance.
 - 6. Prepare and submit reports as required by the Ordinance or the Board of Zoning Appeals or Planning Commission.
 - 7. Conduct meetings and conferences pursuant to the Zoning and Land Development Ordinance.^{17,21,23}
 - 8. Determine that a proposed use not listed in Appendix C, Permitted Uses Table, is allowable in accordance with the following requirements:
 - a. The Zoning Administrator may determine that a land use not listed in Appendix C, Permitted Uses Table is permitted if all of the following findings are made:
 - i. The characteristics of, and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in Appendix C, Permitted Uses Table as allowable in that zoning district, and will not

involve a higher level of activity or population density than the uses listed in the district;

ii. The proposed use will meet the purpose/ intent of the zoning district that is applied to the site; and

iii. The proposed use will be consistent with the goals, objectives, and policies of the Comprehensive Plan.

b. When the Zoning Administrator determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this ordinance apply.

a-c. The Zoning Administrator may forward questions about equivalent uses directly to the Board of Zoning Appeals for a determination at a public hearing.

- B. Any decision or action by the Zoning Administrator based on Section 3.2(a) above is subject to appeal to the Board of Zoning Appeals.^{17, 21}
- C. It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining a zoning certificate from the Zoning Administrator. This provision may not apply to the general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.^{17, 21, 23}
- D. Each application for a zoning certificate shall be accompanied by a copy of an approved site plan, if applicable, or by a legible drawing either drawn to scale or accurately indicating dimensions which show property boundaries and existing and proposed structures and other proposed changes or land development. The plans shall be retained in the office of the Departments of Planning and Zoning.^{17, 21, 23}
- E. Use of any property, developmental arrangement, or construction on any property other than that authorized in the zoning certificate is a violation of this Ordinance. All provisions of this Ordinance and amendments shall be maintained perpetually.
- F. The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete and fees are paid when filed and the request is in compliance of the provisions of this Ordinance.^{17, 21}
- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat

or other governmental agency shall be prohibited even though such use may be allowed under the terms of this ordinance.

- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.
- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.
- F. Jails, prisons and/or penal institutions shall be prohibited in all ~~zones-zoning districts~~ except the ~~i~~Industrial/~~e~~Commercial~~-zone~~ District and the Major Industrial District. The Development Review System does not supersede this prohibition.⁵
- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Provided, however, that such use shall only be permitted in the Industrial/~~Commercial~~ ~~Zone~~ District and the Major Industrial District and shall be processed through the Development Review System (Article 6 and 7).^{6, 23}

This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. The Development Review System shall not supersede this prohibition in any zoning district other than the Industrial - Commercial District or the Major Industrial District. ~~the Residential Growth Zone, the Rural Agricultural Zone, the Village Zone, or the Residential/Light Industrial/Commercial Zone.~~²³
- H. For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 22.504 of the Jefferson County Subdivision and Land Development Regulations.^{5, 23}
- I. No sales of fireworks are permitted outside ~~the commercial-zones~~of the Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.^{8, 23}
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.¹²

- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District and the Major Industrial District ~~not be permitted in the Rural, Village, Residential Growth and Residential Light Industrial-Commercial Districts.~~²³

No conditional use permit shall be approved for any of these uses in a zoning district other than the Industrial - Commercial District or the Major Industrial District. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.^{15, 16}

- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.²³
- M. Heavy industrial uses listed in Section 5.6(B) of this Ordinance are permitted only in the Industrial - Commercial District and the Major Industrial District and require approval via the Development Review System.²³

Section 4.5 Agricultural Uses Permitted Generally

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

Section 4.6 Distance Requirements

- A. Any uses or building subject to compliance with this section shall be located at least 200 feet from:
1. Any lot in a residential district;
 2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;¹
 3. Any lot which is part of a recorded subdivision; and
 4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.
- B. Adjacent uses or buildings subject to compliance with this section shall be located at least 75 feet from:⁷
1. Any lot in the Residential Growth District;
 2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
 3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³

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 thirty-five (35) feet of the intersection of the two (2) 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 Requirements

- A. ~~A site plan shall be s~~ubmittal and approval of a site plan is required~~ed~~ 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
- 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. 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
- D. 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

- A. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (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. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.⁵

B. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall ~~have~~ meet the following buffer yard requirements:

1. an unscreened buffer yard of no less than two hundred (200) feet; and
2. a screened buffer yard with a minimum width of fifteen (15) feet; and
3. ~~No structures, stored materials, or vehicular parking shall be permitted within the buffer yard. All industrial development shall have front yard buffers of no less than one-half (1/2) the front yard building setback.~~^{5, 7}

Table 4.11 – 1 Setbacks, Buffers and Distance Requirements for Non-Residential Uses²³

ADJACENT USE \ PROPOSED USE	BUILDING SETBACKS		PARKING & ACCESS DRIVE SETBACKS		BUFFERS UNSCREENED/SCREENED					DISTANCE REQUIREMENTS								
	Any Use Except Industrial	Industrial Use	Any Use Except Industrial	Industrial	Residential Zone	Lot with a Residential Use	Church/School/Institution for Human Care	Commercial	Industrial	Residential Zone	Lot with a Residential Use	Church/School/Institution for Human Care	Commercial	Industrial	Structure or Lot on Historic Registry			
FRONT	Comm'l Lot <=1.5 ac.	See Appendix A and Appendix B	See Appendix A and Appendix B		50/15			N/A	N/A	75			N/A		75			
	Comm'l Lot > 1.5 ac.				50/15			N/A	N/A	75		N/A	75					
	Industrial				200			25	N/A	200		N/A	200					
	Church				50/15			N/A	N/A	N/A		N/A	N/A					
	Multi-family				N/A			N/A/15			N/A	N/A	N/A					
SIDE	Comm'l Lot <=1.5							50/15			10	10	75			N/A		75
	Comm'l Lot > 1.5 ac.							50/15			10	10	75			N/A		75
	Industrial							200			20	20	200			N/A		200
	Church							50/15			10	10	N/A			N/A		N/A
	Multi-family				N/A			N/A/12			N/A	N/A	N/A					
REAR	Comm'l Lot <=1.5							50/15			10	10	75			N/A		75
	Comm'l Lot > 1.5 ac.							50/15			10	10	75			N/A		75
	Industrial							200			20	20	200			N/A		200
	Church							50/15			10	10	N/A			N/A		N/A
	Multi-family				N/A			N/A/15			N/A	N/A	N/A					

Note: When Table 4.11-1 is in conflict with another section of the Zoning & Development Review Ordinance, this table shall prevail. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.²³

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

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:

- R-G Residential/Growth District
- I-C Industrial/Commercial District
- R-A Rural/Agricultural District
- R-L-C Residential/Light Industrial/Commercial District
- V Village District²³
- [NC Neighborhood Commercial](#)
- [GC General Commercial](#)
- [HC Highway Commercial](#)
- [LI Light Industrial](#)
- [MI Major Industrial](#)
- [PND Planned Neighborhood Development](#)
- [OC Office / Commercial Mixed-Use](#)

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 District

The Residential-Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages commercial growth provided that such growth is deemed to be appropriate and compatible by the Development Review System.

The following regulations govern development within the Residential-Growth District.

- A. Principal Permitted Uses²³
 - 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
 - 2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.
 - ~~1. Dwelling, Single Family~~
 - ~~2. Dwelling, Duplex~~
 - ~~3. Dwelling, Two Family~~
 - ~~4. Dwelling, Townhouse~~
 - ~~5. Dwelling, Multi Family~~
 - ~~6. Mobile Home Parks (Subject to the Jefferson County Subdivision and Land Development Regulations)~~
 - ~~7. Elementary or Secondary school~~
 - ~~8. Hospital~~
 - ~~9. Vocational and/or Training Facility for Adults¹²~~
 - ~~10. Church~~
 - ~~11. Day Care Center, Small~~
 - ~~12. Day Care Center, Large~~
 - ~~13. Essential Utility Equipment~~
 - ~~14. Public Safety Facility~~
 - ~~15. Publicly Owned Facility²³~~
 - ~~16. Accessory Uses~~

~~17. Group Residential Facility~~

~~18. Home Occupation, Level 1⁸~~

~~19. Home Occupation, Level 2⁸~~

~~20. Nursing or Retirement Home~~

~~21. Model Homes/Sales Office¹²~~

~~22. Preschool~~

~~23.1. Wireless Telecommunication Facilities pursuant to Article 4B~~

B. Minimum Lot Area, Height, and Yard Requirements

1. Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4 – 1 below. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.²³
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations.^{5,23}

5. Commercial uses shall be subject to the Compatibility Assessment Meeting process as outlined in Article 7 of this Ordinance. Any proposed commercial use that is served from a road that is located on the perimeter of the project or on a State Road shall be subject to the entire Development Review Process.⁵

D. Standards for Commercial or Light Industrial Uses²³

1. Commercial or Light Industrial uses are subject to the following access requirements:
 - a. Such uses will not use adjacent residential roads for through traffic; and
 - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.⁵
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

Section 5.5 Reserved²³

Section 5.6 Industrial - Commercial District²³

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 Uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Light Industrial Uses~~

~~2. Heavy Industrial Uses~~

~~3. Commercial Uses~~

~~4. Day Care Center, Small~~

~~5. Day Care Center, Large~~

~~6. Home Occupation, Level 1~~

~~7. Home Occupation, Level 2~~

~~8. Cottage Industry~~

~~9. Medical/Dental/Optical Office, Small~~

- ~~10. Barber/Beauty Shop, Limited~~
- ~~11. Antique Shop~~
- ~~12. ATM~~
- ~~13. Branch Bank~~
- ~~14. Kennel (subject to the requirements for such use in Article 8)~~
- ~~15. Dry Cleaner~~
- ~~16. Florist~~
- ~~17. Restaurant, Limited~~
- ~~18. Restaurant, Fast Food, Limited~~
- ~~19. Retail Food Store, Limited~~
- ~~20. Veterinary Services~~
- ~~21. Video Rental Store~~
- ~~22. Country Inn~~
- ~~23. Non/Not for Profit Commercial Uses~~
- ~~24. Non-profit Community Centers~~
- ~~25. Publicly Owned Facility~~
- ~~26. Public Safety Facility~~
- ~~27. Essential Utility Equipment~~
- ~~28. Wireless Telecommunications Facilities pursuant to Article 4B~~
- ~~29. Private or Public Shooting Ranges~~
- ~~30. Cultural Facility~~
- ~~31. Industrial related accessory uses including residential dwellings including a mobile home on site for a caretaker or watch keeper.~~
- ~~32.1. Adult Uses, subject to requirements set forth for such uses in Article 8.~~

B. The following uses shall be evaluated by the Development Review System and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.

1. Bituminous concrete mixing and recycling plants
2. Concrete and ceramic products manufacture, including ready mixed concrete plants
3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)²³
4. Commercial sawmills
5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
6. Garbage or dead animal reduction or processing

5. Parking, Driveway and Internal Access Drive Side and Rear Setbacks

Commercial sites greater than 1.5 acres	10 feet
Commercial sites 1.5 acres and smaller	4 feet
Industrial sites*	25 feet

* *Driveways and Internal Access Drives: Only. ~~P~~parking must abide by buffer requirements.*

6. Compliance with Sections 4.11 and 8.9(A)(1-9)^{7, 23}

7. Distance Requirements

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

- E. Lot Area

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

- F. Commercial and Industrial Design Standards

1. Commercial Design Standards²³

- a. Landscaping, screening, buffer yards, and setbacks for commercial development are subject to Section 4.11.
- b. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.
- c. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11 e.
- d. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
- e. 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 4.11 e.
- 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 District²³

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 intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. 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 Development Review System does allow for higher density by issuance of a Conditional Use Permit.^{8, 23}

A. Principal Permitted Uses²³

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

2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Agricultural uses as defined in Article 2⁷~~

~~2. Church~~

~~3. Elementary or Secondary School~~

~~4. Vocational and/or Training Facility for Adults^{12, 20}~~

~~5. Dwelling, Single Family~~

~~6. Mobile Home (subject to the Jefferson County Subdivision and Land Development Regulations)~~

~~7. Dwelling, Two Family⁸~~

~~8. Cottage Industry⁸~~

~~9. Home Occupation, Level 1⁸~~

~~10. Home Occupation, Level 2⁸~~

~~11. Day Care Center, Small^{12, 11, 15}~~

~~12. Public Safety Facility~~

~~13. Cultural Facility~~

~~14. Farm Market (subject to the requirements for such a use in Article 8)⁸~~

~~15. Horticultural nurseries and commercial greenhouses~~

~~16. Hospital~~

~~17. Essential Utility Equipment~~

~~18. Accessory uses~~

~~19. Group Residential Facility~~

- ~~20. Bed and Breakfast (subject to the requirements for such a use in Article 8)^{7,15}~~
- ~~21. Publicly Owned Facility⁸~~
- ~~22. Wireless Telecommunications Facilities pursuant to Article 4B.¹⁰~~
- ~~23. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)¹²~~
- ~~24. Non-profit Community Centers¹⁵~~
- ~~25. Landscaping business outside of Planning Commission approved subdivisions¹⁵~~
- ~~26. Veterinary services outside of Planning Commission approved subdivisions¹⁵~~
- ~~27. Feed and/or Farm Supply Center~~
- ~~28. Agricultural Repair Center¹⁵~~
- ~~29. Kennels (subject to the requirements for such a use in Article 8)¹⁵~~
- ~~30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)²⁰~~
- ~~31. Agricultural Tourism~~
- ~~32. Farm Vacation Enterprise~~
- ~~33. Farm Brewery or Winery~~
- ~~34. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)~~
- 35.1. Preschool

B. Minimum Lot Area, Lot Width and Yard Requirements²³

1. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.⁵

Table 5.7-1 – Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District

Land Use	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50
Churches	2 acres	200	25	50	50
Schools, Grades K-4	10 acres +	500	100	100	100
Schools, Grades 5-8	20 acres +	500	100	100	100
Schools, Grades 9-12	30 acres +	500	100	100	100
Hospitals	10 acres	500	100	100	100
Other permitted uses	40,000 sq. ft.	100	40	50	50

Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. Parent to child or child to parent lots are not entitled to further subdivide except as another parent to child or child to parent transfer.

4. Once the maximum number of lots are created under 5.7(d), the property cannot be further subdivided unless the Ordinance is amended to allow such.

Section 5.8 Residential/Light Industrial/Commercial 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 Uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
 2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.
- ~~1. Light Industrial Uses~~
 - ~~2. Commercial Uses~~
 - ~~3. Medical/Dental/Optical Office, Small~~
 - ~~4. Barber/Beauty Shop, Limited~~
 - ~~5. Antique Shop~~
 - ~~6. ATM~~
 - ~~7. Branch Bank~~
 - ~~8. Kennel (subject to the requirements for such use in Article 8)~~
 - ~~9. Dry Cleaner~~
 - ~~10. Florist~~
 - ~~11. Restaurant, Limited~~
 - ~~12. Restaurant, Fast Food, Limited~~
 - ~~13. Veterinary Services~~
 - ~~14. Video Rental Store~~
 - ~~15. Country Inn~~
 - ~~16. Dwelling, Single Family~~
 - ~~17. Dwelling, Two Family~~

- ~~18. Dwelling, Duplex~~
- ~~19. Dwelling, Townhouse~~
- ~~20. Dwelling, Multi-Family~~
- ~~21. Mobile Home Parks~~
- ~~22. Home Occupation, Level 1~~
- ~~23. Home Occupation, Level 2~~
- ~~24. Cottage Industry~~
- ~~25. Elementary or Secondary School~~
- ~~26. Hospital~~
- ~~27. Vocational and/or Training Facility for Adults¹²~~
- ~~28. Church~~
- ~~29. Cultural Facility~~
- ~~30. Day Care Center, Small~~
- ~~31. Day Care Center, Large~~
- ~~32. Essential Utility Equipment~~
- ~~33. Publicly Owned Facility~~
- ~~34. Public Safety Facility~~
- ~~35. Accessory Uses~~
- ~~36. Group Residential Facility~~
- ~~37. Nursing or Retirement Home~~
- ~~38. Model Home/Sales Office (subject to requirements for this use in Article 8)¹²~~
- ~~39. Non-Profit Community Center~~
- ~~40. Non/Not for Profit Commercial Uses¹²~~
- ~~41. Preschool~~
- ~~42.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

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
- ~~2.3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.~~

C. Other Regulations²³

1. All sections of this ordinance applying to the ~~R~~esidential ~~g~~rowth district with the exception of Section 5.4(a) will apply to residential uses in this District.
2. All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a). Either use 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}
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.²³ This requirement shall not apply to a building located within a shopping center shown on an approved site plan.
4. Proposed uses in this zone ~~do not have to comply with~~ are exempt from the distance requirements in Sections 4.6 (a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.⁷

Section 5.9 Reserved²³

Section 5.10 Village District^{8, 23}

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries.

A. Principal permitted uses²³

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

- ~~1. Dwelling, Single Family~~
- ~~2. Dwelling, Duplex~~
- ~~3. Dwelling, Two Family~~
- ~~4. Home Occupation, Level 1~~
- ~~5. Home Occupation, Level 2~~
- ~~6. Cottage Industry~~
- ~~7. Public Safety Facility¹²~~
- ~~8. Essential Utility Equipment~~
- ~~9. Medical/Dental/Optical Office, Small¹²~~
- ~~10. Group Residential Facility~~
- ~~11. Cultural Facility¹²~~

~~12.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

B. Conditional Uses²³

1. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~The following uses may be approved after being evaluated by the Development Review System (Article 7). The LESA point system would not apply~~

~~1. Barber/Beauty Shop, Limited~~

~~2. Dry Cleaners~~

~~3. Video Rental Stores~~

~~4. Retail Food Store, Limited~~

~~5. Church~~

~~6. Day Care Center, Large~~

~~7. Country Inn~~

~~8. Bed and Breakfast (subject to the requirements for such a use in Article 8)~~

~~9. Restaurant, Limited~~

~~10. ATM~~

~~11. Branch Bank~~

~~12. Antique Shop~~

~~13. Florist~~

~~14.1. Restaurant, Fast Food, Limited¹²~~

C. Setbacks

1. Residential

a. Section 9.7, Residential Growth standards²³

2. Commercial

a. 25' front, 10' side and 40' rear

b. Setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood.²³

3. Existing Structures

a. As exists not less than 6' on sides and rear.

D. Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.

E. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.²³

- F. There will be no outdoor storage of equipment, materials or other stock.
- G. Parking requirements may be modified as a result of a compatibility meeting.²³
- H. Other Requirements²³
 - 1. With the exception of setback requirements specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

Section 5.11 Neighborhood Commercial District

A. Purpose. The purpose of this district is to permit the development of small scale commercial uses which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the commercial use. Developments in the NC district should be designed, landscaped and buffered so as to be compatible with neighboring development. Uses should be appropriate in scale to the residential character of their context.

B. Eligibility. The following locations are eligible for Neighborhood Commercial Zoning:

- 1. Properties located on Primary or Secondary roads as shown on the Highway Classification map in the Jefferson County Comprehensive Plan
- 2. Locations within ¼ mile of an existing residential subdivision or development of at least 20 dwelling units
- 3. Locations adjacent to existing non-residential development
- 4. Locations with safe vehicular access on roads that function as collector roads
- 5. Properties currently zoned Residential-Light Industrial-Commercial or Industrial-Commercial.

C. Permitted Uses

- 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
- 2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
 - a. No side yard building setback is required, unless required by Building Code or other law or regulation
 - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
 - a. A rear yard building setback may be reduced to 10 feet
 - b. Section 4.11A-B does not apply to the rear property line
4. Section 4.11A-B does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this ordinance.

E. Additional Requirements

1. Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.
2. Each building shall be limited to 3,000 square feet of gross floor area.
3. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. 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.
4. One bicycle parking space shall be provided for each ten vehicular parking spaces.
5. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.12 General Commercial District

- A. Purpose. The purpose of this district is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (up

to 50,000 square feet of gross floor area for an individual building), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.

B. Eligibility. Properties located on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan and properties currently zoned Residential-Light Industrial-Commercial or Industrial-Commercial are eligible for the GC designation.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.

E. Additional Requirements

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

Section 5.13 Highway Commercial District

A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, including buildings that exceed 50,000 square feet of gross floor area for an individual building. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

B. Eligibility. Properties located within 1000' feet of major intersections on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan, in addition to properties designated for Highway Commercial uses in the Comprehensive Plan, are eligible for the Highway Commercial district.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.

E. Additional Requirements

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

Section 5.14 Light Industrial District

A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. Properties with this designation are generally located within 1,000 feet of four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

B. Eligibility. The following locations are eligible for Light Industrial zoning:

1. Properties located in Industrial Parks
2. Properties with Industrial-Commercial zoning
3. Properties designated as appropriate for either Light or Major Industrial land uses in the 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 Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.

E. Additional Requirements

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

Section 5.15 Major Industrial District

A. Purpose. This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities, generally located within 1,000 feet of four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial district.

B. The following locations are eligible for Major Industrial zoning:

1. Properties located in Industrial Parks
2. Properties with Industrial-Commercial zoning
3. Properties designated as appropriate for Major Industrial land uses in the 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 Uses Table.

2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.

E. Additional Requirements

1. Heavy industrial land uses shall not be located less than 1000 feet from an adjacent property with a dwelling, school, church or institution for human care or a residential zoning district.
2. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.16 Planned Neighborhood Development District

A. Purpose. The purpose of the PND District is to:

1. Encourage flexibility in the development of land in order to promote its most appropriate use;
2. Improve the design, character and quality of new developments;
3. Provide and promote redevelopment and reuse opportunities;
4. Encourage a harmonious and appropriate mixture of uses and/or housing types;
5. Facilitate the adequate and economic provision of streets, utilities and services;
6. Promote safe and convenient travel for pedestrians, bicyclists, transit users, and motorists;
7. Promote connections to adjacent properties, developments, and transportation routes;
8. Preserve critical natural environmental and scenic features of the site;
9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
10. Mitigate the problems which may be presented by specific site conditions.

B. Eligibility. Only properties identified as being located in the Growth Area in the Comprehensive Plan are eligible for Planned Neighborhood Development zoning.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. The Planning Commission may restrict land uses shown as permitted or conditional uses in Appendix C, Principal Permitted Uses Table, as part of the approval of a Preliminary PND Plan.
3. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

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. Modification of Development Standards Allowed
 - a. The Planning Commission may approve modification of the development standards of this ordinance and the Jefferson County Subdivision and Land Development Regulations may as part of the approval of a Preliminary PND Plan.
 - b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.
3. The minimum site area for a PND development is three acres.

E. Additional Requirements

1. A PND development shall include the following mix of uses:
 - a. 10-30% commercial
 - b. 10-30% high density residential
 - c. 20-40% medium density residential
 - d. 0-60% low density residential
2. Open Space Requirements
 - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM), may constitute up to 25% of the required common and open space area.

b. At least 20% of the total of the site's existing tree canopy area shall remain undisturbed and shall be so noted on any site plan or subdivision approval associated with the development.

3. Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent property. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection.

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

F. Review and Approval Process

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

1. Pre-Application Conference. Prior to filing a formal application for a Zoning Map Amendment for a PND district, the applicant shall schedule and attend a Pre-Application Conference with staff of the Planning, Zoning, and Engineering Departments. The purpose of the conference is for the applicant to present a general concept for the development, and for staff to inform the applicant of relevant policies, requirements, adopted plans, planning principles, and recommendations. This conference is informal and has no binding effect.

2. Preliminary PND Plan. Submittal of a Preliminary PND Plan is required prior to submittal of a petition for a map amendment to change the zoning designation of a property to the Planned Neighborhood Development district.

a. The format and content requirements for a Preliminary PND Plan shall be the same as the Submission and Completeness Review requirements for a Major Site Plan Concept Plan as described in the Jefferson County Subdivision and Land Development Regulations, with the exception of the public workshop and advertising requirements. Additionally, a Preliminary PND Plan shall include the following:

- i. Graphic illustration of locations of proposed land uses; landscaping areas; pedestrian amenities; interconnectivity of roads, trails, sidewalks, and adjacent parcels; open space areas and areas of undisturbed tree canopy; passive or active recreational areas; setbacks for buildings, parking, drive aisles, and other features associated with the proposed development.
- ii. Proposed square footages of development by type and proposed residential densities
- iii. Proposed building heights

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

- i. Consistency with the purpose of the PND district as described in this Article
 - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards
 - iii. Consistency with the Comprehensive Plan
 - f. The County Commission shall approve, amend, or deny the Preliminary PND Plan and the zoning map amendment request; and may apply conditions to the approval of a zoning map amendment to a PND district.
 - g. County Commission approval of a zoning map amendment to change the zoning designation of a property to a PND district shall have the following effect:
 - i. Approval of the change in zoning designation;
 - ii. Approval of the Preliminary PND Plan;
 - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
 - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.
 - b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
 - c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.
5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approval administratively if the Planning and Zoning Department 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 the Planning and Zoning Department shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but are not 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 ±10%
- b. A change in the area of any land use by ±10%
- c. A change in the residential density by ±5%

Section 5.17 Office / Commercial Mixed-Use District

- A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.
- B. Eligibility. Only properties designated by the Comprehensive Plan as appropriate for Office/Commercial development are eligible for Office/Commercial zoning.
- C. Permitted Uses
 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
 2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.
- 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 4.11A-B does not apply to the rear property line
 4. Section 4.11A-B 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.

F. Additional Requirements

1. At least 75% of the gross floor area of land uses in a development in this district shall be non-residential 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.
7. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

ARTICLE 6: DEVELOPMENT REVIEW SYSTEM

Section 6.1 Development Review System (DRS)

The purpose of the Development Review System (also referred to as DRS) is to assess a particular site's development potential based on criteria which determine the agricultural longevity of the parcel in combination with the presence of and compatibility with public services adjacent to and in close proximity to the site. The DRS is a numerical rating system designed to function within the framework of the traditional zoning districts referenced in this ordinance. All commercial uses and those uses which are not permitted in zoning districts shall be governed by the procedures set forth in Article 7 and all sections that reference requirements to obtain a conditional use permit. It shall be unlawful to commence construction of any commercial uses or uses which are not permitted uses in a zoning district without obtaining conditional use permit approval.

Section 6.2 Issuance of a Conditional Use Permit

Application for a conditional use permit shall be made before construction of any uses not listed as permitted uses within the appropriate zoning district. Upon receipt of an application, the site will be evaluated by the Departments of Planning and Zoning Staff using the Development Review System. The two major components of the System, the Soils Assessment and the Amenities Assessment, consist of criterion which each possess a numerical value that is weighted relative to its importance as an indicator of a parcel's agricultural significance or its development potential. The total numerical value of the combined criteria is 100 points: the Soil Assessment contributes 25 points and the Amenities Assessment contributes 75 points. The highest total numerical value of the combined criteria indicates that a parcel is more suitable for agriculture, whereas, the lowest numerical value indicates that development is more appropriate for the site. A score of 60 points or less advances the application to the Compatibility Assessment as provided in Section 7.6.^{14, 17, 21, 23}

Section 6.3 The Soils Assessment

- A. The Soils Assessment evaluates a particular parcel for development based on the soil types it possesses.
- B. The Soils Assessment of a proposed development is not applied when:
 - 1. the development proposal is located within the Residential/Growth District or the Industrial/Commercial District; or [note: Moved from Section 6.5D]
 - 2. the development is proposed to be located in an existing building, on an existing paved or disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.
 - ~~3.~~ _____ The following soils types will be combined into soil groups.

G. Emergency Service Availability

The purpose of this criterion is to assess the distance of potential site development to emergency services: fire department (4.5 points) and ambulance service (4.5 points).

Distance to Emergency Services

Distance to Fire	Points	Distance to Ambulance	Points
Less than 2 miles	0 points	Less than 2 miles	0 points
2 to 5 miles	2.5 points	2 to 5 miles	2.5 points
Over 5 miles	4.5 points	Over 5 miles	4.5 points

Distances for Fire and Ambulance will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest entrance of the appropriate fire or ambulance station.

Section 6.5 Computation of Soils/Amenities Assessment

- A. At the completion of evaluation of a site with the Soils and Amenities Assessment Criteria, there should be a total number of points awarded to each Assessment. Since the Soils Assessment utilized was based on a 100 points relative point value in itself, a minor conversion must be made to the total relative value. The Development Review System allots a maximum of 25 points to the Soils Assessment therefore the conversion to be made is expressed as follows: $100 \times .25 = 25$ pts. (For example, if a parcel receives the maximum point value of 100 points, in actuality only 25 points will be awarded for the Soils Component of the Development Review System.)
- B. The Amenities Assessment has a 75 point maximum point value.
- C. The combined maximum total for both Assessments is 100 points. The most agriculturally significant parcel would rate 100; the most developable parcel would rate 0. A total of 60 points or less advances the application to the Compatibility Assessment Meeting.^{14, 17, 21}
- ~~D. The Soils Assessment of a proposed development is not applied when the development proposal is located within the Residential/Growth District or the Industrial/Commercial District. [Note: moved to Section 6.2]~~
- E.D. Any land in the Rural District that is located on a primary or secondary road, as defined in the Comprehensive Plan, shall not have to process through the LESA points process for a commercial or industrial project and shall be advanced directly to the Compatibility Assessment Meeting.^{17, 21}

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

Section 8.1 Adult Use Requirements^{16, 23}

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

- A. All elements of the use, including parking areas, shall be located at least 1,500 feet from any Rural, Residential-Growth, Village or Residential Growth-Light Industrial-Commercial, [Neighborhood Commercial](#), [Planned Neighborhood Development](#), or [Office/Commercial Mixed Use](#) Zoning District not separated from the subject property by a public road or railroad right-of-way.
- B. A proposed adult arcade, adult bookstore, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors or any sign advertising the operation thereof, shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.
- C. All elements of any use described in this section, including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless it is separated by a public road or railroad right-of-way.

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

Section 8.2 Barns and Feeding Pens²³

Barns and feeding pens must be set back a minimum of 75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.

Section 8.3 Bed and Breakfast²³

A bed and breakfast may contain up to 7 bedrooms, and may conduct up to 4 receptions per year, with 1 tent per reception. Breakfast is the only meal served, and is served only to overnight tenants and their guests. An owner or designated caretaker must reside on the premises while the bed and breakfast is occupied. Up to 2 bedrooms may be located in an accessory dwelling unit, provided that the total number of bedrooms associated with the land use does not exceed 7.

Section 8.4 Kennels²³

All portions of a Kennel land use must be buffered pursuant to Article 4 and set back at least 500 feet from any property that contains a residence. Kennels cannot be located within a Planning Commission approved residential subdivision.¹⁵

ARTICLE 12: MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

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

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

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.^{17, 21}
- B. Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.^{17, 21, 25}
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
 - 1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
 - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
 - b. Any property affected by the proposed zoning map amendment shall be posted ~~at least 30~~ not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and
 - c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 ~~at least 30~~ days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter

shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.

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

Section 12.3 Procedure for Map Amendment by Petition²⁵

A. Map Amendments by Landowners

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

[The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.](#)

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

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.^{17,21}

[7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development \(PND\) district shall include a Preliminary](#)

PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this ordinance.

Planning Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission meeting. A complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, the Departments of Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

Notice of the Planning's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forward to the County Commission within four weeks of final Planning Commission action.

B. Map Amendments by the Planning Commission

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

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

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.^{17, 21}

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

Appendix A, Residential Site Development Standards Table [DRAFT 4/10/12]

Zoning District	Land use	Land Use Subtype	Minimum Lot Area (MLA) in square feet**	Area per Dwelling Unit (ADU) in square feet	Lot Width (feet)	Maximum Building Height	Front	Side	Rear		
Residential Growth	Single family detached dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"	
	Small lot single-family detached dwelling	No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"	
		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 and sewer	N/A	10,000	N/A	"	"	"	"	"	
		Public/Central water or sewer	N/A	3,500	N/A	40	25	12**	15	20	
	Townhouse	Public/Central water and sewer	1,400	2,000	N/A	40	25	12**	15	30	
	Multi-family dwelling	Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 square feet – 30,000 sq. ft. to 40,000 sq. ft. – Under 30,000 square feet –	N/A	N/A	N/A	40	25	12	‡	12
		Dwellings	Single-family dwelling with setbacks not previously stipulated by Planning Commission	N/A	N/A	N/A	40	20	10	‡	12
Cluster Subdivision			Over 2 acres – 40,000 sq. ft. to 2 acres –	N/A	N/A	N/A	40	20	8	‡	12
Rural	Single-family dwelling with setbacks not previously stipulated by Planning Commission	30,000 sq. ft. to 39,999 sq. ft. –	N/A	N/A	N/A	35	25	12	‡	12	
		under 30,000 sq. ft. –	N/A	N/A	N/A	35	20	10	‡	12	
	Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
Village Residential / Light Industrial / Commercial Industrial-Neighborhood Commercial General Commercial Highway Commercial Light Industrial Major Industrial Planned Development Office / Commercial Mixed Use	Residential use that complies with the Development Review System Residential uses Residential uses Residential uses Residential uses Residential uses Residential uses Residential uses Residential uses Residential uses	Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	
		Residential uses	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	See Residential Growth	

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance this table shall prevail.

**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.

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

Appendix B, Non-residential Site Development Standards Table [DRAFT 4/10/12]

Zoning District	Development Type	Minimum Lot Area (MLA)	Minimum Building Height*	Impervious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks			
					Front	Side	Rear	Street Side	Front	Side	Rear
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	75	80%	25'			4	15	4	4
	Commercial sites greater than 1.5 acres	N/A	75	80%	25'	50' (or 25' if adjacent to industrial use)			10	15	10
Residential / Light Industrial / Commercial	Industrial	3 acres***	75	90%	50' (or 25' if adjacent to industrial use)			20	25	25 (or 20' if adjacent to industrial use)	
	Commercial or Industrial	N/A	60	80%	See Industrial - Commercial District						
	Churches	2 acres	35	N/A	25	50	50	See Parking/Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, depending on lot size) in the Industrial - Commercial District.			
	Schools, Grades K-4****	10 acres +	35	N/A	100						
	Schools, Grades 5-8****	20 acres +	35	N/A	100						
Village District	Schools, Grades 9-12****	30 acres +	35	N/A	100						
	Hospitals	10 acres	35	N/A	100						
	Other Rural principal permitted uses	40,000 sq. ft.	35	N/A	40	50	50				
Residential Growth	Commercial or Industrial**	N/A	N/A	N/A	See Industrial-Commercial District						
	Commercial* Industrial**	N/A	35	N/A	25	10	40	See Industrial-Commercial District			
Neighborhood Commercial	Commercial	N/A	35	70%	15' (min) 25' (max)	10	10	10	15	See Industrial-Commercial District	
	Commercial	N/A	60	70%	20	10	25	15			
	Commercial	N/A	60	80%	25	25	25	25			
	Commercial or Industrial	N/A	60	80%	25	25	25	25			
	Commercial	N/A	75	80%	25	10	50	25			
	Industrial	3 acres***	75	80%	25	50	50	50			
	Commercial	3 acres	60	70%	20	10	25	15			
	Commercial	N/A	60	80%	15' (min) 25' (max)	10	10	10			
	Commercial	N/A	60	80%	25	10	10	15			
	Commercial	N/A	60	80%	25	10	10	15			
	Commercial	N/A	60	80%	25	10	10	15			

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, this table shall prevail.

* Maximum building height expressed in feet and subject to Section 9.2.

**These yard requirements are also for an approved commercial or industrial use proposed for any other zone. [Source: Section 5.6(f)]

***If land use(s) approved via Neighborhood Compatibility Meeting process or Development Review System process in accordance with the Zoning and Development Review Ordinance.

****MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Section 5.6(e)]

*****For 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. [Source: 5.7(b)]

‡Village Commercial setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood [Source: 5.10c]

§Setback may be reduced if adjacent to industrial use.

New and Amended Use Definitions

[Note: This text would amend section 2.2 of the Zoning and Land Development Ordinance]

Retail sales, limited

Establishments of 10,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental; and food sales or markets. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores.

Personal services

Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services; duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.

Manufacturing, Limited

The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.

Manufacturing, Heavy

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use.

Dwelling, Single Family, Small Lot

A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot as required by this ordinance.

Gas Station

Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a "Gas Station, Large" if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.

Gas Station, Large

A gas station (as defined in this ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.

Gas Station, Limited

A gas station (as defined in this ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet gross floor area.

Retail Store, Large

A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet.

Dry cleaning and laundry facility

A facility at which clothing and other fabrics are dry-cleaned or laundered for customers, utilizing processes which are in compliance with applicable state and federal laws.

Dry cleaning and laundry services

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.

Kennel (amended)

The boarding, breeding, raising, grooming, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain **or as part of the operations of a not-for-profit organization.**

Restaurant, Fast Food

Any establishment whose principal business is the sale of foods and or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through.

Restaurant, Fast Food, Drive Through

A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.

Building Maintenance Services

An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Business Equipment Sales and Service

An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

Food Preparation

An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. This use includes food preparation for catering.

Heavy Industrial Use

Manufacturing or other enterprises with significant external effects, or which oppose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.

List of Related Zoning Ordinance Amendments

Draft – 4/10/12

Section 3.2

Clarifies that administrative determinations can be made regarding land uses listed in the Zoning Ordinance.

Section 4.4, Prohibited Uses

Clarifies the permitted status of certain uses (such as prisons and gambling) in the new zoning districts.

Section 4.10

Clarifies that a site plan must not only be submitted but also approved prior to initiation of development.

Section 4.11

Clarifies the landscaping requirements for an industrial use.

Table 4.11-1

Setback requirements are relocated to Appendix B.

Screened buffer requirement added for multi-family development adjacent to commercial or industrial development.

Section 5.1

Addition of new zoning districts to list of districts.

Sections 5.4, 5.6, 5.7, 5.8. 5.10

Lists of permitted uses are replaced with a statement that “uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.”

These revised sections also state that uses shown as conditional uses shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

Section 5.6D

Removal of statement that yard requirements in the Industrial - Commercial District apply to a commercial use in any other district. These yard requirements do not apply to the new districts, each of which has its own set of yard requirements. (Where 5.6D is applicable in the ordinance has been so noted elsewhere.)

This section also includes clarification regarding the applicability of buffer requirements to access drives.

Section 5.8B

Clarifies the impervious surface limit requirements for the Residential - Light Industrial - Commercial district.

Section 5.8C

Clarifies that the Compatibility Assessment Meeting requirement does not apply to a building located within a shopping center shown on an approved site plan for restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area).

Section 6.3

Clarifies that the soils component of the LESA scoring process is not applicable when the development is proposed to be located in an existing building, on an existing paved or disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.

This revised section would also include a sentence relocated from Section 6.5D, in order to improve the clarity of this Article.

Section 8.1

Clarifies that the larger setbacks required for Adult Uses do apply when the use is located in the vicinity of the Neighborhood Commercial, Planned Neighborhood Development, or Office/Commercial Mixed Use zoning districts.

Section 8.12

Clarifies the permitted status of fireworks sales in the Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts.

Section 12.2

Changes the time periods required for posting and adjoining letters for a zoning map amendment request, from “at least 30 days” to “not less than 20 and not more than 28 days.” The reason for this change is that the 30-day requirement does not allow a zoning map amendment case to be scheduled on the next Planning Commission meeting following the applicant’s presentation of a map amendment petition. In order to ensure that the public hearing schedule for zoning map amendments remains consistent the timelines established in the West Virginia Code, this change is recommended.

Section 12.3

Clarifies that there are additional requirements for the processing of a zoning map amendment request for the PND District.

Appendix A, Residential Site Development Standards Table

1. New commercial zoning districts and site development standards added to table.
2. Site development standards for “Small lot single-family detached dwelling” added to table.
3. Deletion of statement that table is for reference purposes only, and clarification that table will prevail in the event of a conflict with the ordinance.

Appendix B, Non-residential Site Development Standards Table

1. New commercial zoning districts and site development standards added to table.
2. Columns showing setbacks for parking and drive aisles are proposed to be relocated from Table 4.11-1 in order to consolidate setback requirements into one table.
3. Establishes maximum building heights for non-residential uses in the Village District (35’) and the Residential - Light Industrial - Commercial District (60’). The ordinance does not currently establish height limits in these districts.
4. Street side yard building setbacks added.
5. Amended note regarding maximum building height.
6. Deleted note referencing section 5.6D.
7. Deletion of statement that table is for reference purposes only, and clarification that table will prevail in the event of a conflict with the ordinance.

Appendix C, Permitted Uses Table

1. Addition of various new commercial land use names (please see table).
2. Establishment of Dwelling, Single Family, Small Lot use.
3. Deletion of statement that table is for reference purposes only, and clarification that table will prevail in the event of a conflict with the ordinance.
4. Addition of new zoning districts and permitted/conditional/not permitted status of each land use for the new districts.
5. Addition of permitted/conditional/not permitted status of each land use for the existing zoning districts.
6. Edits to names of some existing land uses, such as Shooting Range; Garbage or dead animal reduction or processing; Branch bank; Retail food store, limited; Dry cleaning; Non/not-for profit commercial uses.
7. Proposed change in status for some land uses as highlighted in yellow on the table.
8. Amendment of footnote regarding conditional uses.
9. Correction of errors regarding the status of Wireless telecommunications facilities, Agricultural Tourism, Farm Brewery or Winery, and Farm Vacation Enterprise.

APPENDIX C: PERMITTED USES TABLE

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance this table shall prevail.

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]
 [Highlighted text indicates proposed change in permitted status for an existing land use type.]

Land Use	NC	GC	HC	LI	MI	PND	OC	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Residential Uses														
Dwelling, Single Family	P	NP	NP	NP	NP	P	NP	P	P	P	NP	P		
Dwelling, Single Family, Small Lot	P	NP	NP	NP	NP	P	P	NP	P	P	NP	NP		
Dwelling, Two Family	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P		
Dwelling, Duplex	NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	P		
Dwelling, Townhouse	P	NP	NP	NP	NP	P	P	NP	P	P	NP	NP		
Dwelling, Multi-Family	P	NP	NP	NP	NP	P	P	NP	P	P	NP	NP		
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P		
Mobile Home	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP		
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP		
Model Homes/Sales Office	P	PC	NP	NP	NP	P	P	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	4A.3	4A.1
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	4A.4	4A.1
Cottage Industry	P	NP	NP	NP	NP	P	P	P	P	P	P	P	4A.5	4A.1
Institutional Uses														
Airport	NP	NP	NP	P	P	NP	NP	NP	NP	NP	PC	NP		
Church	P	P	P	P	PC	P	P	P	P	P	NP	P		
Convention Center	NP	P	P	P	PC	P	P	NP	NP	P	PC	NP		
Day Care Center, Large	P	P	P	P	PC	P	P	NP	P	P	P	PC		
Electric Vehicle Charging Station	PC	P	P	P	P	P	P	NP	NP	P	P	PC		
Hospital	NP	P	P	P	PC	P	P	P	P	P	NP	NP		
Group Residential Facility	P	P	P	NP	NP	P	P	P	P	P	NP	P		
Group Residential Home	P	P	P	NP	NP	P	P	P	P	P	NP	P		
Heliport	PC	PC	PC	P	P	PC	PC	NP	NP	PC	PC	NP		
Residential Care Home	P	P	P	NP	NP	P	P	P	P	P	NP	P		
Nursing or Retirement Home	PC	P	P	P	NP	P	P	NP	P	P	NP	NP		
Cultural Facility	P	P	P	P	PC	P	P	P	NP	P	P	P		
Elementary or Secondary School	P	P	PC	PC	NP	P	P	P	P	P	NP	NP		
Preschool	P	P	PC	PC	PC	P	P	P	P	P	NP	NP		
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP		
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	PC		
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	4.7	
Performing Arts Theater	P	P	P	P	P	P	P	NP	NP	P	P	PC		
Park, Passive Recreational Uses	P	P	P	P	NP	P	P	P	P	P	NP	P		
Park, Active Recreational Uses	P	P	P	P	NP	P	P	P	P	P	NP	P		
Recycling Drop-Off Center	PC	P	P	P	P	P	P	NP	NP	P	P	NP		
Industrial														
Salvage Yards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP		
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP		
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP		Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP		Sec. 8.9
Heavy Equipment Repair	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP		

P = Permitted use
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 * = Limited permitted uses
 ** = Accessory use to a planned residential community

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[Note: Blue text indicates proposed new districts and new land use name, or other text changes]
 [Highlighted text indicates proposed change in permitted status for an existing land use type.]

Land Use	NC	GC	HC	LI	MI	PND	OC	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Manufacturing, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP		
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP		
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Shooting Range, Outdoor	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	PC	NP		
Shooting Range, Indoor	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP		
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	PC	P	NP		
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP		
Warehousing and Distribution, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP		
Warehousing and Distribution, General	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP		
Industrial Manufacturing & Processing														
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Cement or Lime Manufacture	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Commercial Sawmills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Explosive manufacture or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Foundries and/or casting facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Garbage or dead animal reduction or processing; Landfills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Jails and Prisons	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Petroleum products refining or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		Sec. 8.11
Adult Uses														
Adult Uses	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP		Sec. 8.1
Recreational Uses														
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP		Sec. 8.8
Commercial Uses														
Antique Shop	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
Appliance Sales	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
ATM	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
Automobile repair, sales and service	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	P	NP	NP	P	P	NP		
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Bail Bond Services	NP	P	P	P	P	NP	NP	NP	NP	PC	P	NP		
Branch Bank without drive-through facility	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Bank with drive-through facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP		

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 [Highlighted text indicates proposed change in permitted status for an existing land use type.]*

Land Use	NC	GC	HC	LI	MI	PND	OC	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Bar / Nightclub	PC	P	P	P	NP	P	P	NP	NP	P	P	NP		
Barber/Beauty Shop	P	P	P	P	NP	P	P	NP	NP	P	P	NP		
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC		Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	P	P	P	NP	NP	P	P	NP		
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP		
Building Materials and Supplies	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Campground	PC	P	NP	NP	NP	P	P	NP	NP	P	P	NP		
Commercial Uses	-	-	-	-	-	-	-	*	**	P	P	*		Sec. 8.9
Commercial Blood Plasma Center	NP	P	P	P	P	PC	PC	NP	NP	PC	P	NP		
Contractor with no outdoor storage	P	P	P	P	P	P	P	NP	NP	P	P	NP		
Contractor with outdoor storage	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Retail Food Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Convenience Store	PC	P	P	P	PC	P	P	NP	NP	P	P	NP		
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
Dry cleaning and laundry pick-up station; laundromat	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Dry cleaning and laundry services	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Duplicating services	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Food Preparation	P	P	P	P	P	P	P	NP	NP	P	P	NP		
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP		
Furniture stores, carpet or related furnishing sales or service	PC	P	P	P	PC	P	P	NP	NP	P	P	NP		
Gambling Facilities	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP		
Gas Station, Limited	P	P	P	P	P	P	P	NP	NP	P	P	NP		
Gas Station	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Gas Station, Large	NP	PC	P	P	P	PC	PC	NP	NP	P	P	NP		
Golf Course	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Grocery Store	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP		Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P		
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP		
Mobile home, boat and trailer sales	NP	P	P	P	P	P	P	NP	NP	PC	P	NP		
Movie Theater	NP	P	P	P	PC	P	P	NP	NP	P	P	NP		
Non-Not-for-Profit Commercial Uses	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Non-Profit Community Centers	P	P	P	P	PC	P	P	P	NP	P	P	NP		
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Pawn Shop Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Personal Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Professional Office	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Restaurant, Fast Food, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC		

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 [Highlighted text indicates proposed change in permitted status for an existing land use type.]*

Land Use	NC	GC	HC	LI	MI	PND	OC	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Restaurant, Fast Food	PC	P	P	P	PC	P	P	NP	NP	P	P	NP		
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	P	P	NP		
Restaurant, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Restaurant	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Retail Sales Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Retail Store	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Retail Store, Large	NP	PC	P	PC	PC	PC	PC	NP	NP	PC	PC	NP		
Shipping and Mailing Services	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Storage, Commercial	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Veterinary Services	P	P	P	P	PC	P	P	P	NP	P	P	NP		
Video Rental Stores	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Wireless telecommunications facilities	P	P	P	P	P	P	P	P	P	P	P	P	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	NP	P	P	NP		
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P		
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 8.5
Farm Market	P	P	P	P	PC	P	P	P	NP	P	P	PC		Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P		
Feed and/or Farm Supply Center	PC	P	P	P	P	P	P	P	NP	P	P	NP		
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	NP	P	P	NP		
Landscaping Business	P	P	P	P	P	P	P	P	NP	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	NP	P	P	NP		
Accessory Uses														
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P		

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 ** = Accessory use to a planned residential community

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org
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Phone: (304) 728-3228
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MEMO

TO: Planning Commission Members
FROM: Jennie Brockman, AICP, Director, Planning and Zoning Departments
DATE: April 10, 2012
RE: US 340 East Gateway Corridor Plan

Earlier this week we sent you a draft version of the US 340 East Gateway Corridor Plan for your review and input at the April 10th meeting (with the information indented below in the cover memo). We have received input from a number of staff members and members of the Technical Advisory Committee (TAC). Many of these comments are grammatical, editorial or aesthetic in nature and will therefore be reviewed by staff and corrections will be made prior to the public version on May 15th. Attached are a few comments that are more content oriented for your review and discussion at the April 10th meeting.

If Planning Commission members have editorial comments that are not content oriented, please provide those to the staff in writing at the April 10th meeting. We will not be discussing this type of comment. If Planning Commission members have content oriented comments, we are planning on discussing these on April 10th and getting consensus from the Commission as to the manner in which they should be addressed. Staff may also have additional content related comments to discuss with the Commission at the meeting. The goal of the April 10th meeting is to provide final input to a version of the Plan that will be made available to the public for their input at a Public Hearing, tentatively scheduled for June.

Thank you all for your interest and support for this critical long-range planning project.

From Memo dated April 3, 2012:

“As you know, staff presented an overview of the draft US 340 East Gateway Corridor Plan to a joint meeting of the Planning Commission and County Commission on March 8, 2012 to familiarize all Commissioners to the planning process and the draft recommendations. At the March 13, 2012 Planning Commission meeting, staff informed you that the US 340 Technical Advisory Committee (TAC) has been requested to provide feedback related to their sections by the end of the day April 4, 2012 for the purpose of including any feedback in your April 10th packet. Additionally,

staff has requested that each of the Planning Commissioners read through the document in preparation for the April 10th meeting and be prepared to provide staff with feedback and comments for inclusion in a final draft for public input. Your input is appreciated and valued. Because the document is so large, staff is providing you with a printed copy of the draft plan for your review in a separate packet from the rest of the agenda. We hope that this will allow you additional time for constructive feedback. We will be reviewing all TAC, staff and Planning Commission comments for inclusion in a final draft at the April 10th meeting.

In order to allow sufficient time for staff to incorporate the Planning Commission, staff and TAC comments and make final edits, staff is proposing that a red-lined revised version incorporating all comments recommended by the Planning Commission at the April 10th meeting be prepared for the Planning Commission's final approval at your May 15th meeting. Your approval on May 15th will release that version (with all redlines accepted) to the public for the purpose of receiving public comment at a public hearing tentatively scheduled for June 12, 2012. This will also allow sufficient time to meet the public notice requirements of the state law for amendments to the Comprehensive Plan.

Once the Planning Commission has held the Public Hearing, the final recommended version of the Comprehensive Plan Amendment will be forwarded to the County Commission for their approval."

**US 340 Corridor
East Gateway Plan-**

**Technical Advisory
Committee Feedback**

**Received between
March 8th – April 6th**

Sue Lawton

(Jefferson County

Public Service District)

-----Original Message-----

From: "Susanne Lawton" <gm@jcpsd.com>

Sent 3/19/2012 9:44:47 AM

To: planningdepartment@jeffersoncountywv.org

Subject: RE: Input Needed - US 340 Corridor East Gateway Plan

Hi Dawn:

Although I could not figure out how to download the Gateway Plan in a Word document, as requested in your cover letter to use "track changes", I have reviewed 3.1, Community Services/Infrastructure / Water & Sewer. I have the following to offer.

In paragraph one it is stated that the JCPSD's major service area includes the land north of US 340 between WV 230 and the Charles Town boundary. It also states that we serve additional customers on Chicamauga Drive, Lookout Mountain Court and Five Fords Drive.

This isn't accurate. The JCPSD's authorized service area is all unincorporated areas of Jefferson County. We have the authority to serve below Rt.340 as well as above, and can go beyond Rt. 230 and into Charles Town. In fact, we do service areas of Charles Town, Ranson and Deerfield Village near Shepherdstown as well as our County customers. Currently our service lines do not go beyond Rt. 230, but that does not preclude us from ever serving those areas. The customers on Chicamauga Drive, Lookout Mountain Court and Five Fords Drive are not served by the District but by Old Standard LLC or Sheridan LLC. I'm not sure of the entity's name, but their flows are treated at the Old Standard Quarry which has a large amount of available treatment capacity which could accommodate much flow from the Rt' 340 corridor. The District would be the service provider and would enter into a treatment agreement with Old Standard LLC.

The next paragraph states that Jefferson Utilities is a private water and wastewater utility. This is not accurate. They are a **privately owned, public water utility**; no sewer.

I'd be glad to talk to you or anyone else about these comments.

Thanks, Sue

Susanne Lawton, General Manager

Jefferson County Public Service District

340 Edmond Rd, Suite A, Kearneysville, WV 25430

Phone # 304-725-4647: Fax # 304-725-5976: Cell # 304-283-3072

Andrew Lee
(National Park Service)

From: <Andrew.Lee@nps.gov>

Sent 4/4/2012 2:34:17 PM

To: planningdepartment@jeffersoncountywv.org

Cc: Rebecca.Harriett@nps.gov

Subject: Re: April 4, 2012 - Deadline to Submit Feedback: US 340 Corridor East Gateway Plan

Ms. Childs:

My comments on the draft 340 East Gateway Plan are rather general ones. First of all, I commend the staff of the Department of Planning and Zoning for their in-depth examination of the Corridor and for its attempts to involve the citizens of the County and other stakeholders. It's a politically-tinged, often controversial set of ideas and you deserve credit for listening to all sides and achieving what I consider a balanced draft plan. It was a treat for me as a member of the advisory group to see such a group of dedicated planners in action.

With regards to the content, because it is adjacent to the battlefield portion of our historical park, the Millville/Bakerton Road corridor and its intersection with U.S. 340 is of great importance to the NPS. Questions of potential impacts of future development, traffic considerations, roadway realignments, and the like are all difficult to comment on in hypothetical situations and in general terms. So suffice it to say that it is our legislative mandate to commemorate the historic events that occurred at or near Harpers Ferry, and to protect the historic and scenic resources associated with these events for the enjoyment of all people. We request early involvement in future planning efforts that effect this important intersection.

Over the past two decades the National Park Service has spent many millions of dollars to restore historic structures and landscapes, and to acquire historic lands to protect the Harpers Ferry battlefield. While areas such as Old Standard Quarry, the Flea Market, and other privately-owned properties in this vicinity are not within our legislated boundaries, we carefully consider the effects that all planning efforts may have on adjacent park resources. While we fully support private landowner rights, we have a responsibility to speak out against developments that we consider incompatible with the historic and scenic values that we are charged to manage. By the same token, we stand ready to work with your Department to support the County's goals and recommendations in a way that promotes and preserves those resources.

A few specifics:

Could you please ensure the NPS is referred to as the "National Park Service" and not the "U.S. National Parks Service." There are many instances of this throughout the text.

Our park (and the C&O Canal) are both National Historical Parks.

Page 39, in the last two paragraphs, eastern and western sides of the corridor are mixed up. Also, on p.43, I think the mention of the western section should be eastern.

Page 64 and 73, Because of its topography, the section of the Old Standard property between the former quarry lake and Millville Road is more hidden from view from key NPS observation points and is perhaps more suited for mixed use development. Incompatible development of the northern section of the property is opposed by the NPS.

Page 77, last paragraph. Our Division of Resource Management does

Transportation

The updates include:

- Revised street naming conventions
- Additional sections on Access Management and Highway Streetscape/Beautification
- Access management section addressed limitation of new intersections/signals west of Old country club road
- Update figures where white markups had moved from original locations
- Update of orig Table 15 to separate Frederick and Montgomery names
- Removal of orig Pg 97 table which created confusion
- Additional orig Table 12 title comment on project ID's (they are not priority or ranking)
- Clarify the Old Country Club Road interchange replaces existing intersection
- Revised original MAP 24 to show E-W frontage road along US 340
- Revised original Figure 16 to have one with frontage roads ... added some additional text and figure
- Revised original Table 9 with street name reference changes

Note, looks like some formatting needed .. but I did not address those issues.

Let me know if you have any questions or comments.

Identify Financial Resources for Passive and Active Recreational Opportunities

Funding will be required for the acquisition and development of land for trails, bicycle paths, and parks. The County and other organizations should identify public and private funding sources for trails, bike paths, parks and greenways. In some cases, trails or trail easements may be provided in association with new developments.

5.7 Transportation

Transportation Overview

This section provides transportation improvement projects that address the transportation goals presented in Section 4.7 including both current and future safety, congestion and transportation mobility needs within the East Gateway Corridor. Specific recommendations for trails and bike paths are not provided in this section, but will ultimately play a key role in providing alternative transportation options that can address mobility and congestion needs. The projects were identified through a collaborative process involving regional planning staff, public involvement, and consultant recommendations. The projects outlined in this section are intended to serve as key input to future local and regional planning efforts, initiate further discussions and evaluations of project alternatives, and lead to more detailed project-level feasibility studies. Several of the projects are conceptual in nature, particularly the recommendations for new roads. Although alignments have been provided on maps, more detailed examination will be needed to address difficulties associated with right-of-way, environmental considerations, and other public concerns. Some of these key issues are discussed for certain projects based on input received during the public involvement process for this study.

Comment [A1]: Looks like this is full justified . should be consistent with rest of report

The projects identified, as a whole, represent a significant financial cost that exceeds the past amount of federal and state transportation funds that have been allocated to this corridor. As a result, a prioritization process is useful to evaluate which projects are most important to the residents and travelers within the corridor. For this study, a preliminary effort has been conducted to gain stakeholder and public input into project priorities and needs. Such information has been used to classify projects into short- and long-term categories.

Summary Brief of this Section

- Local planning efforts and public input are important to ensuring that corridor improvements make it to the regional long range transportation plan.
- Future studies will be needed to address improvement alternatives and environmental issues at the current river crossings between West Virginia, Virginia and Maryland.
- Short term improvements are needed to address key safety concerns along the US 340 corridor.
- An integrated east-west frontage road system would provide options to traveling on US 340, improve traffic congestion due to existing and future development, and can be designed to integrate with other transportation modes and to preserve the attractiveness of the corridor.
- New transit service connections and service levels will provide more transportation options to local residents within the corridor.

This county initiated land use study provides a local level assessment of transportation needs within the East Gateway Corridor. The study and its recommendations do not represent a commitment or obligation of funds by either the HEPMPO or WVDOT; however, it will serve as key input to future regional and state planning efforts including the update of HEPMPO's LRTP.

Process for Identifying Conceptual Projects

Strategies have been developed to address the transportation needs identified within the East Gateway Corridor (see the Issues Identification and Concerns section of this report). The process used to identify these strategies has included input from local and regional planning agencies, consultant staff and public involvement activities. Table 11 illustrates public involvement efforts related to the transportation component of the plan. This has included an assessment of regional priorities, the development of an interactive website to collect insights on transportation needs and improvement strategies, a January 19th public work session to identify transportation strategies, and a prioritization worksheet aimed at identifying what projects are most important to the region.

**Public Input for Transportation Needs and Strategies
Table Used at January 19, 2012 Meeting to Develop Ranking**

Weighted Ranking (1-30)	Project ID From Map	Category	Short Description	Relative Cost Estimate (1= Highest-Cost) (30=Lowest-Cost)
1	24	New Road	New North-South Road Under US340 from Millville to Bakerton Street (Underpass)	2
2	23	Intersection Improvement	Intersection Reconfiguration at US340 and Millville Road	27
3	22	New Road	New East-West Frontage Road from Shipley School Road to Bakerton Street	9
4	25	New Road	New East-West Frontage Road from Bakerton Street to Washington Street	11
5	9	Other	Bike-Pedestrian East-West Path from Charles Town to Harpers Ferry	15
6	30	Other	Improve/Upgrade Bakerton Street Rail Crossing	27
7	28	Other	Public Transit Service to Other County Commuter Services in Maryland or Virginia	23
8	8	Other	Transit Service to Key Shopping Areas along US340	26
9	10	Other	Bike-Pedestrian North-South Path Along Country Club Road	25
10	3	Interchange	Grade-Separated Interchange at US340 & Country Club Road)	1
11	26	New Road	New East-West Frontage Road Connection between Alstadts Hill Road and Co Route 340/17	22

12	1	Intersection Improvement	Intersection Improvements at Flowing Spring Road / Sun Road / WV 9	12
12	21	Intersection Improvement	Intersection Signalization and Reconfiguration at Carriage Drive and Frontage Road	27
14	2	Roadway Widening	Extension of Turning Lanes on US 340 from WV 9 to 2 nd Street)	14
14	27	Roadway Widening	Extension of WB truck lane on US 340 From Shenandoah Street to Existing 2 WB Lane Section	6
16	11	New Road	New East-West Frontage Road from 2nd Street to Halltown Road	4
16	14	New Road	New East-West Frontage Road from Halltown Road to Blair Road	10
18	18	Intersection Improvement	Intersection improvements at Halltown Road and Shepherdstown Pike	19
19	20	New Road	New East-West Road from Country Club Road to Shepherdstown Pike	3
20	13	Intersection Improvement	Intersection Reconfiguration and Signalization at Halltown Road	16
20	29	New Road	New Road Connection Between Prospect Avenue and Bakerton Street	18
22	15	New Road	New East-West Frontage Road Connection from Marlowe Road to Halltown Road	20
23	5	New Road	New North-South Road Extension from WV 9 to Keyes Ferry Road	8
23	16	New Road	New North-South Road Connection from Blair Road to Halltown Road North of US340	21
23	17	Intersection Improvement	Intersection Improvements at US 340 and Blair Road	27
23	19	Intersection Improvement	Intersection Improvements at US340 and Shepherdstown Pike	16
27	4	New Road	New North-South Frontage Road from Shenandoah Springs to Jefferson Terrace)	7
27	7	New Road	New East-West Road from Shenandoah Springs Development to Country Club Road	5
29	6	New Road	New North-South Road from Keyes Ferry Road to Somerset Blvd	13
29	12	Roadway Widening	Roadway Improvements on Marlowe Road to Improve Capacity for Turning Movements	24

Table 11: Public Input for Transportation Policy and Strategic

Comment [A2]: TABLE 11 REMOVED - MAY REQUIRE OTHER TABLE RENUMBERING

The website data surveys and public work session were valuable in obtaining important insights on general strategy recommendations and specific comments regarding safety concerns, right-of-way issues, and the alignments of proposed new roads. Figure 12 illustrates input on recommended strategy types obtained through the website.

projects, even if planned, may not be built for many years.

This study focuses on addressing key transportation operation, safety and mobility options within the East Gateway Corridor as related to future land use growth. Recommended transportation strategies were identified for the corridor. These strategies include lower-cost safety improvements, intersection signalization and reconfiguration, additional lanes on existing facilities, new road construction to improve regional connectivity and transit service improvements. A short description of each specific roadway improvement project is provided in Table 12. These roadway improvement projects are also summarized on Map 18-. Transit projects are discussed and summarized in a separate section below.

Strategies focused on bike and pedestrian trails are a key priority in this corridor with significant public support. These strategies are discussed in the *Parks, Trails and Greenways* portion of this document, though it is expected that these modes will need to be addressed in the design and upgrade of the roadway system and intersections within the corridor.

In addition to the specific projects presented in Table 12, other more general strategies are recommended to address identified transportation and mobility goals for the corridor. These include future efforts to develop access management standards, speed control options to improve safety, and highway beautification to promote and preserve the nature of the corridor.

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Summary of Recommended Roadway Improvement Projects
Projects ID Numbers Relates to Location in Corridor (Numbering Starts on Western Portion)

Project ID is not based on project ranking or priority.

Project ID	Project Type	Project Description
1	Roadway Widening	Extension of turn lanes on US 340 between the WV 9 interchange and 2 nd Street Jefferson Terrace.
2	New Road Construction	North-South roadway from Shenandoah Springs development connecting to Jefferson Terrace.
3	Intersection Improvement	Improvements at Flowing Springs Road / Sun Road East 5 th Avenue/ WV 9. Includes possible signalization and merge lanes.
4	New Road Construction	North-South roadway connecting US 340 (south of WV 9 interchange) with Keyes Ferry Road.
5	New Road Construction	North-South roadway connecting Keyes Ferry Road to Somerset Blvd.
6	New Road Construction	East-West frontage road on northern side of US 340 from Jefferson Terrace 2 nd Street to Halltown Road.
7	New Road Construction	Road connections from Shenandoah Springs to Old Country Club Road and Walmart.
8	Safety Improvement	Signal flashers warning of approaching intersection on west-bound US 340 approaching Patrick Henry Way and Shepherdstown Pike (230).
9	New Road Construction	East-West frontage road on southern side of US 340 from Marlowe Road to Rion Hall Farm Road.
10	New Interchange	Construct interchange at US 340 and Old Country Club Road. Interchange may be located west of current intersection requiring roadway reconfiguration.
11	New Road Construction	East-West road north of the rail line connecting Country Club Road and Shepherdstown Pike.
12	Intersection Improvement	Intersection reconfiguration and/or signalization at US 340 and Halltown Road. Address concerns for left-turn vehicles

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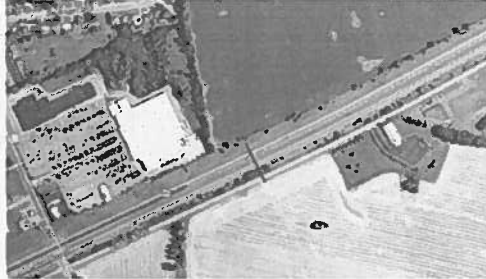
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		during peak periods.
13	New Road Construction	East-West frontage road on southern side of US340 from Rion Hall Farm Road to Blair Road.
14	Intersection Improvement	Intersection reconfiguration and/or signalization at US 340 and Blair Road. Address concerns for left-turn vehicles during peak periods.
15	Intersection Improvement	Intersection signalization at Halltown Road and Shepherdstown Pike.
16, 17, 18	Intersection Improvement	Intersection reconfiguration and signalization at intersections in vicinity of the US Customs & Border Protection relocated entrance.
19	New Road Construction	East-West frontage road from Shipley School Road to Bakerton Road.
20	Intersection Improvement	Intersection reconfiguration and/or signalization at US 340 and Bakerton-Millville Road. Address concerns for left-turn vehicles during peak periods.
21	New Road Construction	North-South roadway from Alstadts Hill Road to Bakerton Road. The roadway includes an underpass under US 340.
22	New Road Construction	East-West frontage road on northern side of US 340 from Bakerton Road to <u>W</u> Washington Street.
23	New Road Construction	East-West frontage road on southern side of US 340 from Alstadts Hill Road to County Route 340/5 <u>Old Taylor Lane</u> .
24	Railroad Underpass	Widening of Bakerton Road railroad underpass.
25	Roadway Widening	Extension of US 340 westbound truck climbing lane from Shenandoah Street to the existing two lane section.

Table 12: Summary of Recommended Roadway Improvement Projects

Such road designs may require a large amount of right-of-way especially when integrated with frontage roads and multi-use paths. The example provided in Figure 16 illustrates a design requiring about 115 feet of right-of-way. Figure XX illustrates a portion of US340 near Patrick Henry Way. This particular section (as illustrated by the red line in the figure) has about 280 feet of width, which may allow for frontage roads on each side of US 340. Future planning and design efforts will need to assess existing property lines and state-owned right of way associated with the US340 corridor.



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Bakerton-Millville Road Connections

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Map 21 illustrates proposed new roadways near the intersection with US 340 and Millville/Bakerton Road. – This intersection and the associated projects were the highest prioritized projects at the January 19th public work session. Short term improvements have already been discussed for this intersection.

Recommended Improvements Near US 340 and Millville-Bakerton Intersection

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Map 21: Recommended Improvements Near US 340 and Millville-Bakerton Intersection

* Source: Google Earth

opportunities may exist to coordinate PanTran shuttle service with other available service in nearby counties.

Addressing Access Management

The extent to which the access points (driveways and intersections) are controlled or managed in a corridor dramatically impacts the capacity and character of the roadway. On state-owned roadways (like US 340), the state must balance the requirement to provide access to property with the need to maintain roadway function. The WVDOT provides guidelines for access management, including the spacing of intersections to optimize traffic flow and driveway spacing to avoid reductions in capacity due to traffic turning directly into and out of travel lanes. A variety of strategies, including dedicated turning lanes, signal coordination, and frontage roads, can minimize the negative impacts of new development on existing roads.

In West Virginia, only interstates have full access control and some high-level U.S. or State highways, such as the Route 9 bypass, are designed with partial control of access. Other facilities depend on local planning and development review processes to protect the capacity of existing roads. Adherence to the access management guidelines in the design of new development and in local comprehensive planning can improve the ability of existing roads to serve traffic as development occurs in the future.

Any municipality or Metropolitan Planning Organization may, in cooperation and coordination with WVDOT, develop an access management plan for a specified state highway segment for the purposes of preserving or enhancing that highway's safe and efficient operation. Once adopted by the affected agencies, such plans will form the basis for all future access connection locations. The priority in developing corridor access management plans should be placed on those facilities with high traffic volumes or those that provide important statewide or regional connectivity and mobility, such as hurricane evacuation routes, relief routes, and NAFTA corridors.

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Functional Criteria

The corridor access management plan will provide comprehensive area-wide traffic and mobility solutions, while providing reasonable access to abutting property. Each plan should include a combination of policy, design, and improvement actions aimed at achieving access management objectives. These plans should emphasize the host of access management techniques: shared access, cross access, internal street circulation, properly spaced collector system, proper driveway design, and median design techniques. A

The corridor access management plan may include the following elements:

- Existing and future access locations,
- All major access-related roadway design elements,
- Lots or parcels currently having frontage on the highway segment,
- Pedestrian and bicycle amenities and associated safety implication,
- Transit facility considerations; and
- All supporting technical materials, if applicable.

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Within this land use vision study, mTxDOT and any local government within the plan area should be parties to the plan, which will then be adopted by agreement among the agencies. After an access management plan is in effect, all action taken in regard to access will be in conformance with the plan and any modifications to the plan must be approved by the affected local governments and TxDOT. any of the identified transportation projects have focused on limiting additional access points along US 340. This has included an enhanced frontage road system to provide access to current and future residential and commercial developments along the corridor. Several new traffic signals have been identified within the corridor. This includes possible short term improvements at the Millville intersection and intersection improvements related to the new CBP entrance near Halltown Road. However, additional traffic signals and/or new intersection approaches are not recommended west of Old Country Club Road. Longer term solutions including a possible interchange at Old Country Club Road have focused on limiting access to US 340 and providing primary access points to a frontage road system.

Roadway Streetscape and Beautification

The importance of preserving the character and nature of the corridor has been identified as a key priority within the stakeholder and public involvement efforts conducted for this study. Complete Street concepts have been stressed for new roadway designs incorporating landscaping to improve attractiveness and function of the roadway system. Additional comments have focused on improving the landscaping along existing portions US 340. Enhancements to the existing roadway system may include separate studies to identify the types and locations of streetscape improvements that would Aspromote business growth and community pride within the area and address public safety issues such as drainage, infrastructure, and pedestrian access. Such efforts could include the following principles:

- Implement sustainable practices
- Develop complete streets
- Use cohesive design elements
- Promote security and safety
- Coordinate maintenance awith design and implementation
- Protect and enhance historic character

Figure XX illustrates examples of key components in streetscape design which will vary based on the location and types of roadways.

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Hi Dan, thanks for all your work on the transportation sections. I reviewed the two sections (pgs 39-57, 96-119) and have some comments for your consideration:

1. pg 39, third paragraph, sentence confusing: "The Transportation System provides an illustrating the key roadways within the corridor"
2. pg 40, lose apostrophe in "Harper's Ferry"
3. pg 41, is it confirmed WVDOH will be conducting O-D survey along corridor? Maybe consider using language " , which may include an origin..."
4. pg 43, confusion of east/west direction under Current Traffic Conditions, eastern section of corridor carries 29,000 ADT vs. western as listed
5. pg 46, not aware of plans of WVDOH to conduct an operational study of entire corridor in conjunction w/ MD and VA... Know WV is looking at the bottleneck at Harpers Ferry w/ the other states, and has completed environmental on US340 South maybe reference these two items instead
6. pg 53, what do shaded areas on map signify? I believe map focus is to show the regional roads in our model vs. local and collector roads but this looks like a choropleth map
7. pg 105, Map 20 should be labeled "19" ...ALSO the recent study referenced on the USCBP entrance, was conducted by the USCBP not by WVDOH...ALSO I think it needs to be clear that signalization at the new USCBP entrance will eventually happen, regardless of which intersection option is chosen as the proposed light project was amended into our TIP in January
8. pg 107, assign # to Figure XX
9. pg 118, assign # to Figure XX, "component" misspelled

Let me know if you have any questions. Thanks, Matt

In the Circuit Court of Jefferson County, West Virginia

Cedar Air Park Holdings, LLC
Petitioner

v.

11-C-460
Judge Sanders

RECEIVED

MAR 06 2012

JEFFERSON COUNTY
CIRCUIT CLERK

Jefferson County Planning Commission, a public body,
Respondent

ORDER

On the 22nd day of February came the Petitioner by counsel, Steptoe & Johnson, Eric Hulett, Esq. and the Respondent, by counsel, Stephen V. Groh, Assistant Prosecuting Attorney, for a hearing upon Respondent's pending Motion to Strike Appearance of Counsel and Strike Pleadings Due to Conflict of Interest.

After due consideration of the motion, the response thereto and the arguments of counsel at said hearing, the Court ruled as follows:

The Court finds Steptoe & Johnson has a conflict of interest arising from its on-going attorney-client relationship with the Jefferson County in Smith v. Jefferson County Commission 3:10-cv- 106 (NDWV). Due to the conflict of interest, it is hereby ORDERED that the appearance of Steptoe & Johnson is struck as of the date set forth above.

Due to the conflict of interest, it is FURTHER ORDERED that after a review of the case file (previously submitted to the Court) any and all documents in the case file which appear to the Court to have been obtained through the representation of the Jefferson County Commission together with any work-product of Steptoe & Johnson shall be placed under seal with Circuit Clerk. Other documents in the case file, such as documents provided to counsel by the Petitioner and other publically available documents, may be reclaimed by the Petitioner.

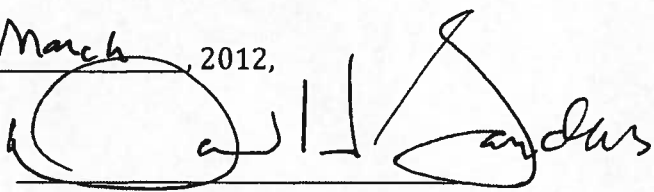
Since the Petition has been publically available in the Court file, it is FURTHER ORDERED that Respondent's Motion to Strike the Petition filed in this matter is DENIED,

unless Respondent can make a further showing that any portion of the pleading is the product of Steptoe & Johnson's access to privileged information of the Respondent.

It is FURTHER ORDERED that this matter is STAYED for a period of 90 (ninety) days from the entry of this Order. Petitioner may obtain new counsel who shall enter their appearance before the expiration of the stay.

Due to the conflict of interest, it is FURTHER ORDERED that Steptoe & Johnson shall not assist nor in any way participate in the Petitioner's selection of new counsel.

It is FURTHER ORDERED that the Clerk shall mail a certified copy of this Order directly to the Petitioner, to all of the above referenced counsel and to the Jefferson County Commission.

2 cc's
SO ORDERED this 6th day of March, 2012,
E. Hudell
S. Groh
3-7-12-Bc

The Honorable David H. Sanders,
Chief Judge, 23rd Judicial Circuit

Prepared by,

Stephen V. Groh
Assistant Prosecuting Attorney
P.O. Box 729
Charles Town, WV
WV Bar #6831

2 cc's:

Jebb. Co. Comm.
Cedar Air Park Holdings

3-8-12-Bc

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ORDER BOOK CV06-A
PAGE 118 (B)

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

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

Phone: (304) 728-3228
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Director's Report
April 10, 2012
Planning Commission Meeting

- 1) Activity Report (attached)
- 2) 3rd Quarterly Report FY 2012 (attached)
- 3) Next Steps regarding Recreation Amendments (need vote on Public Hearing date; staff recommends review of draft language 5/15/12 and Public Hearing 6/12/12)
- 4) Discussion of possible PC recommendations related to the land use and zoning issues in the Millville area
- 5) Discussion of Possible APA Membership
- 6) Recent CC agenda items:
 - a) Approval of Hiring 2012 Summer Planning Intern (3/29/12)
- 7) Upcoming PC meetings:
 - a) April 24, 2012 – Special Called Meeting
 - Public Hearing – Zoning Map Amendment, Capriotti property
 - Public Hearing – Harvest Hills Final Plat
 - Public Hearing – Cambridge Final Plat
 - b) May 15, 2012 – Note: meeting date change
 - Finalization of Public Input Draft of US 340 Plan
 - Discussion of Proposed Recreation Amendments (tentative)
 - Waiver for and extension of time to bond and record for the Kensington Townhome Subdivision.
 - c) June 12, 2012
 - Concept Plan – Briggs
 - US 340 Plan Public Hearing (tentative)

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 3.05.12- 3.09.12

MONDAY, MARCH 05, 2012

1:30 pm -2:30 pm JENNIE – MEETING WITH TODD / RE: SUMMER INTERNS
3:00 pm – 5:00 pm JENNIE, STEVE & SETH – US 340 PLAN MTG & POWER PT PRESENTATION

TUESDAY, MARCH 06, 2012

10:00 am – 11:00 am STEVE – UNSCHEDULED MTG W/ MATTHEW GROVE - RE: HAWTHORN
11:00 am – 12:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING
2:00 pm STEVE & JENNILEE – BZA AGENDA ITEM SITE VISITS/PLACARD CHECK
2:00 pm – 3:00 pm JENNIE & SETH – WEEKLY PLANNING MEETING
3:00 pm JENNIE, STEVE & SETH – RECREATIONAL USE AMENDMENTS MTG

WEDNESDAY, MARCH 07, 2012

8:00 am – 9:30 am JENNIE – MONTHLY DEPARTMENT HEAD MEETING
10:00 am - NOON JENNIE – BUDGET WORK SESSION IN LIBRARY
1:45 pm JENNIE – SUPPORT OF DOC MANAGEMENT SYSTEM REQ MTG (LIBRARY)
2:30 pm – 5:00 pm JENNIE, STEVE, SETH & DAWN – US 340 PLAN MEETING

THURSDAY, MARCH 08, 2012 MONTHLY PLANNING COMMISSION PACKET DAY

9:00 am - COUNTY COMMISSION MEETING
9:30 am JENNIE, STEVE, SETH & DAWN – PREPARATION / US 340 PLAN MEETING
2:00 pm – 3:00 pm JENNIE, STEVE & SETH – MEETING WITH LEE SNYDER
7:00 pm – 9:00 pm JENNIE, STEVE, SETH & DAWN - US 340 JOINT PC/CC MTG IN LIBRARY

FRIDAY, MARCH 09, 2012 MONTHLY BOARD OF ZONING APPEALS PACKET DAY

Christine Chalmers

To: Planning Commission
Subject: RE: WEEKLY CALENDAR / 3.12.12- 3.16.12

MONDAY, MARCH 12, 2012

TUESDAY, MARCH 13, 2012

10:00 am – 11:00 am	JENNIE, SETH & AMY – WEEKLY PLANNING MEETING
11:30 am – NOON	STAFF MEETING
1:00 pm	JENNIE – COUNTY COMMISSION BUDGET WORKSHOP
AFTERNOON	JENNIE & STEVE – WEEKLY ZONING MEETING
7:00 pm	JENNIE, STEVE, SETH & AMY – PLANNING COMMISSION MEETING

WEDNESDAY, MARCH 14, 2012

9:00 am – 10:00 am	JENNIE – INTERVIEW SUMMER INTERN / OLIVIA NOLAN
10:00 am - 11:00 am	STEVE/JENNILEE OR SETH/AMY & JONATHAN – SITE PLAN PPC RE: SHANNON DONLEY IN ENGINEERING CONFERENCE ROOM
11:30 am – 1:00 pm	STAFF MEETING – OUT OF OFFICE TEAM BUILDING SESSION W/ NICOLE
6:30 pm – 9:30 pm	JENNIE – PUBLIC FORUM ON WATER QUALITY LOCATION: BYRD CENTER AUDITORIUM @ SHEPHERD UNIVERSITY

THURSDAY, MARCH 15, 2012

9:00 am -	COUNTY COMMISSION MEETING
3:00 pm	STEVE & JENNILEE – BOARD OF ZONING APPEALS MEETING

FRIDAY, MARCH 16, 2012

2:00 pm	JENNIE & STEVE – MEETING W/DICK KLEIN, BOB PRATT & DR. MILLER
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Christine Chalmers

To: Planning Commission
Subject: RE: WEEKLY CALENDAR / 3.19.12- 3.23.12

MONDAY, MARCH 19, 2012

9:30 am – 10:30 am JENNIE – TRAIL MEETING / SMALL CONFERENCE ROOM
2:00 pm JENNIE & STEVE – MEETING WITH TANNER HAID / REC REGULATIONS

TUESDAY, MARCH 20, 2012

1:00 pm – 2:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING
3:00 pm JENNIE – “EDA” BOARD MEETING

WEDNESDAY, MARCH 21, 2012

9:30 am - 12:30 am JENNIE – HEPMPO / TAC MTG @ ROBERT C. BYRD BLDG (MARTINSBURG)
3:00 pm JENNIE, STEVE & SETH – INTERVIEW WITH SUMMER INTERN
2:30 pm – 3:30 pm JENNIE & SETH – WEEKLY PLANNING MEETING

THURSDAY, MARCH 22, 2012

9:00 am COUNTY COMMISSION MEETING
2:00 pm JENNIE, STEVE, SETH & DAWN – US 340 TRANSPORTATION MEETING

FRIDAY, MARCH 23, 2012

10:00 am STEVE – ECONOMIC ROUNDTABLE / LOCATION: INN AT CHARLES TOWN
3:00 pm STEVE & SETH – TELEPHONE CONFERENCE W/ DAN SZEKERES (US 340)

Christine Chalmers

To: Planning Commission
Subject: RE: WEEKLY CALENDAR / 3.26.12- 3.30.12

MONDAY, MARCH 26, 2012

10:00 am – 11:00 am STAFF MTG / DISCUSSION & COMMENTS: 2012-2013 HEALTH INS PLAN
1:00 am – 2:30 pm JENNIE, STEVE & JENNILEE – WEEKLY ZONING MEETING
2:30 pm STEVE & JENNILEE – MONTHLY BZA APPLICATION SUBMISSION REVIEW
3:00 pm – 4:00 pm JENNIE, SETH & AMY – WEEKLY PLANNING MEETING

TUESDAY, MARCH 27, 2012

SUPREME CT JUSTICES OF WV SUPREME CT ARE VISITING JEFFERSON CNTY

9:00 am JENNIE – COUNTY COMMISSION SPECIAL SESSION AT HUNTER HOUSE
DISCUSSION: COUNTY ADMINISTRATOR CANDIDATES – HIRING PROCESS
9:30 am COUNTY COMMISSION TO USE UPPER LEVEL CONF ROOM / RE: BUDGET MTG
9:30 am JENNIE – ATTEND COUNTY COMMISSION BUDGET MEETING
10:00 am STEVE, SETH, JONATHAN & AMY – CONCEPT PLAN REVIEW / ENG CONF RM
RE: BRIGGS ANIMAL ADOPTION CENTER – EXPANSION TO CAT HOUSE
3:00 pm JENNIE, STEVE, SETH, DAWN & AMY – WEB BASED TRAINING FOR PC
6:00 pm JENNIE – MONTHLY PARKS AND REC FACILITIES MEETING

WEDNESDAY, MARCH 28, 2012

10:00 am - 11:00 am STEVE & SETH – MEETING WITH WAYNE & RENEE MOORE / RE: LAND USE
3:00 pm JENNIE & SETH – MEETING WITH PAUL RACO AND MARK /
RE: 340 DEFENSE SHOOTING RANGE

THURSDAY, MARCH 29, 2012

9:00 am - COUNTY COMMISSION MEETING
1:30 pm – 2:00 pm JENNIE – ALL DIRECTORS BENEFITS MEETING

FRIDAY, MARCH 30, 2012

9:30 am – 11:30 am JENNIE, STEVE, SETH & AMY – “PC PROCEDURE” MTG W/STEVE STOLIPHER
12:15 pm JENNIE, STEVE & SETH – PLANNERS LUNCH
3:00 pm JENNIE & SETH – MEETING WITH JAMES CASIMIRO /
RE: 340 DEFENSE SHOOTING RANGE

Christine Chalmers

To: Planning Commission
Subject: RE: WEEKLY CALENDAR / 4.02.12- 4.06.12

MONDAY, APRIL 02, 2012

10:00 am – 11:00 am STAFF MEETING
2:00 pm – 3:00 pm JENNIE & SETH – WEEKLY PLANNING MEETING
3:00 am – 4:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING
6:30 pm – 8:00 pm JENNIE – “PSD” MEETING

TUESDAY, APRIL 03, 2012

10:00 am – 11:00 am JENNIE, STEVE & SETH – MTG WITH TODD / RE: COMP PLAN MAP NEEDS
11:00 am STEVE – MEETING WITH MATTHEW GROVE / RE: HAWTHORN B&B
2:00 pm – 3:00 pm JENNIE, STEVE & SETH – AMENDMENTS TO ZONING CATEGORIES

WEDNESDAY, APRIL 04, 2012 US 340 “TAC” COMMENTS DUE

8:00 am – 9:30 am JENNIE – MONTHLY DEPARTMENT HEAD MEETING
WITH (ACTING) COUNTY ADMINISTRATOR
10:00 am SETH & STEVE – BRIGGS CONCEPT PLAN REVIEW
2:00 pm JENNIE, STEVE, SETH & DAWN – MEETING / RTE. 340 EDITS

THURSDAY, APRIL 05, 2012

9:00 am NO COUNTY COMMISSION MEETING
9:00 am – 10:30 am SETH – DISCOVER DOWNTOWN CHARLES TOWN MEETING
2:00 pm JENNIE, STEVE, SETH, DAWN – MEETING WITH JOHN REISENWEBER
(NEW DEVELOPMENT AUTHORITY DIRECTOR)
6:00 pm JENNIE – PARKS & REC FACILITIES MEETING

FRIDAY, APRIL 06, 2012 PLANNING COMMISSION PACKET DAY

1:00 pm JENNIE – BOARD OF HEALTH MEETING

3rd Quarterly Report (January - March 2012)
FY 2012 Work Plan Departments of Planning and Zoning
and Planning Commission and Board of Zoning Appeals

PRIORITY	PROJECTS	TIME FRAMES from FY 11-12 Work Plan	Status or Number Completed (July 11 -- Sept. 11)	Status or Number Completed (Oct. 11 -- Dec. 11)	Status or Number Completed (Jan. 12 -- March 12)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
	Day to Day Customer Service	on-going							
	Walk in Customers - general information, zoning requests, process questions		196	149	171				
	Information Request Forms		26	29	38				
	Zoning Certificates Issued		6	6 issued; 1 denied	6 Issued / 2 Pending				
	Call-in customers - general info, zoning, questions		471	469	467				
	E-mail to general planning/zoning mailboxes (note: individuals receive over 100 per month each)		803	874	863				
	Day to Day Development Review Responsibilities:	on-going							
	Minor Site Plans		1	3	0				
	Limited Site Plan		1	0	0				
	Major Site Plans, including Concept Plans		4	1	1				
	Merger Deeds, Lot Line Adjustments		5	7	5				
	Conservation Easement Review		--	7	0				
	Minor Subdivision Plats		3	3	0				
	Major Subdivision Plats (Concept, Preliminary, Final)		0	1	3				
	Conditional Use Permits/Neighborhood Compatibility Meetings		0	1 CUP/1 NCM (Bakerton)	1 CUP Approved (Bakerton 1/19/12) 2 NCM Held (Aspen Greens 2/15/12; Corum 3/2/12)				
	Zoning Variances (requirements, dimensional variances, CUP Time extensions)		11	5	14 Variances / 2 "CUP"				
	Subdivision Waivers including requests related to time frames or requirements		2	1	3 Waivers / 1 Variance				
	Pre-proposal Conferences		6	8	11				
	Zoning Map Amendments (Rezoning)		3 new (Sanderson Approved by CC 6/30/11)	PC and CC Public Hearings: Hott (CC 10/6/11 - no action); Gibson (PC 11/8/11); Corum (PC 11/8/11; CC 12/8/11 - denied)	Gibson CC Public Hearing (1/5/12; approved 1/12/12); Hott rezoning withdrawn 2/2/12	Capriotti Rezoning Public Hearing scheduled for 4/24/12	SR, SB, JMB		
	Staff to Planning Commission meetings, including staff reports and presentations	on-going	4 Regular Meetings 6 staff report related to land development applications	2 Regular Meetings ; 9 staff reports related to land development applications; Amendments to By-laws approved by CC 10/6/11	3 Regular Meetings ; 4 staff reports related to land development applications				
	Staff to Board of Zoning Appeals meetings, including staff reports and presentations	on-going	3 BZA meetings 11 staff reports for land development applications	2 BZA meetings 5 staff reports for land development applications	3 BZA meetings; 12 staff reports for land development applications Bakerton CUP approved by BZA 1/19/12				
	Staff Training -- new skills, planning and zoning related functions	on-going	None this Quarter	Seth Rivard and Steve Barney -- Land Use and Zoning Law Litigation (11/2/11); Dawn Childs - ArcGIS Desktop I: GIS Workflows and Analysis and ArcGIS Desktop II: Tools and Functionality (12/5-12/9/11)	None this Quarter	April - new PC member training; April - PC training Bonding and Recording; APA National Conference (April 2012) - Steve Barney			

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PRIORITY	PROJECTS	TIME FRAMES from FY 11-12 Work Plan	Status or Number Completed (July 11 -- Sept. 11)	Status or Number Completed (Oct. 11 -- Dec. 11)	Status or Number Completed (Jan. 12 -- March 12)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
	Various non-PC and non-BZA Meetings including participation in County Commission; other agencies such as WAC, JCDA, Health Department, PSD, HEPMPO TAC, WIP II Work Group; other Region 9 Meetings as requested; and follow up meetings with applicants and their representatives	on-going	JB - 126 meetings attended; SR - 69 meetings attended; SB - 84 meetings attended	JB - 100 meetings attended; SR - 67 meetings attended; SB - 72 meetings attended	JB - 134 meetings attended SR - 85 meetings attended SB - 95 meetings attended				
Special Project	Proposed Subdivision Regulations Amendments		Proposed Am to Articles 20 & 26 re: Add'l minor site plan sq. footage (PC vote 7/26/11; CC 8/18/11; CC PH 9/15/11); Proposed Am to Article 24 combining Submission & Completeness Reviews for Site Plans and Plats (PC PH 7/12/11; PC vote 7/12/11; CC 8/18/11; CC PH 9/15/11)	Proposed Am to Articles 20 & 26 re: Add'l minor site plan sq. footage (CC PH follow up 10/6/11; add'l follow up work session 11/3/11 & 11/10/11; requested add'l alternatives); Proposed Am to Article 24 combining Submission & Completeness Reviews for Site Plans and Plats (CC Workshop 11/3/11; approved with edits by CC, 11/3/11)	Proposed Am to Articles 20 & 26 re: Add'l minor site plan sq. footage (new alternatives to PC 1/10/12; approved by CC 1/19/12)		SR, SB, JB	possibly	
Special Project	Proposed Zoning Ordinance Amendments		Policy Neutral Am. Approved by CC 7/7/11; Am to Article 4A Home Occ./Cottage Ind (PC vote 7/26/11; CC 8/18/11; CC PH 9/15/11); Am to Article 12 (PC PH and vote 7/12/11; CC 8/18/11; PC PH 9/15/11)	Am to Article 4A Home Occ./Cottage Ind (Approved by CC with edits 11/3/11); Am to Article 12 (Approved by CC 11/10/11); Kick-off Roundtable Discussion with recreation providers 10/21/11 and follow up meeting with industry 12/20/11; drafting new Commercial Zoning categories for PC review and action at January meeting	Public Workshop/input into proposed new commercial zoning categories (2/12); Workshop regarding new ordinance language related to Recreation Uses (3/12)	Public Hearing proposed new commercial zoning categories (4/10/12)	SR, SB, JB	possibly	
Special Project	340 Corridor East Gateway Study	Spring 2011 - January 2012	6/16/11 meeting summary and follow up; preparation for and follow up to 3rd Public Meeting 9/17/11 meeting, including development of 3 land use alternatives based on public input and Traffic Analysis Zones for data analysis; Metro Quest Phase 2 preparation	Joint meeting with HF NPS and Trail Blazers 10/18/11; MetroQuest Phase 2 open 10/7/11 - 11/11/11; Public Meeting #4 to chose preferred alternative 12/6/11 (KOA); drafting text and finalizing maps and working with HEPMPO consultants	Final Public Workshop 1/19/12; Joint PC/CC Meeting Presentation of Draft 3/8/12	Planning Commission Review and Next Steps 4/10/12	SR, SB, JB		
Special Project	340 Corridor South Study	Spring 2012 - Winter 2013	No Work this quarter	No Work this quarter	No Work this quarter				
Special Project	2014 Comprehensive Plan	Fall 2012 - Spring 2014 (18 month); adoption 2014	No Work this quarter	No Work this quarter	Summers interns solicited and interviewed/recommended to CC for Summer hire to assist with Base Analysis for Comp Plan Update				

3rd Quarterly Report (January - March 2012)
FY 2012 Work Plan Departments of Planning and Zoning
and Planning Commission and Board of Zoning Appeals

PRIORITY	PROJECTS	TIME FRAMES from FY 11-12 Work Plan	Status or Number Completed (July 11 -- Sept. 11)	Status or Number Completed (Oct. 11 -- Dec. 11)	Status or Number Completed (Jan. 12 -- March 12)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
Special Project	Urban Tree Canopy Plan Adoption		Urban Tree Canopy Draft Plan & Goals Meetings: Shepherdstown (8/18/11), Bolivar (9/6/11); County PC PH (7/26/11)	Approved and adopted by County Commission after Public Hearing 11/3/11		completed	JB		
Special Project	Urban Growth Boundaries		Shepherdstown UGB recommended to CC 9/15/11	drafted letter on behalf of CC to Shepherdstown requesting more information for CC signature	No Work this quarter		JB		
Special Project	Participation in WIP II Meetings held by DEP and follow up Chesapeake Bay activities		WIP II Developed Lands Work Group 8/3/11; Ches. Bay WIP II Summit 8/30/11; speaker at 6th Annual Chesapeake Bay Forum 9/30/11	monthly conference calls	monthly conference calls		JB		
Special Project	Review and Potential Implementation of Region 9 Model Stormwater Regulations		WIP II meetings (above)	coordinating with County Engineer in effort to apply for grant to facilitate the incorporation of these regulations in local ordinances	No Work this quarter		JB, SR, engineering		
Special Project	2011 Summer intern hired to initiate data analysis		Summer Intern worked May through mid-Sept 2011; researched existing conditions data, 2010 Census data, community facilities data, etc in preparation for 2014 Comp Plan Update; also assisted with TAZs and land use alternatives for US 340 East Gateway Plan	no further action at this time	Completed				