

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, OCTOBER 10, 2013
7:00 P.M.

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

~~~~~ **EVENING SESSION** ~~~~~

7:00 p.m.      Public Hearing

1.    Call to Order - Commissioner Dale Manuel, President
  
2.    Pledge of Allegiance
  
3.    The County Commission of Jefferson County has scheduled this Public Hearing on proposed Text Amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2; and to amend such other articles, sections, subsections, and provision of the ordinance as necessary to implement and maintain consistency with the foregoing amendments.
  
4.    Jennifer Brockman - Director of Planning and Zoning  
      - Overview
  
5.    Public Comment
  
6.    Adjourn

**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY  
Thursday, October 10, 2013 at 7:00 PM**

The County Commission of Jefferson County has scheduled a Public Hearing on proposed Text Amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2; and to amend such other articles, sections, subsections and provisions of the ordinance as necessary to implement and maintain consistency with the foregoing amendments.

Oral or written comments can be provided at the hearing, **7:00 PM, Thursday, October 10, 2013** during the special called County Commission meeting **in the Charles Town Library meeting room at 200 East Washington Street, at the side entrance on Samuel Street**. In addition, you may provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org), or mail to P.O. Box 250, Charles Town, WV 25414, or fax to 304-728-8126.

Copies of the proposed text amendment are available on the Departments of Planning and Zoning webpage within the County's website – [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Questions related to the proposed amendment may be directed to the office of the Departments of Planning and Zoning at (304) 728-3228 or [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

By Order of the County Commission of Jefferson County  
Dale Manuel, President

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: August 29, 2013

Date Requested – 2<sup>nd</sup> Choice: September 5, 2013

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

Subject: Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15 (new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments)

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

As the County Commission is aware, in 2010 and 2011, the County Commission approved several amendments to the Zoning Ordinance. A number of broad amendments with significant policy implications identified by the County Commission, the Planning Commission and/or staff in 2010 remain to be addressed but are being deferred until after the completion of the Comprehensive Plan.

However, group of smaller (but still important) amendments that would reduce barriers to development, streamline processes, and improve the clarity of the ordinance have been identified over the last several months. In May, the Planning Commission determined that because these amendments are of relatively limited complexity and do not appear to have significant policy implications, this set of amendments could be undertaken now, while the Comprehensive Plan process is ongoing (see attached memo date May 9, 2013).

On June 11, 2013, the Planning Commission conducted a public hearing for amendments to various sections of the Zoning Ordinance (2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, 12.2) related to agricultural uses and other amendments. Following the public hearing, the Planning Commission reviewed a summary of comments received as well as the staff recommendations to address these comments and incorporated the relevant comments. The public comment led to related changes in Section 4A.5 and new sections 8.14 and 8.15 to clarify the amendments being considered.

At their August 13, 2013 meeting, the Planning Commission voted to recommend to approval of the proposed amendments to the County Commission. In accordance with Section 12.4C of the Zoning Ordinance, if the Planning Commission determines that a text amendment to the Zoning Ordinance is required in accordance with its work plan, for the purpose of improving or clarifying the ordinance, or for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing, and make a recommendation for action to the County Commission through a regular agenda request process. With its recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and

**a Public Hearing at dates to be determined by the County Commission to receive comment and take action on the proposed amendment.**

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

**I move to schedule a Workshop (if necessary) on \_\_\_\_\_, 2013 at \_\_\_\_ pm. on the Proposed Minor Amendments to the Jefferson County Zoning and Land Development Ordinance related to Agricultural Use and Other Amendments and/or to schedule a Public Hearing on the same amendments on \_\_\_\_\_, 2013 at \_\_\_\_ pm..**

Attachments:

- **Memo from Steve Barney to PC dated May 9, 2013 regarding "Policy Neutral Zoning Ordinance Amendments, Phase II"**
- **Proposed revisions to Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14, 8.15, 9.5, 10.5, 11.1, 12.2 and Appendix C with amendments highlighted.**



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**MEMO**

**TO:** Jefferson County Planning Commission  
**FROM:** Steve Barney, Zoning Administrator  
**DATE:** May 9, 2013  
**RE:** Policy Neutral Zoning Ordinance Amendments, Phase II

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**Background**

In 2010 and 2011, the County Commission approved several amendments to the Zoning Ordinance. A number of broad amendments with significant policy implications remain to be addressed, and should be deferred until after the completion of the Comprehensive Plan.

However, staff has identified a group of smaller (but still important) amendments that would reduce barriers to development, streamline processes, and improve the clarity of the ordinance. These amendments are of relatively limited complexity and do not appear to have significant policy implications. As such, this set of amendments could be undertaken now, while the Comprehensive Plan process is ongoing.

The proposed amendments are described below.

**Recommend Amendments**

1. **Site plan Requirement (Section 4.10).** The Zoning Ordinance currently states that a site plan must be submitted prior to initiation of development, but does not clarify that the site plan must be approved.
2. **Restaurants and Convenience Stores in Shopping Centers (Section 5.8C).** This amendment would clarify 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).
3. **Wineries / Distilleries (Section 8.5, various).** The Zoning Ordinance currently permits "Farm Breweries and Wineries" but the ordinance is silent regarding distilleries. This type of rural land use has become a prominent agribusiness in some parts of the country, and several interested parties have expressed a desire to create rural distilleries in Jefferson County. Staff proposes to amend the ordinance to clarify that distilleries are also permitted. Additionally, staff proposes

to increase the square footage restriction for buildings associated with a winery from 10,000 to 20,000 square feet.

4. **Deck setbacks in certain townhome subdivisions (Section 9.5).** Numerous variance requests for deck setbacks in townhome subdivisions with small lots indicate the need for a code amendment.
5. **Receptions and events in Rural areas (Section 10.5).** A number of property owners have expressed interest in renting barns and homes in rural areas for use as reception facilities for weddings and other events. Currently, the Zoning Ordinance would only permit this type of land use (in limited form) as part of a bed and breakfast establishment; otherwise, a Conditional Use Permit would be required. Staff proposes to create a provision in the ordinance allowing this type of land use as a Special Exception that can be approved by the Board of Zoning Appeals.
6. **Secondary Dwelling Units for Agricultural Purposes (Section 10.5).** While the Zoning Ordinance allows attached two-family structures in the Rural District, it allows only one detached dwelling unit per lot. Many owners of agricultural property have expressed interest in adding a second unit in order that a farm caretaker can live at the property. Staff recommends creating a provision in the ordinance to allow a second detached dwelling (for agricultural purposes) as a Special Exception that can be approved by the Board of Zoning Appeals.
7. **Parking for Seasonal or Temporary Uses (Section 11.1).** The Zoning Ordinance parking requirements for non-residential uses do not distinguish between conventional uses (such as a retail store) and uses of a more rural or informal character, such as a farmers market or a fair. Staff recommends that the ordinance allow flexibility for staff to administratively waive parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis.
8. **Public notice for zoning map amendments (Section 12.2).** Staff recommends that the public notice period for zoning map amendments be reduced by two days (from 30 days to 20-28 days) in order to 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.

### **Next Steps**

If the Planning Commission finds the proposed draft language acceptable for purposes of receiving public comment, staff will work with the Planning Commission to schedule a public hearing on the proposed amendments. After the public hearing, the Planning Commission can recommend changes to the ordinance amendments, and vote to recommend that the County Commission adopt the amendments. The County Commission will also conduct a public hearing, and at a subsequent meeting, vote on the adoption of the amendments.

Please let me know if you need additional information.

Att: Draft amendments to Zoning Ordinance sections listed above

# Jefferson County Zoning and Land Development Ordinance

Jefferson County,  
West Virginia

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, November 10, 2011  
DRAFT AG USES and REALTED AMENDMENTS 8/13/13 rev 8/22/13 for CC

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## ARTICLE 2: DEFINITIONS

### Section 2.1 Definitions

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

### Section 2.2 Terms Defined

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Abandonment or Abandoned <sup>17, 21</sup>  | The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.                                                                                                                                                                           |
| <u>Accessory Agricultural Dwelling Unit</u> | <u>A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.</u>                                                                                                                                      |
| Accessory Equipment <sup>22</sup>           | Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.                                                                                                                  |
| Accessory Use                               | A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks. |
| Addition, Major                             | A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation                   |

together and sharing living areas in a dwelling unit; or  
D. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.

Farm Market<sup>23</sup>

Market for the sale of farm products, and products incidental to farm products.

Farm Winery

An agricultural use licensed as a "Farm winery" pursuant to the West Virginia Code, and meeting the requirements for a "Farm winery" in §60-1-1 et seq of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.

Farm Distillery

An agricultural use licensed as a "Mini-distillery" pursuant to the West Virginia Code, and meeting the requirements for a "Mini-distillery" in §60-1-1 et seq of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.

Farm Brewery

An agricultural use that entails the manufacturing of beer in accordance with the requirements of the West Virginia Code. A farm brewery is also subject to the requirements of Section 8.5 of this Ordinance.

Farm Vacation Enterprise<sup>23</sup>

A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camping, scenery, nature recreation areas, and similar uses. The site may contain up to 5 lodging units.

FCC<sup>22</sup>

Federal Communications Commission.

Flood-prone Area

Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended.

Flood-prone Soils

Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.

Frontage, Street

All property on the side of a street between two intersecting streets (crossing or ending), or if the street is a dead-end, then all property abutting on one side between an intersecting street and the dead-end of the street.

Functionally Equivalent

FCC licensed providers of Commercial Mobile Radio Services

right-of-way is also the (usually dimensioned) path along which the right of passage is granted.

Road

A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.

Rural Reception/Event Facility

A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts (permitted by Special Exemption).

Rural Reception/Event Facility, Small

A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month.

School, University or College<sup>23</sup>

An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining lots.

Seasonal Use<sup>5</sup>

A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.

Sensitive Natural Area<sup>5</sup>

An area of wetlands, stream or river banks and forest which exists as a habitat supporting rare or endangered species or which has been dedicated perpetually to environmental preservation by easement, covenant or other legal instrument or which is otherwise protected for environmental purposes by State or Federal statute.

Setback Line<sup>23</sup>

That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. For attached dwelling unit types (duplex, multi-family, townhouse, two-family, and similar residential uses) no setback between attached dwelling units is required.

Sexual Paraphernalia Store<sup>15</sup>

Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual activities or used in connection with specified sexual activities.

#### **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.<sup>23</sup>

#### **Section 4.10 Site Plan Requirements**

- A. ~~A site plan shall be submitted~~ and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23</sup>
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. 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.<sup>23</sup>
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

#### **Section 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.<sup>5</sup>
- B. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have a buffer yard of no less than two hundred (200) feet. 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 (½) the front yard building setback.<sup>5, 7</sup>

4. An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.
- H. The maximum combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in subsection (j)(1) – (4), to be used as a Cottage Industry, is 3,000 square feet. For any additional building area exceeding 3,000 square feet, the development and property shall meet all requirements of the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance. If the proposed use of an existing structure and related outdoor area is for use as a “Rural Reception/Event Facility, Small”, a larger gross floor area may be considered as a part of the review process.
- I. Setbacks shall be as provided below for an accessory structure used for a Cottage Industry:
  1. For an accessory structure lawfully constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry, setbacks are 25 feet from all lot lines.
  2. For an accessory structure lawfully constructed more than five years prior to application for a Zoning Certificate for a Cottage Industry, the applicable zoning district setbacks for an accessory structure apply.
- J. For a Cottage Industry located in the Residential Growth District or an existing residential subdivision, the minimum lot size is 2 acres.
- K. If a proposed Cottage Industry would utilize a private, shared right-of-way, driveway or easement for vehicular access, a Compatibility Assessment Meeting is required. The meeting shall be conducted as described in Sections 7.6A and 7.6C of this Ordinance, with the following exceptions:
  1. The purpose of the meeting is for the applicant to inform adjacent owners of the proposed Cottage Industry and to describe any associated traffic impacts.
  2. Owners of all properties with vehicular access to the right-of-way or easement shall be notified of the date, time, and place of the meeting by registered mail. Letters shall be mailed 14 days prior to the scheduled date of the meeting. Staff shall approve the letter as adequate prior to mailing, and the applicant must provide proof of mailing.
  3. During the Compatibility Assessment Meeting, attendees should limit their comments to the adequacy of the private, shared right-of-way, driveway or easement, to accommodate traffic generated by the proposed Cottage Industry.
  4. No Board of Zoning Appeals approval of the application is required.
- L. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.

## Section 5.7 Rural District<sup>23</sup>

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.<sup>8, 23</sup>

### A. Principal Permitted Uses<sup>23</sup>

1. Agricultural uses as defined in Article 2<sup>7</sup>
2. Church
3. Elementary or Secondary School
4. Vocational and/or Training Facility for Adults<sup>12, 20</sup>
5. Dwelling, Single Family
6. Mobile Home (subject to the Jefferson County Subdivision and Land Development Regulations)
7. Dwelling, Two-Family<sup>8</sup>
8. Accessory Agricultural Dwelling Unit
- 7-9. Cottage Industry<sup>8</sup>
- 8-10. Home Occupation, Level 1<sup>8</sup>
- 9-11. Home Occupation, Level 2<sup>8</sup>
- 10-12. Day Care Center, Small<sup>12, 11, 15</sup>
- 11-13. Public Safety Facility
- 12-14. Cultural Facility
- 13-15. Farm Market (subject to the requirements for such a use in Article 8)<sup>8</sup>
- 14-16. Horticultural nurseries and commercial greenhouses
- 15-17. Hospital
- 16-18. Essential Utility Equipment
- 17-19. Accessory uses
- 18-20. Group Residential Facility
- 19-21. Bed and Breakfast (subject to the requirements for such a use in Article 8)<sup>7, 15</sup>
- 20-22. Publicly Owned Facility<sup>8</sup>
- 21-23. Wireless Telecommunications Facilities pursuant to Article 4B.<sup>10</sup>

~~22-24.~~ Model Homes/Sales Office (subject to the requirements for such a use in Article 8)<sup>12</sup>

~~23-25.~~ Non-profit Community Centers<sup>15</sup>

~~24-26.~~ Landscaping business outside of Planning Commission approved subdivisions<sup>15</sup>

~~25-27.~~ Veterinary services outside of Planning Commission approved subdivisions<sup>15</sup>

~~26-28.~~ Feed and/or Farm Supply Center

~~27-29.~~ Agricultural Repair Center<sup>15</sup>

~~28-30.~~ Kennels (subject to the requirements for such a use in Article 8)<sup>15</sup>

~~29-31.~~ Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)<sup>20</sup>

~~30-32.~~ Agricultural Tourism

~~31-33.~~ Farm Vacation Enterprise

~~32-34.~~ Farm Brewery, or Winery, or Distillery

~~35.~~ Rural Reception/Event Facility or Rural Reception/Event Facility, Small (subject to the requirements of 10.5B)

~~33-36.~~ Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)

~~34-37.~~ Preschool

B. Minimum Lot Area, Lot Width and Yard Requirements<sup>23</sup>

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.<sup>5</sup>

**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              |

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 District<sup>1</sup>**

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.<sup>23</sup>

#### **A. Principal Permitted Uses<sup>23</sup>**

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 Adults<sup>12</sup>
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)<sup>12</sup>
39. Non-Profit Community Center
40. Non/Not for Profit Commercial Uses<sup>12</sup>
41. Preschool
42. Wireless Telecommunications Facilities pursuant to Article 4B

B. Standards<sup>23</sup>

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.<sup>23</sup>

C. Other Regulations<sup>23</sup>

1. All sections of this ordinance applying to the residential growth 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.<sup>5, 7, 23</sup>

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.<sup>23</sup> 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 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.<sup>7</sup>

**Section 5.9 Reserved<sup>23</sup>**

**Section 5.10 Village District<sup>8, 23</sup>**

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

**A. Principal permitted uses<sup>23</sup>**

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 Facility<sup>12</sup>
8. Essential Utility Equipment
9. Medical/Dental/Optical Office, Small<sup>12</sup>
10. Group Residential Facility
11. Cultural Facility<sup>12</sup>
12. Wireless Telecommunications Facilities pursuant to Article 4B

**B. Conditional Uses<sup>23</sup>**

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

## **ARTICLE 8: SUPPLEMENTAL USE REGULATIONS<sup>23</sup>**

### **Section 8.1 Adult Use Requirements<sup>16, 23</sup>**

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 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 Pens<sup>23</sup>**

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 Breakfast<sup>23</sup>**

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 Kennels<sup>23</sup>**

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.<sup>15</sup>

## Section 8.5 Farm Brewery, ~~or Farm~~ Winery, or Farm Distillery<sup>23</sup>

- A. All structures associated with the operation of a farm brewery, ~~or farm~~ winery, or farm distillery may not exceed 1020,000 square feet.
- B. No sale of alcohol for onsite consumption is permitted.
- C. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on-premises
- D. Permitted accessory uses include the following:
  - a. incidental tastings of products produced on-premises
  - b. incidental food sales associated with tastings, not including a restaurant
  - c. sales of packaged products produced on-premises
  - d. sales of novelty and gift items associated with products produced on-premises
- E. Twenty-five percent of the raw products for a product containing alcohol that is produced by a farm brewery, farm winery, or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm brewery, farm winery, or farm distillery. No more ~~with no more than~~ twenty-five percent of any such produce utilized for farm wineries and farm distilleries shall originate from any source outside of West Virginia ~~this state.~~
- F. Production limits are as follows:
  - a. A farm brewery may produce annually up to 5,000 barrels of beer (155,000 gallons)
  - b. A farm winery may produce annually up to 50,000 gallons of wine and similar products
  - c. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor
- G. Buildings located on the premises may exceed the square footage limit of 8.5 (A) provided that the total building area dedicated to the use does not exceed to total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse or similar structure that is directly related to agricultural production.

## Section 8.6 Farm Market<sup>23</sup>

The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of fifty feet (50) from the street right-of-way must be maintained, and off street parking must be provided.

## Section 8.7 Jails and Prisons<sup>23</sup>

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial Zone and shall be subject to the Development Review System as outlined in Article 6 of this Ordinance.<sup>5</sup>

### **Section 8.12 West Virginia Legal Fireworks<sup>23</sup>**

Sales of fireworks are only permitted in the commercial zones provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.<sup>8</sup>

### **Section 8.13 Dormitory<sup>23</sup>**

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

### **Section 8.14 Rural Reception/Event Facility**

A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events are allowed by Special Exception in accordance with Section 10.5B of this Ordinance.

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. Such events are permitted administratively in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance.

### **Section 8.15 Accessory Agricultural Dwelling Unit**

A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and is meets all of the following criteria: (a) is limited in size to a maximum of 1,000 heated square feet, gross floor area; (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance; (c) is located on a property of at least 10 acres in area; and (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.

## Section 9.5 Projections Into Yards<sup>8</sup>

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in width. All roof overhangs may extend into any required yard not more than two (2) feet; provided that the primary structure is located entirely within the appropriate setback.<sup>23</sup>
- B. Fences and walls over six (6) feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.<sup>23</sup>
- C. In the Residential - Light Industrial - Commercial District and Residential Growth District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

## Section 9.6 Accessory Structures

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

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

## Section 9.7 Other Exceptions<sup>3</sup>

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

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

shall not face the adjoining residence. Signs governed by the Development Review System are subject to Section 10.4 (e). Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.<sup>8</sup>

- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of three hundred (300) feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This shall be subject to Section 10.4 (e).
- E. All signs accessory to land use that must be evaluated by the Development Review System (DRS) shall be proposed within the DRS application and assessed at the Compatibility Assessment Meeting. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. The Planning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.<sup>2, 17, 21, 23</sup>
- F. No outdoor advertising sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- G. All outdoor advertising, excluding billboards subject to Section 10.4 (h), shall comply with front yard setback provisions in the districts in which they are permitted.
- H. Billboards
  1. No billboard shall be closer to any public highway right-of-way than three (300) feet.
  2. Placement of a billboard must be in a location that is within eight hundred (800) feet of an existing business.
  3. There shall be a minimum of one thousand (1000) feet between billboards.
  4. A billboard shall be no closer than five hundred (500) feet from a church, school, or cemetery.

### **Section 10.5 Special Exception Uses**

~~(Requiring Board of Zoning Appeals after Public Hearing)~~

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.
  - a. The public hearing shall be conducted according to the requirements of Section 3.4A(3)(c).
  - b. Such hearing may be continued according to the requirements of Section 3.4A(3)(d).

c. The public hearing is subject to the notification requirements of Section 3.4A(3)(b).

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

a. Outdoor advertising signs including billboards. ~~The may be approved by the Board of Zoning Appeals shall determine if itsuch a sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.~~<sup>17, 21</sup>

b. Detached "Accessory Agricultural Dwelling Units" for agricultural purposes, such as units for occupancy by farmworkers or caretakers, may be approved based on the Board's evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. One unit meeting the definition of "Accessory Agricultural Dwelling Unit" may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exemption in accordance with this Section.

c. Use of existing structures and outdoor areas as "Rural Reception/Event Facilities" for weddings and similar events in the Rural, Village, Residential Growth, and Residential-Light Industrial-Commercial Districts. Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.

## **Section 10.6 Zoning Certificate<sup>2</sup>**

All Zoning Certificate applications for signs may be approved by the Departments of Planning and Zoning if in conformance with the regulations.<sup>17, 21, 23</sup>

**ARTICLE 11: OFF-STREET PARKING STANDARDS<sup>23</sup>**

**Section 11.1 Non-Residential Parking Standards**

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

Spaces shall be required per use and are as follows:<sup>5</sup>

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

|                                                                                                     |                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hotel, Resort                                                                                       | employee<br>1 space per guest room plus 1 space per 5 employees                                                                                                        |
| Manufacturing Plant                                                                                 | 1 space per employee on maximum working shift                                                                                                                          |
| Medical or Dental Offices/Clinic                                                                    | 5 spaces per 1000 square feet of gross floor space                                                                                                                     |
| Mortuary or Funeral Parlor <sup>23</sup>                                                            | 1 space per 150 square feet of floor area devoted to viewing and 1 space per vehicle used in activity PLUS 1 space per each two employees; with a minimum of 20 spaces |
| Motel, Tourist Home                                                                                 | 1 space per guest room or suite                                                                                                                                        |
| Nursing Home                                                                                        | 1 space per 400 square feet floor space                                                                                                                                |
| Office Building                                                                                     | 1 space per 300 square feet floor space                                                                                                                                |
| Professional Building<br>(Other than Medical)                                                       | 2 spaces per 300 square feet floor space                                                                                                                               |
| Recreational Establishment <sup>23</sup><br>(Other than theaters, swimming pools and bowling lanes) | 1 space per 80 square feet of floor space and/or as determined by extent of outdoor use                                                                                |
| Restaurant, Tavern, Lounge,<br>Nightclub                                                            | 1 space per 50 square feet customer floor space                                                                                                                        |
| Shopping Center <sup>23</sup><br>(Retail greater than 2,000 square feet of floor space)             | 5.5 spaces per 1,000 square feet floor space                                                                                                                           |
| Swimming Pool                                                                                       | 1 space for every 7 persons permitted at any one time                                                                                                                  |
| Theater, Auditorium, Stadium                                                                        | 1 space per every 2 seats                                                                                                                                              |
| Transportation Terminal                                                                             | 1 space per main shift employec                                                                                                                                        |
| Warehouse or Wholesale Establishment                                                                | 1 space per main shift employee plus 2 spaces per wholesale establishment                                                                                              |

B. Parking requirements for uses not listed in 11.1(a) may be either approved or established by the Departments of Planning and Zoning on a case-by-case basis. Justification for said requirements must be documented.<sup>8, 17, 21, 23</sup>

C. Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis. The applicant must provide an exhibit that demonstrates that the parking will occur on level ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.

## **Section 11.2 Residential Parking Standards<sup>2</sup>**

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

Spaces shall be required per residential uses as follows:

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

## 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.<sup>17, 21, 23, 25</sup>

### Section 12.2 Procedure for Amendment by County Commission<sup>1,25</sup>

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.<sup>17, 21</sup>
- 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.<sup>17, 21, 25</sup>
- 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 Petition<sup>25</sup>**

#### **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.

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.<sup>17, 21</sup>

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

**APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23</sup>**

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 shall prevail.

| Land Use                                    | R  | RG | R-LI-C | I-C | V  | General Standards | Additional Standards |
|---------------------------------------------|----|----|--------|-----|----|-------------------|----------------------|
| <b>Residential Uses</b>                     |    |    |        |     |    |                   |                      |
| Dwelling, Single Family                     | P  | P  | P      | NP  | P  |                   |                      |
| Dwelling, Two Family                        | P  | P  | P      | NP  | P  |                   |                      |
| Dwelling, Duplex                            | NP | P  | P      | NP  | P  |                   |                      |
| Dwelling, Townhouse                         | NP | P  | P      | NP  | NP |                   |                      |
| Dwelling, Multi-Family                      | NP | P  | P      | NP  | NP |                   |                      |
| Day Care Center, Small                      | P  | P  | NP     | P   | NP |                   |                      |
| Mobile Home                                 | P  | NP | NP     | NP  | NP |                   |                      |
| Mobile Home Park                            | NP | P  | P      | NP  | NP |                   |                      |
| Model Homes/Sales Office                    | P  | P  | P      | NP  | NP | Sec. 8.10         |                      |
| <b>Home Uses</b>                            |    |    |        |     |    |                   |                      |
| Home Occupation, Level 1                    | P  | P  | P      | P   | P  | 4A.3              | 4A.1                 |
| Home Occupation, Level 2                    | P  | P  | P      | P   | P  | 4A.4              | 4A.1                 |
| Cottage Industry                            | P  | P  | P      | P   | P  | 4A.5              | 4A.1                 |
| <b>Institutional Uses</b>                   |    |    |        |     |    |                   |                      |
| Church                                      | P  | P  | P      | NP  | PC |                   |                      |
| Day Care Center, Large                      | NP | P  | P      | P   | PC |                   |                      |
| Hospital                                    | P  | P  | P      | NP  | NP |                   |                      |
| Group Residential Facility                  | P  | P  | P      | NP  | P  |                   |                      |
| Group Residential Home                      | P  | P  | P      | NP  | P  |                   |                      |
| Residential Care Home                       | P  | P  | P      | NP  | P  |                   |                      |
| Nursing or Retirement Home                  | NP | P  | P      | NP  | NP |                   |                      |
| Cultural Facility                           | P  | NP | P      | P   | P  |                   |                      |
| Elementary or Secondary School              | P  | P  | P      | NP  | NP |                   |                      |
| Preschool                                   | P  | P  | P      | NP  | NP |                   |                      |
| Vocational and Training Facility for Adults | P  | P  | P      | NP  | NP |                   |                      |
| Public Safety Facility                      | P  | P  | P      | P   | P  |                   |                      |
| Publicly Owned Facility                     | P  | P  | P      | P   | NP |                   |                      |
| Essential Utility Equipment                 | P  | P  | P      | P   | P  | 4.7               |                      |
| <b>Industrial</b>                           |    |    |        |     |    |                   |                      |
| Salvage Yards                               | NP | NP | NP     | PC  | NP |                   |                      |
| Slaughterhouses, Stockyards                 | NP | NP | NP     | PC  | NP |                   |                      |
| Heavy Industrial Uses                       | NP | NP | NP     | P   | NP |                   | Sec. 8.9             |
| Light Industrial Uses                       | NP | ** | P      | P   | NP |                   | Sec. 8.9             |
| Shooting Range                              | NP | NP | NP     | P   | NP |                   |                      |

Principal Permitted Uses Table (continued)<sup>23, 24</sup>

| Land Use                                                         | R  | RG | R-LI-C | I-C | V  | General Standards | Additional Standards |
|------------------------------------------------------------------|----|----|--------|-----|----|-------------------|----------------------|
| <b>Industrial Manufacturing &amp; Processing</b>                 |    |    |        |     |    |                   |                      |
| Acid or heavy chemical manufacturer, processing or storage       | NP | NP | NP     | PC  | NP |                   |                      |
| Bituminous concrete mixing and recycling plants                  | NP | NP | NP     | PC  | NP |                   |                      |
| Cement or Lime Manufacture                                       | NP | NP | NP     | PC  | NP |                   |                      |
| Commercial Sawmills                                              | NP | NP | NP     | PC  | NP |                   |                      |
| Concrete and ceramic products manufacture, including ready mixed | NP | NP | NP     | PC  | NP |                   |                      |
| Explosive manufacture or storage                                 | NP | NP | NP     | PC  | NP |                   |                      |
| Foundries and/or casting facilities                              | NP | NP | NP     | PC  | NP |                   |                      |
| Garbage or dead animal reduction or                              | NP | NP | NP     | PC  | NP |                   |                      |
| Jails and Prisons                                                | NP | NP | NP     | PC  | NP |                   | Sec. 8.7             |
| Mineral extraction, mineral processing                           | NP | NP | NP     | PC  | NP |                   |                      |
| Petroleum products refining or storage                           | NP | NP | NP     | PC  | NP |                   | Sec. 8.11            |
| <b>Adult Uses</b>                                                |    |    |        |     |    |                   |                      |
| Adult Uses                                                       | NP | NP | NP     | P   | NP |                   | Sec. 8.1             |
| <b>Recreational Uses</b>                                         |    |    |        |     |    |                   |                      |
| Hunting, Shooting, Archery and Fishing Clubs, public or private  | P  | NP | NP     | NP  | NP |                   | Sec. 8.8             |
| <b>Commercial Uses</b>                                           |    |    |        |     |    |                   |                      |
| Antique Shop                                                     | NP | NP | P      | P   | PC |                   |                      |
| ATM                                                              | NP | NP | P      | P   | PC |                   |                      |
| Branch Bank                                                      | NP | NP | P      | P   | PC |                   |                      |
| Barber/Beauty Shop, Limited                                      | NP | NP | P      | P   | PC |                   |                      |
| Bed and Breakfast                                                | P  | NP | NP     | NP  | PC |                   | Sec. 8.3             |
| Commercial Uses                                                  | *  | ** | P      | P   | *  |                   | Sec. 8.9             |
| Country Inn                                                      | NP | NP | P      | P   | PC |                   |                      |
| Kennel                                                           | P  | NP | P      | P   | NP |                   | Sec. 8.4             |
| Dry Cleaners                                                     | NP | NP | P      | P   | PC |                   |                      |
| Florist                                                          | NP | NP | P      | P   | PC |                   |                      |
| Medical/Dental/Optical Office, Small                             | NP | NP | P      | P   | P  |                   |                      |
| Non/Not for Profit Commercial Uses                               | NP | NP | P      | P   | NP |                   |                      |
| Non-Profit Community Centers                                     | P  | NP | P      | P   | NP |                   |                      |
| Restaurant, Fast Food, Limited                                   | NP | NP | P      | P   | PC |                   |                      |
| Restaurant, Limited                                              | NP | NP | P      | P   | PC |                   |                      |
| Retail Food Store, Limited                                       | NP | NP | P      | P   | PC |                   |                      |
| Veterinary Services                                              | P  | NP | P      | P   | NP |                   | Sec. 8.x             |
| Video Rental Stores                                              | NP | NP | P      | P   | PC |                   |                      |
| Wireless telecommunications facilities                           | P  | PC | PC     | P   | PC | Sec. 4B           |                      |

Principal Permitted Uses Table (continued)<sup>23</sup>

| Land Use                                                                                          | R | RG | R-LI-C | I-C | V  | General Standards | Additional Standards |
|---------------------------------------------------------------------------------------------------|---|----|--------|-----|----|-------------------|----------------------|
| <b>Agricultural Uses</b>                                                                          |   |    |        |     |    |                   |                      |
| Accessory Agricultural Dwelling Unit                                                              | P | NP | NP     | NP  | NP | Sec. 10.5B        |                      |
| Agricultural Repair Center                                                                        | P | NP | P      | P   | NP |                   |                      |
| Agricultural Tourism                                                                              | P | NP | P      | P   | NP |                   |                      |
| Agricultural Uses as defined in Article 2                                                         | P | P  | P      | P   | P  |                   |                      |
| Farm Brewery <del>or Winery</del>                                                                 | P | NP | P      | P   | NP |                   | Sec. 8.5             |
| Farm Winery                                                                                       | P | NP | P      | P   | NP |                   | Sec. 8.5             |
| Farm Distillery                                                                                   | P | NP | P      | P   | NP |                   | Sec. 8.5             |
| Farm Market                                                                                       | P | NP | P      | P   | NP |                   | Sec. 8.6             |
| Farm Vacation Enterprise                                                                          | P | NP | P      | P   | NP |                   |                      |
| Feed and/or Farm Supply Center                                                                    | P | NP | P      | P   | NP |                   |                      |
| Horticultural Nurseries and Commercial Greenhouses                                                | P | NP | P      | P   | NP |                   |                      |
| Landscaping Business                                                                              | P | NP | P      | P   | NP |                   |                      |
| Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years) | P | NP | P      | P   | NP |                   |                      |
| Rural Reception/Event Facility, Small                                                             | P | NP | NP     | NP  | NP | Sec. 4A.5         |                      |
| Rural Reception/Event Facility                                                                    | P | P  | P      | NP  | P  | Sec. 10.5B        |                      |
| <b>Accessory Uses</b>                                                                             |   |    |        |     |    |                   |                      |
| Accessory Uses                                                                                    | P | P  | P      | P   | P  |                   |                      |

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district

\* = Limited permitted uses

\*\* = Accessory use to a planned residential community