

**WORK SESSION  
AGENDA  
JEFFERSON COUNTY COMMISSION  
THURSDAY, NOVEMBER 14, 2013  
9:30 A.M.**

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**WORK SESSION:**

1.       9:30 a.m.    **Work Session for the County Commission regarding Proposed Zoning Ordinance Text Amendments related to New Commercial and Industrial Zoning Categories - Discussion**    *(File# 2013-PZ-001)*

- Proposed Zoning Ordinance Text Amendment to establish additional commercial and industrial zoning district categories, and related changes to the ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17

2.       **ADJOURN**

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: 1 hour

Date Requested – 1<sup>st</sup> Choice: November 7, 2013 1:30 pm

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Work Session for the County Commission Regarding Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories**

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

**On September 6, 2012, the County Commission held a public hearing to receive public input and comments on the proposed new Commercial and Industrial Zoning Categories:**

**Public Hearing on a proposed Zoning Ordinance Text Amendment to establish additional commercial and industrial zoning district categories, and related changes to the ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17 - Discussion**

**Public comment was left open for written comments until September 20, 2012.**

**At that time, Staff summarized all verbal and written comments received in the attached matrix and provided staff response to the comments. Staff met with the County Commission on October 18, 2012 and October 25, 2012 to discuss the comments received and request direction regarding incorporation of the comments into the draft Amended Ordinance. The purpose of this Work Session is to review the comments received and the proposed staff revisions to the original draft text.**

**On October 25, 2012, the County Commission voted to postpone approving the new Commercial and Industrial Zoning categories until the work on the Comprehensive Plan begins and to incorporate them into the Comprehensive Plan. (Motion passed on a vote of 3-2 with Ms. Noland and Mr. Pellish opposing the motion.)**

**At their July 9, 2013 meeting, the Planning Commission requested that the County Commission revisit their motion of October 25, 2012 and take up the Zoning Text amendment at the point in the process where it was suspended, for approval of the County Commission. In August 2013, the County Commission determined that they would like to hold another public hearing on the revised version of this text amendment. This Public Hearing has been set for November 21, 2013 at 7:00 pm. This workshop is in preparation for that Public Hearing.**

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

**Not at this time**

Attachments:

- **Memo from Steve Barney to PC dated June 7, 2013 updating them on the Status of the Draft Zoning Ordinance Amendments – Proposed Commercial and Industrial Districts and Related Changes**
- **Matrix of Public Hearing Comments**
- **Key to Formatting of Amendments**
- **Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes**
- **Revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).**
- **Study Area Map from the adopted 2004 Comprehensive Plan.**

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**MEMO**

**TO:** Jefferson County Planning Commission  
**FROM:** Steve Barney, Zoning Administrator  
**DATE:** June 7, 2013  
**RE:** Draft Zoning Ordinance Amendments – Proposed Commercial and Industrial Districts and Related Changes

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**Background**

In 2011 and 2012, the Planning Commission and County Commission both identified as a high priority the expansion of the number and variety of commercial zoning districts in the Zoning Ordinance.

The ordinance currently has only two commercial districts: the Residential-Light Industrial-Commercial and Industrial - Commercial District. The overly broad nature of these districts has led to concern by members of the public when property owners have proposed to rezone land to these districts in new locations throughout the County.

Accordingly, at the direction of the County Commission, staff undertook a year-long effort to develop additional commercial and industrial zoning categories, including districts that would allow appropriate limited commercial ventures in suitable locations.

**Status of Draft Amendments**

The Planning Commission has reviewed the draft recommendations during five of its meetings, solicited public input during a February 14, 2012 workshop, and conducted a public hearing that spanned two meetings in April 2012. Following the public hearing, the Planning Commission directed staff to develop recommendations regarding possible changes to the ordinance amendments as a result of the comments received at the public hearing.

At its June 12, 2012 meeting, the Planning Commission voted to recommend the draft ordinance amendments to the County Commission for adoption, including proposed changes as a result of public comment.

Staff briefed the County Commission on the amendments in August, 2012. The County Commission conducted a public hearing in September, 2012, and extended the time period for public comment for two additional weeks after the meeting.

On October 11, 2012, staff briefed the County Commission on public comments received, and recommended changes to the amendments to address the comments. On October 25, 2012, the County

Commission voted 3-2 to postpone consideration of the amendments until after the adoption of the Comprehensive Plan.

At the May 14, 2013 Planning Commission meeting, in response to comments by Commissioner Pellish, the Planning Commission directed staff to brief the Commission regarding the draft amendments at its June 11, 2013 meeting.

### **Proposed New Zoning 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**

Together 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, several new land uses are proposed. These new uses are predominantly commercial. Definitions are proposed for several of these new land uses whose meaning may be debatable.

In the draft amendments, the proposed new land uses are also reflected in the County's five existing zoning districts, as shown in Appendix C, Permitted Uses Table. In recommending the permitted use status of the proposed 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.

### **Other Associated Amendments**

In addition to the proposed new districts, staff has recommended other associated amendments to the Zoning Ordinance. These amendments are described in the attached document entitled "List of Related Zoning Ordinance Amendments." All amendments are reflected in the body of the Zoning Ordinance text included with this memo, as well as Appendices A, B, and C and the list of definitions (Section 2.2).

## **Changes Following Planning Commission Action**

Based on comments received from members of the public as well as County Commission members at the County Commission public hearing (or submitted in writing), staff has recommended several changes to the draft ordinance since the Planning Commission last reviewed it in June 2012. The revised version of the ordinance in the current Planning Commission packet reflects these recommend changes.

One of the most significant changes is to the proposed location criteria – i.e. the language specifying where in the County each district would be appropriate. As a result of feedback that the intended use of the districts should be clearly linked to the Comprehensive Plan, staff recommends deleting the detailed location criteria (proposed previously) and replacing it with language that specifies that each of the new zoning categories is intended for use on properties:

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

This language defers to the existing Comprehensive Plan, and also provides that a future land use map in a subsequent Comprehensive Plan will guide the appropriate locations of the land use categories that correspond to the zoning districts.

A document included in the agenda packet for this meeting provides a list of the significant changes, including those changes based on the input received at the County Commission hearing (in addition to written comments), as well staff recommendations for edits to refine the draft ordinance. These changes are also highlighted in yellow in the draft ordinance.

Amendments to some sections will be addressed by the smaller set of amendments for which the Planning Commission will conduct a public hearing on June 11<sup>th</sup>, and have been so noted in the new draft of the New Commercial and Zoning Districts amendments.

## **Attached Information**

In addition to this memo, the agenda packet for this item includes the following components:

1. A list of amendments related to the proposed new commercial zoning districts, including additional recommended changes following the County Commission public hearing.
2. A revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).
3. A memo providing staff recommendations regarding consistency of the proposed amendments with the Comprehensive Plan.
4. Study Area Map from the adopted 2004 Comprehensive Plan.

## **Next Steps**

The amendments have been reviewed at a Planning Commission public hearing, as well as at a County Commission public hearing. If the Planning Commission finds it appropriate for the amendment to proceed, the Commission can recommend that the County Commission review the current version of the draft ordinance for possible action.

If the Planning Commission finds that there have been significant changes to the ordinance following the Commission's June 2012 affirmative vote to recommend the ordinance, it may choose to conduct an additional public hearing prior to making a new recommendation to the County Commission.

For more information, please contact me at [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

Att: Summary descriptions of each proposed zoning district  
Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes  
Revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).  
Study Area Map from the adopted 2004 Comprehensive Plan.

**Public Comments Received at 9/6/12 County Commission Public Hearing and during public comment following the public hearing  
(includes comments from 8/16/12 and 9/6/12 County Commission Workshop)  
Proposed Zoning Text Amendment regarding New Commercial Zoning Districts (and Related Amendments) -  
Zoning and Land Development Ordinance**

#	Source	Section or Topic	Request	Comment	Staff Recommendation
1	Lyn Widmyer; Mike Cassell; Rebecca L. Harriet (NPS); David Hammer; Joe Anderson (Harpers Ferry)	Location criteria	Location criteria are too broad. (Various comments re: the Neighborhood Commercial District, General Commercial District, Highway Commercial District.)	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
2	Mark Dyck	Location criteria	Location criteria are too limiting. (Various comments re: the Major Industrial District, Planned Neighborhood Development District.)	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
3	Dale Manuel	Location criteria	Clarify whether references to "growth area" would also include a future land use map.	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria (including the reference to "Growth Area") are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
4	Lee Snyder (letter), Mike Cassell, Dr. and Mrs. James Gibson (letter)	Procedural	Comment: There is no map that designates where each zoning district should be placed. West Virginia State Code, as amended, requires that boundaries of all zones be placed on the zoning map. This is found in 8A-7-3 (g): "The boundaries of each zone and the designated classifications must be shown on a zoning district map."	Staff concurs that the boundaries of any property which has been to zoned a particular district must be shown on a zoning map. However, staff finds that the intent of 8A-7-3 is not to preclude the establishment of new zoning districts in a Zoning Ordinance, in the absence of an action to simultaneously rezone property to these districts.  Following the adoption of the proposed amendments, the new districts would, in effect, be shown on the zoning map as covering no land currently.  Staff also finds that the Comprehensive Plan includes guidance for the location of new development.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
5	Mike Cassell, Dr. and Mrs. James Gibson (letter)	Procedural	Comment: The 2004 Comprehensive Plan does not designate the areas for these proposed new zones. Wait until the Comprehensive Plan is finished before creating these additional districts.	Staff finds that the Comprehensive Plan includes guidance for the location of new development in the form of the Growth Area shown on the Study Area Map in the 2004 Comprehensive Plan.	No change recommended.
6	Dr. and Mrs. James Gibson (letter)	Procedural	PND-type districts are usually only permitted in States that particularly authorize them in their state enabling legislation.	Per Chapter 8A of the West Virginia Code, a Zoning Ordinance may "authoriz[e] planned unit developments to achieve more efficient use of land and setting standards and regulations for the developments" and may "authorize[e] flexible planning standards to create, redevelop, reuse, protect, and enhance the physical qualities of the community."  Chapter 8A also states that a Zoning Ordinance may make specific provisions to allow non-uniformity in rules, regulations and standards in a zone.  Examples of other West Virginia communities with similar districts include Fairmont, Morgantown, Charleston, and Putnam County.	No change recommended.
7	Lyn Widmyer	Section 5.11, Neighborhood Commercial (NC)	Submittal of a development plan should be required for a zoning map amendment request for the Neighborhood Commercial (NC) district.	Staff finds that this requirement could be a disincentive for property owners to apply for the NC district instead of another, more permissive district.	No change recommended.
8	Mike Cassell, Lyn Widmyer, Mark Dyck	Section 5.11, Neighborhood Commercial (NC)	The Neighborhood Commercial (NC) district should not include multi-family residential uses.  (Mark Dyck:) Consider removing residential uses, or write a definition of accessory residential use that would allow for a small apartment to be attached. The ability to put multifamily in this zone undermines the public trust that it will be used for the intended purpose.	Staff concurs that multi-family should not be a permitted standalone use in this district.  However, staff recommends that residential uses should be permitted above retail uses.	In Appendix C, In the rows labeled "Multi-Family" and "Townhouse", change the designation for the NC district to " <u>NP</u> " (i.e. not permitted).  In Section 5.11.C (Permitted Uses), add:  <u>3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.</u>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
9	Mike Cassell	5.11, Neighborhood Commercial (NC)	NC uses should be more consistent with purpose statement (i.e. be more compatible with neighborhoods) – especially group homes, vocational training centers, multi-family dwellings, country inns, heliport, building maintenance, nursing homes, bars nightclubs, campgrounds	<p>Staff concurs that “Not Permitted” would be the more appropriate land use status for a heliport in the NC District.</p> <p>Group Residential Facility/Home – required by West Virginia Chapter 17 to be permitted.</p> <p>Vocational and/or Training Facility for Adults – this land use is currently permitted in the Rural District; as such, it should be permitted in the NC district.</p> <p>Country Inns – This land use is intended to be Rural in character. Staff finds this use to be appropriate in the NC district.</p> <p>Heliport, Building Maintenance Services, Nursing Home, Bar/Nightclub, Campground – these are all conditional land uses that would require a Compatibility Assessment Meeting and approval by the Board of Zoning Appeals (following public hearing) in order to establish.</p>	In Appendix C, in the row labeled “Heliport”, change the designation for the NC district to “NP” (i.e. not permitted).
10	Brian Goodman	5.11, Neighborhood Commercial (NC)	Address alcohol sales; hours of operation (should not be 24-hour)	The land use Convenience Store, Limited is a permitted use in the NC district. However, by definition, this store is limited to 1,500 square feet. Staff concurs that a Convenience Store, Limited should have limited hours of operation.	<p>Amend definition of “Convenience Store, Limited” as follows:</p> <p>“A <del>convenience</del> <del>food</del> store not exceeding 1500 square feet of retail floor space, <u>with hours of operation limited to the period between 6:00 AM and 11:00 PM.</u>”</p>
11	Maral P. Strathearn	5.11, Neighborhood Commercial (NC)	Concern regarding permitted or conditional uses such as heliports, taverns, shooting ranges, campgrounds, convenience stores	<p>Shooting Ranges are not permitted in the NC district. Outdoor shooting ranges are not proposed to be permitted outright in any districts; this land use would be a conditional use in industrial districts only.</p> <p>See above responses regarding Heliport, Bar/Nightclub, Campground, and Convenience Store, Limited.</p>	See above responses regarding Heliport, Bar/Nightclub, Campground, and Convenience Store, Limited.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
12	Mark Dyck	5.11, Neighborhood Commercial (NC)	A gas station is a critical community business and should be permitted within the NC district as a PC use. The limited gas station definition is too small to be commercially viable.	The Neighborhood Commercial District is intended for a limited set of commercial uses that may be appropriate in locations where more intensive development is not appropriate. Staff recommends that a Gas Station and a Gas Station, Large not be included as a permitted or conditional use in this district. (Property owners would continue to have the option of a Conditional Use Permit.)	No change recommended. Continue to show Gas Station, Limited as a permitted use in this category.
13	Bernard Simmons (letter)	5.11, Neighborhood Commercial (NC)	Concern that the NC district does not require setbacks.	Setbacks are required in the NC district, with the exception of side yard setbacks when a non-residential NC development is adjacent to a commercial or industrial use.  Staff concurs that this allowance should be clarified in Appendix C.	Add a footnote to Appendix B to the side yard setback for the NC and Office/Commercial Mixed Use districts, stating: <u>"For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation."</u>  In Appendix B, amend rear yard setback for the NC and Office/Commercial Mixed Use districts to <u>25'</u> and add a footnote stating: <u>"A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line."</u>
14	Mike Cassell	5.11, Neighborhood Commercial (NC)	NC limit of 3,500 square feet per building footprint is too permissive for "small commercial" development.	It should be noted that no Jefferson County commercial zoning categories currently have a building footprint limit. As such, the NC district would be the County's most restrictive commercial district. Other stakeholders have stated that this footprint size is too small.	No change recommended.
15	Mark Dyck, Fred Blackmer	5.11, Neighborhood Commercial District	The maximum building footprint of 3,500 square feet is restrictive. (Mark Dyck:) A 7,500 square foot limitation would be appropriate and would limit oversize commercial development.	The Neighborhood Commercial District is intended for limited-scale development that may be appropriate in locations where more intensive development is not appropriate.  The original staff recommendation was to limit total square footage (per building) to 3,000 square feet. Based on Gordon & Associates previous comment (increase square footage to allow for a multi-level building) staff changed the recommendation to a building footprint of 3,500 square feet.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
16	Mark Dyck	5.11.E.3, Neighborhood Commercial District	<p>The requirement of a 10' landscape buffer in front of the commercial buildings seems out of context. A buffer would visually screen the proposed building from the right-of-way. A 10' landscape area is a good idea but not a screen along the frontage.</p> <p>Existing language:</p> <p>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...</p>	Staff concurs. The landscaping requirement is not intended to establish an opaque screen but is intended to create a walkable streetscape area.	Amend Section 5.11.E.3 to add: <u>"The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of the development from the adjacent street(s)."</u>
17	Mark Dyck	Section 5.13 Highway Commercial (HC)	This district is essentially the same as the GC district for permitted uses.	The HC district is distinct from the GC district in that it permits large gas stations and large retail stores.	No change recommended.
18	Mark Dyck	Section 5.14 Light Industrial	If this is to be an employment based zone the majority of retail uses should not be permitted in this zone. The elimination of these uses would allow for a full public expectation of what would occur in this zone.	As currently proposed, the Light Industrial District is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	This is a policy decision for the County Commission. The benefit of restricting retail uses is that a Light Industrial development would be more likely to have a higher percentage of uses that are employment-oriented. The disadvantage of restricting retail uses is that units may be more likely to be unoccupied when employment tenants are not available.
19	Mark Dyck	Section 5.14 Light Industrial	This zone should be re-titled and modified to become a flex commercial and R&D zone. This category would include the light industrial as noted but provide a much broader economic base... This zone would specifically address the Summit Point Advanced Training Center and would allow for auto related research and light manufacturing. Typically these businesses would include a building with a front office area, a back area that would support light manufacturing or research and minimal outdoor storage. These businesses... have very little impact on the community other than being excellent employment centers. We know that these businesses want to come here today and that our ordinance	Establishing an additional new zoning district may not be feasible at this stage of the ordinance amendments. However, this district could be incorporated into future amendments.	Consider as part of future amendments.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
			<p>does not permit it.</p> <p>Alternatively a zone could be written specifically for flex commercial and R&amp;D.</p> <ol style="list-style-type: none"> <li>1. Purpose should be modified to reflect a broader employment based zone. This would include revising the requirements for water and sewer as well as the four lane road distance. Proximity to existing employment centers and research facilities is important.</li> <li>2. The location requirement should be revised to include planned parks located adjacent to the Summit Point Advanced Training Center.</li> <li>3. A focus should be on employment based development, not retail.</li> </ol>		
20	Mark Dyck	Section 5.15, Major Industrial District	Similar to the comment in the light industrial district, uses should only permit those associated with major industrial. If other uses are desired a separate zone should be applied.	As currently proposed, the Major Industrial District is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	This is a policy decision for the County Commission. The benefit of restricting retail uses is that a Major Industrial development would be more likely to have a higher percentage of uses that are employment-oriented. The disadvantage of restricting retail uses is that units may be more likely to be unoccupied when employment tenants are not available.
21	Ted Schiltz	5.16 Planned Neighborhood Development (PND)	PND district - Size of 3 acres or more is required in PND district – this is too small a parcel size to incorporate all required land uses such as med/high density residential, roads, commercial activities, etc.	<p>It is anticipated that on a small site, some land uses may be integrated vertically – i.e. residential units built over shops. Also, low density residential units are not required.</p> <p>While some development proposals may not be accommodated on a 3-acre site, it may be advisable to allow property owners the option to design a development with a layout sufficiently compact to be developed on a 3-acre site.</p> <p>No other zoning district has a minimum acreage requirement, although some land uses have minimum lot sizes.</p>	No change recommended; however, staff recommends monitoring the performance of proposed PND developments to determine if the area limit should be adjusted.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
22	Dr. and Mrs. James Gibson (letter)	5.16 Planned Neighborhood Development (PND)	The proposed PND District allows the County Commission to approve a PND Rezoning Plan including any modifications (and variances) to the existing subdivision and land development regulations... Since it is so early in the development process, the public may not even be aware that deviations from the ordinances are being authorized at the rezoning approval.	Staff concurs that any proposed modifications of development requirements should be part of the public notice for both the Planning Commission and County Commission public hearings for a PND zoning case.  Staff also finds that the section of the ordinance describing the required site development standards in a PND District should be clarified.	Amend Sections 5.16F.3.b and 5.16F.3.d to add, " <a href="#">In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.</a> "  Amend Section 5.16D.1 to add the following text:  1. <a href="#">If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.</a>  Amend Appendix C to replace the site development standards information (with the exception of MLA) with the following text: " <a href="#">See General Commercial. Note: the Planning Commission may amend the site development standards for a development in the PND District pursuant to Article 5 of this ordinance.</a> "
23	Mark Dyck	5.16 Planned Neighborhood Development (PND)	A.8 - what are critical natural environmental and scenic features defined as.  Existing, proposed language (does not appear in currently adopted ordinance):  A. Purpose. The purpose of the PND District is to:  8. Preserve critical natural environmental and scenic features of the site;	While the language in Section 5.16A is a purpose statement and is non-regulatory, staff agrees that "critical natural environmental and scenic features" should be described in the ordinance.	Amend 5.16A.8 to read, " <a href="#">critical natural environmental features (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourse, and karst topography) and scenic features (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes).</a> "

#	Source	Section or Topic	Request	Comment	Staff Recommendation
24	Charles M. Ervin (email)	5.16 Planned Neighborhood Development (PND)	Any future large residential communities should be required to develop using PND district.	This is a broader policy issue that the County Commission may want to consider during the development of the Comprehensive Plan.	Recommend considering during development of 2014 Comprehensive Plan.
25	Mark Dyck	5.16 Planned Neighborhood Development (PND)	E.2.b – preservation of 20% of the existing tree canopy may be very difficult for sites with limited tree canopy. The final canopy should be the goal, how this is accomplished should be left to the developer.	To clarify, the requirement is for preservation of a percentage of existing tree canopy, rather than a requirement that a percentage of the site be forested. As such, a site with limited tree canopy will only be required to preserve 20% of its canopy area.	No change recommended.
26	Mark Dyck	5.16 Planned Neighborhood Development (PND)	E.3 – requirement should be reworded. If the proposed PND is next to a townhouse development is access to each townhouse lot required?  Existing, proposed language (does not appear in currently adopted ordinance):  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.	Staff concurs that this section should be clarified.  To each adjacent undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision.	Amend Section 5.16E.3 to read:  The development shall provide pedestrian and vehicular connections to each adjacent <u>undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision</u> . 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.
27	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	A Comprehensive Plan should outline compatibility standards for PND areas, including specific land use mixes in different PND areas.	The County Commission may want to consider establishing PND standards associated with the County's different geographic areas. While this effort is beyond the scope of the current amendments, establishing a variety of PND sub-areas could be considered during the 2014 Comprehensive Plan process.	Recommend considering during development of 2014 Comprehensive Plan.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
28	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	The ordinance should state how the land use mix requirements in the PND district are measured (e.g. gross floor area) and should define high, medium, and low densities.	Staff concurs.	<p>Amend Section 5.16E.1 to read:</p> <ol style="list-style-type: none"> <li>1. A PND development shall include the following mix of uses, <u>as measured in gross floor area</u>: <ol style="list-style-type: none"> <li>a. 10-30% commercial</li> <li>b. 10-30% high density residential (<u>7+ units per acre</u>)</li> <li>c. 20-40% medium density residential (<u>4-6 units per acre</u>)</li> <li>d. 0-60% low density residential (<u>1-3 units/acre</u>)</li> </ol> </li> </ol> <p>Amend Section 2.2 to establish definition of <u>Gross Floor Area</u>:</p> <p><u>The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.</u></p>
29	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	PND developments can be of great benefit to developers; as such, the developments must be required to provide significant community benefits such as open space.	<p>While the ordinance would already require provision of significant public benefits for a PND development, staff concurs that the ordinance should require provision of a trail easement if an adopted plan identifies a trail intersecting the property.</p> <p>It should be noted that the draft ordinance requires a minimum of 20% of the total tract area of a PND development to be composed of common and open space. The review process for a PND development will also provide the Planning Commission and the County Commission with the opportunity to discuss other possible benefits (such as additional landscaping) with the applicant.</p>	<p>Add new subsection 5.16E.6: <u>For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, establishment of a trail easement shall be required prior to site plan approval.</u></p> <p>Additionally, staff recommends further clarifying the open space requirement as follows:</p> <p>Acreage within the 100-year floodplain, as designated by the ... (FEMA) Flood Insurance Rate Maps (FIRM) <u>or acreage of critical natural environmental features (as defined in this article), may constitute up to 50% <del>25%</del> of the required common and open space area.</u></p>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
30	Lyn Widmyer / Mark Dyck	5.17, Office/Commercial Mixed Use	The Office/Commercial Mixed Use district should include a maximum percentage of retail so that employment is the primary land use, and retail secondary.  (Mark Dyck:) Uses should be limited to those that would support the key objectives of this zone.	As currently proposed, the Office/Commercial Mixed Use district is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	Amend Section 5.17E.1 as follows:  Additional Requirements <u>At least 75%</u> Of the gross floor area of land uses in a development in this district, <u>at least 75%</u> shall be non-residential uses, <u>and at least 50% shall be office uses.</u>
31	Mark Dyck	Section 5.17 Office Commercial Mixed Use	Existing language: "At least 75% of the gross floor area of land uses in a development in this district shall be non-residential uses."  E.1 – consider revising this ratio... the residential is such a small component as to be inconsequential, it should be increased or removed.	The intent is for this district to be a primarily non-residential district, predominantly for employment. As such, only a moderate percentage of the gross floor area is proposed to be devoted to residential uses.	No change recommended.
32	Board of Zoning Appeals	Appendix A	Language in Appendix A that would allow reduced setbacks for decks on small townhouse lots in the Residential - Light Industrial - Commercial District should be more specific, and should apply only to situations in which the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a residential lot.	Staff concurs.	Amend footnote marked φ in Appendix A to read, "... the rear setback of a deck for a townhouse may be reduced to <u>10'</u> <u>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.</u> "
33	Mark Dyck	<b>Appendix C Permitted Uses</b>	The initial sentence under Appendix C would appear to supersede Sections 4.3 and 4.4 which permit the Hollywood Casino and the Summit Point Advanced Training Center. It needs to be revised to defer to these sections.	SPARC is permitted in the Rural District under the "Vocational and Training Facilities for Adults" land use, and is shown as permitted in Appendix C.  The Summit Point racetrack is a nonconforming use identified in Section 4.3. Because Appendix C does not address the expansion of a nonconforming use, Section 4.3 will continue to govern the expansion of SPARC.  Regarding casinos, please see response to Phyllis LeTart (below).	See proposed changes in response to Phyllis LeTart's comments regarding casinos.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
34	Phyllis LeTart (email) / Mark Dyck	Appendix C Permitted Uses	<p>PNGI Charles Town Gaming Limited Liability Company... is concerned about the language changes in the proposed ordinance as it pertains to gaming being an existing permitted use in the Residential/Light Industrial/Commercial District as stated under Section 4.4. versus what is proposed in Appendix C. Our concern is that the proposed change would have a negative impact on any proposed development by HCCTR of its property.</p> <p>Existing language:</p> <p>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 <del>Zone District and the Major Industrial District</del> and shall be processed through the Development Review System (Article 6 and 7).</p> <p>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 <u>in any zoning district other than the Industrial - Commercial District or the Major Industrial District.</u> <del>the Residential-Growth-Zone, the Rural-Agricultural-Zone, the Village-Zone, or the Residential/Light Industrial/Commercial-Zone.</del></p>	<p>Please note that casinos are currently permitted only in the Industrial - Commercial District, and not in the Residential - Light Industrial – Commercial District (RLIC). As such, the proposed amendments will not change the nonconforming status of an existing casino in the RLIC district.</p> <p>However, staff agrees that the Appendix C should be more specific as to the statement in Section 4.4G regarding “betting on horses or pari-mutuel betting on horses.”</p> <p>Staff also notes that, to be consistent with current status, “Gambling Facilities” should be shown as a conditional use in the Industrial - Commercial District in Appendix C; this change should also be reflected in the Major Industrial District. This land use should be not permitted in the Light Industrial District.</p>	<p>Amend Appendix C to add a new land use name, “<u>Horse Racing Facility</u>” and to show this land use as permitted in the Residential - Light Industrial - Commercial District, the Industrial - Commercial District, and the Major Industrial District.</p> <p>Amend Section 2.2 to establish definition of “<u>Horse Racing Facility</u>”:</p> <p><u>A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.</u></p> <p>Amend Appendix C to show the land use “Gambling Facilities” as “<u>C</u>” (a conditional use) in the Industrial - Commercial District and the Major Industrial District, and “<u>NP</u>” (not permitted) in the Light Industrial District.</p>
35	Matt Knott, Dr. and Mrs. James Gibson	Appendix C	Ask that the phrase 'commercial uses' be reinstated as a permitted use in the Residential - Light Industrial - Commercial District and the Industrial - Commercial District.	Staff concurs.	In Appendix C, continue to show the use “Commercial Uses” as a permitted use in the Residential - Light Industrial – Commercial district and the Industrial -

#	Source	Section or Topic	Request	Comment	Staff Recommendation
					Commercial District.
36	Staff	Appendix C	One of the new land uses, Heavy Equipment Repair, is currently shown as conditional in the Industrial - Commercial District. Staff finds that this use is a standard industrial use and should be permitted.		In Appendix C, amend permitted status of Heavy Equipment Repair in the Industrial - Commercial District from PC to <a href="#">P</a>
37	Staff	Appendix C	Clarify permitted use status of colleges and universities.		In Appendix C, amend list of land uses to add land use " <a href="#">School, College or University</a> " and show as a permitted use in the following districts:  Residential - Light Industrial – Commercial, General Commercial, Highway Commercial, Light Industrial, Planned Neighborhood Development, Office/Commercial Mixed Use.
38	Staff	Appendix C, Section 2.2	Clarify permitted status of vocational schools.		In Appendix C, amend list of land uses to add land use " <a href="#">School, Vocational or Professional</a> " and show as a permitted use in the following districts:  Residential - Light Industrial – Commercial, General Commercial, Highway Commercial, Light Industrial, Industrial – Commercial, Planned Neighborhood Development, Office/Commercial Mixed Use.  In Section 2.2, add the following definition:  <a href="#">School, Vocational or Professional. A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.</a>  In Section 2.2, add the following sentence to the definition of School, University or College:  <a href="#">The land use School, Vocational or Professional is not</a>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
					<a href="#">included within this definition.</a>
39	Staff	Section 2.2	Change name of Retail Food Store, Limited to Convenience Store, Limited.	The purpose of this change is so that the land use name in the Definitions section matches the land use name in Appendix C.	In Section 2.2, change name of Retail Food Store, Limited to <a href="#">Convenience Store, Limited.</a>
40	Staff	Section 2.2	Revisit definition of Retail Store, Large  Existing, proposed language (does not appear in currently adopted ordinance):  A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet.	Based on market research, the threshold for the square footage of a large retail store should be increased.	In Section 2.2, amend the definition of Retail Store, Large to:  <a href="#">A retail establishment with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A large retail store that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores connected by common walls as part of a shopping center with shared parking facilities are not included in this definition.</a>  Amend the General Commercial purpose statement to include the following text:  The uses in this district may be characterized by medium-to-large buildings (up to <del>50,000</del> <a href="#">100,000</a> square feet of gross floor area ...)
41	Mark Dyck	4.6	Consider deleting Section 4.6; redundant and confusing.	Elimination of all distance requirements is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.
42	Mark Dyck	4.6A	There is no reason for a 200' setback if the use does not have an adverse impact. Setbacks generally waste valuable land when visual and acoustical buffers are more effectively done in another manner.	Elimination of the existing requirement for a 200' buffer is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
43	Mark Dyck	4.6A	Provide additional guidance as to whether the rural district is considered a residential district.	Staff concurs that additional clarity is needed regarding the term "residential district."  Based on the use of "Residential Growth District" in Section 4.6B, staff finds that a "residential district" means the Residential Growth District.	Amend Section 4.6A.1 to read:  "Any lot in a <del>the R</del> residential <del>Growth</del> district;"
44	Mark Dyck	4.6A	Is parking considered a use that falls under the 200' setback requirement.	Staff concurs that additional clarity is needed regarding parking in the 200' setback.	Amend Section 4.6A to read:  "Any uses ( <del>not including parking</del> ) or buildings subject to compliance with this section"  Amend Section 4.6B to read:  "Adjacent uses ( <del>not including parking</del> ) or buildings subject to compliance with this section"
45	Mark Dyck	4.11.B.2	If a screened buffer yard is provided, what is the purpose of the additional 185' buffer.	The Zoning Ordinance currently requires a 200' buffer for industrial uses. The purpose of the buffer is not only for visual screening but also to address potential issues of noise and odors associated with an industrial use.	No change recommended.
46	Staff	Section 6.3	Revisit proposed change to calculation of LESA points for sites with some existing development or ground disturbance.  <b>Existing, proposed language (does not appear in currently adopted ordinance):</b> A. The Soils Assessment of a proposed development is not applied when:  1. 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.	The intent of this proposed amendment is that the re-use (or modest expansion) of a developed site would not require soils evaluation as part of the LESA process for a Conditional Use Permit. However, this proposed amendment should be made more specific, so that it will be clear that the land use is limited to an existing building or paved area, or a modest expansion.	The Soils Assessment of a proposed development is not applied when:  2. the <del>land use development</del> is proposed to be <del>completely contained</del> <del>located</del> in an existing building, <del>or</del> on an existing paved <del>or disturbed</del> area, or entails an expansion of <del>an existing building and/or an existing paved area by the lesser of either (1) than up to 1,000 square feet total of an existing building and/or an existing paved area,</del> or (2) up to 50% of an existing building and/or an existing paved area

#	Source	Section or Topic	Request	Comment	Staff Recommendation
47	Dale Manuel	N/A	The amendments should include standards for shooting ranges.	<p>The proposed amendments would establish a definition of "Shooting Range, Indoor" and "Shooting Range, Outdoor". This definition clarifies that a shooting range must meet NRA standards.</p> <p>The definition could be further clarified to state that an outdoor shooting range must also meet the 150-yard setback and 150-acre minimum lot area standards of a Hunting, Shooting, and Fishing Club.</p>	<p>Amend Section 2.2. proposed definition of "Shooting Range, Outdoor" to add:</p> <p><u>"The operations and design of an outdoor shooting range meet National Rifle Association standards, and the range must meet the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this ordinance."</u></p>
48	Dr. and Mrs. James Gibson (letter)	N/A	County should continue to pursue recreational use and tourism amendments.	There are a number of various types of ordinance amendments (such as sign regulations, residential accessory structures, and rural site plan standards) that have been identified as priorities. As time permits, staff may work on additional amendments during the Comprehensive Plan process; however, staff time will be limited until the plan is adopted.	Staff will continue to seek the guidance of County Commission and Planning Commission regarding the Department's annual work plan.
49	Lyn Widmyer	N/A	For all proposed districts, a traffic study submittal should be required for a zoning map amendment application.	<p>The Zoning Ordinance currently requires an application for a zoning map amendment to include "Discussion on . . . Any change of transportation characteristics and neighborhood from when the original ordinance was adopted."</p> <p>A traffic study, typically prepared by a transportation engineering firm, is a study that assesses the impact of a proposed development on the existing and future transportation network.</p> <p>Some communities require this type of assessment only at the development phase (e.g. submittal of site plan or subdivision). The Jefferson County Subdivision and Land Development Regulations require a traffic study if a development would traffic of more than 100 peak hour trips.</p>	<p>This is a policy decision for the County Commission.</p> <p>Such a study would require an up-front cost by the applicant but could provide the County Commission with additional information regarding potential traffic impacts.</p> <p>An additional option is to change the submittal requirements for a zoning map amendment to require some additional information regarding potential transportation impacts, such as roadway capacity, anticipated trip generation, etc. These elements would not require a traffic study by an engineering firm but would provide the Planning Commission and County Commission with additional traffic impact information.</p>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
50	Corporation of Harpers Ferry, Joe Anderson	N/A	Consider traffic impact of development. This depends on the intensity of the proposed development and the characteristics of traffic conditions in the immediate vicinity. Consideration should be given to establishing some requirements that traffic analysis be completed and evaluated before approving more intensive zones. The Comprehensive Plan may be an appropriate forum to develop guidance for these requirements.	<p>The Zoning Ordinance currently requires an application for a zoning map amendment to include "Discussion on . . . Any change of transportation characteristics and neighborhood from when the original ordinance was adopted."</p> <p>A traffic study, typically prepared by a transportation engineering firm, is a study that assesses the impact of a proposed development on the existing and future transportation network.</p> <p>Some communities require this type of assessment only at the development phase (e.g. submittal of site plan or subdivision). The Jefferson County Subdivision and Land Development Regulations require a traffic study if a development would traffic of more than 100 peak hour trips.</p>	<p>This is a policy decision for the County Commission.</p> <p>Such a study would require an up-front cost by the applicant but could provide the County Commission with additional information regarding potential traffic impacts.</p> <p>An additional option is to change the submittal requirements for a zoning map amendment to require some additional information regarding potential transportation impacts, such as roadway capacity, anticipated trip generation, etc. These elements would not require a traffic study by an engineering firm but would provide the Planning Commission and County Commission with additional traffic impact information.</p>
51	National Parks Service, Rebecca L. Harriet	N/A	Rather than creating new commercial zones in addition to the existing zones, the NPS prefers to see all properties currently zoned "Residential-Light industrial-Commercial" re-designated into one of the newly proposed zones.	Rezoning properties with existing commercial zoning is beyond the scope of the currently proposed amendments. This is a broader policy issue that the County Commission may want to consider at a later time.	The County Commission may want to consider following development of 2014 Comprehensive Plan.
52	National Parks Service, Rebecca L. Harriet	N/A	It may also be useful to consider design standards that could accompany some of the new zoning categories. This would be especially useful for assigning categories for properties at key intersections and other high visibility areas. More specifics might best be developed during the forthcoming Comprehensive Planning process.		Recommend considering during development of 2014 Comprehensive Plan.
53	Charles Ervin	N/A	Developers should bear all costs associated with whatever upgrades are required by the State/County, such as: supplemental road development, traffic control, etc.	This is a broader policy issue.	This issue could be considered during the 2014 Comprehensive Plan process.
54	Bernard Simmons (letter)	N/A	No more development and no more sprawl; need for additional water treatment plants.	This is a broader policy issue.	This issue could be considered during the 2014 Comprehensive Plan process.

## **Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes**

At its June 12, 2012 meeting, the Jefferson County Planning Commission voted to recommend to the County Commission for adoption a set of Zoning Ordinance amendments regarding proposed commercial and industrial districts and related amendments. The draft of the ordinance recommended by the Planning Commission included proposed changes as a result of public comment associated with a public hearing that the Planning Commission conducted in April 2012.

The County Commission also conducted a public hearing, in addition to accepting written comments. Staff has recommended changes to the ordinance in response to these comments, as well as edits to refine the draft ordinance.

Significant proposed changes are listed below. Please see the draft ordinance (available in the Planning Commission agenda packet) for all changes, which are highlighted in yellow in the draft ordinance.

### **Section 2.2**

- Changes to definitions, such as: Retail Food Store, Limited; School, College or University; Restaurant; Retail Store, Large; and Shooting Range, Outdoor
- New definitions, such as: Gross Floor Area; Horse Racing Facility; School, Vocational or Professional; and Shopping Center.

### **Section 4.6**

- Clarify what is meant by a “residential district”.
- Clarify that parking is not subject to the distance setback for industrial and commercial uses.
- Relocation of sentence regarding applicability of section.

### **Section 4.11**

- Additional text is added to this section to match the requirements shown in Table 4.11, such as the requirement of buffer yards for multi-family development and 20’ screened buffers for industrial development.
- Table 4.11: In response to public comments, staff is proposing to relocate to Appendix A and Appendix B all the requirements shown in Table 4.11. This move will consolidate setbacks, buffers, distance requirements and other site development standards into the same table.

### **Section 5.6**

- Relocation of the yard requirements of Section 5.6D to Appendix A and B.

## **Sections 5.11 – 5.17**

- The location criteria for each district has been deleted and replaced with language that specifies that each of the new zoning categories is intended for use on properties:
  - in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  - in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

### **Section 5.11 (Neighborhood Commercial District)**

- Purpose (5.11A) – amend language to better reflect the intent of the district.
- 5.11C - In order to clarify that a commercial building in the NC District may include residential units, add the following text: “3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.” (Please note that this district no longer allows standalone multi-family or townhouse uses.)
- 5.11E – add language to clarify that a landscaped buffer yard in the NC district need not screen the view of the development from the adjacent street(s).

### **Section 5.12 (General Commercial District)**

- Purpose (5.12A) – amend language to state that the district allows retail stores of up to 100,000 square feet for an individual building.

### **Section 5.13 (Highway Commercial District)**

- Purpose (5.13A) – amend language to state that the district allows retail stores that exceed 100,000 square feet for an individual building.

### **Section 5.14 (Light Industrial District)**

- Purpose (5.14A) – amend language to remove specific references to road classifications.

### **Section 5.15 (Major Industrial District)**

- Purpose (5.15A) – amend language to remove specific references to road classifications.

### **Section 5.16 (Planned Neighborhood Development District)**

- 5.16A.8 – Amend to clarify the intent of “critical environmental features” and “scenic features”.
- Add language to Section 5.16D.1 to clarify that development standards in the PND District may be modified.
- Amend 5.16E.1 to define high, medium, and low densities.

- Amend open space requirements of Section 5.16E.2 to allow for inclusion of acreage of critical environmental features.
- Amend Section 5.16E.3 to clarify requirements for pedestrian and vehicular connections.
- Add new subsection 5.16E.6 to require dedication of a trail easement under certain circumstances.
- In order to clarify public notice requirements for a rezoning request for the PND District, amend Sections 5.16F.3.b and 5.16F.3.d to add, “In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.”

### **Section 5.17 (Office/Commercial Mixed Use District)**

- Amend Section 5.17E.1 to require a percentage of office uses.

### **Section 6.3**

- Add language to be more specific regarding the proposed exemption from the soils component of a LESA score for CUP developments that would entail little or no disturbed area.

### **Appendix A**

- Add footnote to establish a more flexible rear setback for some small lots in townhome communities.
- Addition of Parking / Drive Aisle Setbacks and Screened Buffers to table (from Table 4.11-1).
- Addition of note stating that the requirements in this table are in addition to any other applicable requirements in the text of the Ordinance, and referring users to Article 8 for site development standards for certain land uses.
- Adds an allowance for reduced rear setbacks for decks in townhome developments with small lots in the Residential - Light Industrial - Commercial district. *[Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review].*

### **Appendix B**

- Addition of Parking / Drive Aisle Setbacks, Screened Buffers, and Distance Requirements to table (from Table 4.11-1) in order to consolidate setback requirements into one table.
- Clarifies buffer requirements by adding (U) for “unscreened” and (S) for “screened”.
- Various changes to footnotes, including:
  - Addition of note stating that the requirements in this table are in addition to any other applicable requirements in the text of the Ordinance, and referring users to Article 8 for site development standards for certain land uses.
  - Clarification of applicability of standards to churches
  - New or amended footnotes that reflect ordinance standards for uses in the Village District, Neighborhood Commercial District and Office/Commercial Mixed Use District.

## **Appendix C**

- For NC district, show Multi-family, Townhouse, and Heliport as “NP” (not permitted).
- Show the land use “Gambling Facilities” as “C” (a conditional use) in the Industrial - Commercial District and the Major Industrial District, and “NP” (not permitted) in the Light Industrial District.
- Amend permitted status of Heavy Equipment Repair in the Industrial - Commercial District from “PC” to “P”
- Show Retail Sales and Services, General as “NP” (changed from “P”) in the Neighborhood Commercial District.
- Amend permitted status of Restaurant, Fast Food in the RLIC District from “P” to “PC” to accurately reflect existing requirements.
- Consolidation of General Standards column into Additional Standards column; addition of several ordinance section numbers.
- Continue to show the use “Commercial Uses” as a permitted use in the Residential - Light Industrial – Commercial district and the Industrial - Commercial District.
- Amend list of land uses to add land uses “School, College or University”; “School, Vocational or Professional”; “Horse Racing Facility”; and “Custom Manufacturing”; and indicate in which districts the uses are permitted.
- Changes to notes:
  - Deletion of statement that table is for reference purposes only, and that the ordinance will prevail in the event of a conflict with the ordinance.
  - Amendment of header notes regarding conditional uses, limited permitted uses, and accessory uses to a planned residential community.
  - Addition of two footnotes regarding the PND District and the approval process for a Salvage Yard.

## **Other**

In addition, staff has recommended additional minor changes to address formatting, grammar, consistency, numbering, typographical errors, and similar changes.

## Key to Formatting of Amendments:

Black text = Existing, unchanged ordinance text

Blue Text = Text proposed to be added

~~Red text~~ = Text proposed to be deleted

Highlighted text / ~~highlighted text~~ = Text changed following the most recent version of the draft ordinance amendments available to the public (in the 8/16/12 County Commission agenda packet)

[text in brackets] = Comments for the purpose of clarifying proposed amendments. These comments are not intended as changes to the ordinance and will not appear in the final version of the ordinance.



## Draft Zoning and Land Development Ordinance Amendments

1. Ordinance Language
2. Appendices A, B, and C
3. Section 2.2 (Definitions)



Residential <sup>1</sup>	Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.
Residential Care Home <sup>23</sup>	The use of a site for the provision of a family-based facility in a single-family dwelling unit providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from mobility, orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, emotional illness, or similar conditions.
Restaurant, Fast Food, Limited <sup>23</sup>	Takeout pizza/sandwich shops not exceeding 600 square feet.
Restaurant, Limited <sup>23</sup>	A food service establishment not exceeding 2000 square feet and where the primary mode of food distribution is by server.
Retail Food Convenience Store, Limited <sup>23</sup>	A <u>retail convenience food</u> store not exceeding 1500 square feet of retail floor space, <u>with hours of operation limited to the period between 6:00 AM and 11:00 PM.</u>
Right-of-Way	A right which grants passage across or through a property. A right-of-way is also the (usually dimensioned) path along which the right of passage is granted.
Road	A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.
School, Elementary or Secondary <sup>23</sup>	A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade twelve. Secondary schools consist of middle schools and high schools, generally grades six through twelve.
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. <u>The land use School, Vocational or Professional is not included within this definition.</u>

## Section 4.4 Prohibited Uses

[Note: Proposed changes in this Section are for the purpose of clarifying the permitted / conditional / not permitted status of various land uses in the new zoning districts.]

- A. Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of Jefferson County or law or regulation of the State of West Virginia or other governmental agency shall be prohibited even though such use may be allowed under the terms of this ordinance.
- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.
- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.
- F. Jails, prisons and/or penal institutions shall be prohibited in all ~~zones zoning districts~~ except the ~~Industrial/-eCommercial-zone District and the Major Industrial District~~. The Development Review System does not supersede this prohibition.<sup>5</sup>
- 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).<sup>6,23</sup>

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.~~<sup>23</sup>
- 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.<sup>5,23</sup>

- 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.<sup>8, 23</sup>
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.<sup>12</sup>
- 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.~~<sup>23</sup>

No conditional use permit shall be approved for any of these adult 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.<sup>15, 16</sup>
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.<sup>23</sup>
- 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.<sup>23</sup>

#### 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. Industrial uses are subject to this subsection, unless otherwise specified in this ordinance. Any uses (not including parking) or buildings subject to compliance with this section shall be located at least 200 feet from:
  1. Any lot in ~~a the r~~ Residential Growth district;
  2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;<sup>1</sup>
  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.

~~4.5. Industrial uses are subject to this section, unless otherwise specified in this ordinance.~~

B. Commercial uses are subject to this subsection, unless otherwise specified in this ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this section shall be located at least 75 feet from:<sup>7</sup>

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.<sup>23</sup>

~~3.~~

C. A commercial use (not including parking) located in the Neighborhood Commercial district or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6.B.1-3.

#### **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.<sup>7, 22</sup>

#### **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 s~~Submittal and approval of a site plan is requireded 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> [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]

- 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**

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

A. Commercial development.

- 1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 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.
- ~~1-2.~~ All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.<sup>5</sup>

B. Industrial development.

- 1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.

~~A screened buffer yard with a minimum width of fifteen (15) feet, which may be included within the 200-foot buffer required in this subsection; and~~

- 2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.<sup>5, 7</sup>

- ~~2-3.~~ All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.

C. Multi-family development.

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

- a. Front and rear: a minimum of 15'
- b. Side: a minimum of 12'

**Table 4.11 - ~~1~~ Setbacks, Buffers and Distance Requirements for Non-Residential Uses<sup>23</sup>**

**[Note: Buffer standards in Table 4.11-1 relocated to Appendix A and Appendix B]**

\*15' screened buffer may be included within required 200' unscreened buffer.

*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.<sup>23</sup> [2<sup>nd</sup> sentence relocated to Appendix A and Appendix B]*

- B.D.** In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.
- C.E.** All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.
  1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least four (4) feet in height.<sup>7, 23</sup>
  2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
  3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
  4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- D.F.** In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.<sup>23</sup>
- E.G.** All buffer yards shall be maintained by the property owner.
- F.H.** All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9(A), 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 - ~~2~~ **1** below:<sup>23</sup>

**Table 4.11 - ~~2~~ **1** Wetland Size in Acres<sup>5, 8, 23</sup>**

Greater Than	Less Than	Buffer Width in Feet
0.05	0.10	30
0.10	0.16	35
0.15	0.21	40
0.20	0.26	50

0.25	0.31	55
0.30	0.36	60
0.35	0.41	65
0.40	0.46	70
0.45	0.51	75
0.50	0.66	80
0.65	0.81	85
0.80	0.96	90
0.95	1.21	95
1.20	--	100

**G.I.** All required landscape plans shall contain the following elements:<sup>7</sup>

1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:<sup>23</sup>
  - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
  - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
2. Evergreen buffer planting, as required, for full screening.
3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
4. Structure plants for aesthetics and limited shade.
5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.

**J.** Required landscape buffers for a non-residential use are indicated in Table 4.11-1 Appendix B.

**Section 4.12 Design Standards for Multi-Family Developments<sup>23</sup>**

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.
- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed fifty (50) percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least twenty-five (25) feet from any street right-of-way.

**Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers<sup>23</sup>**

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

### **Section 5.1 Establishment of Districts<sup>1</sup>**

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 District<sup>23</sup>
- 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.<sup>23</sup>

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.<sup>23</sup>

#### 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 Uses<sup>23</sup>

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 Adults<sup>12</sup>~~

~~10. Church~~

~~11. Day Care Center, Small~~

~~12. Day Care Center, Large~~

~~13. Essential Utility Equipment~~

~~14. Public Safety Facility~~

~~15. Publicly Owned Facility<sup>23</sup>~~

~~16. Accessory Uses~~

- ~~17. Group Residential Facility~~
- ~~18. Home Occupation, Level 1<sup>8</sup>~~
- ~~19. Home Occupation, Level 2<sup>8</sup>~~
- ~~20. Nursing or Retirement Home~~
- ~~21. Model Homes/Sales Office<sup>1,2</sup>~~
- ~~22. Preschool~~
- ~~23.1. Wireless Telecommunication Facilities pursuant to Article 4B~~

B. Minimum Lot Area, Height, and Yard Requirements

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~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.<sup>23</sup>
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.<sup>5,23</sup>
- ~~2.3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.~~

~~Table 5.4—1—Residential Growth District—Height and Yard Requirements~~<sup>5,19,23</sup>  
[Note: The standards in this table are relocated to Appendix A and B.]

Development Type	Minimum Lot Area (MLA)	Required Yards (ft)				Maximum Building Height (ft) <sup>#</sup>
	Area per Dwelling Unit (ADU)	Front	Side	Street Side	Rear	
1 Single Family Dwelling	6,000 sq. ft. MLA**	25	12	15	20	40
Public/Central water and sewer	10,000 sq. ft. ADU	"	"	"	"	"
Public/Central water or sewer	20,000 sq. ft. MLA	"	"	"	"	"
No Public/Central water or sewer	40,000 Sq. ft. MLA	"	"	"	"	"
2 Duplex Dwelling		25	15	15	20	40
Public/Central water and sewer	3,200 sq. ft. MLA	"	"	"	"	"
Public/Central water and sewer	7,500 sq. ft. ADU	"	"	"	"	"
Public/Central water or sewer	10,000 sq. ft. ADU	"	"	"	"	"
3 Townhouse Dwelling		25	12	15	20	40
Public/Central water and sewer	1,400 sq. ft. MLA	"	"	"	"	"
	3,500 sq. ft. ADU	"	"	"	"	"
		"	"	"	"	"
4 Multi Family Dwelling	20,000 sq. ft. MLA	25	12	15	30	40
Public/Central water and sewer	2,000 sq. ft. ADU	"	"	"	"	"

\*Subject to Section 9.2

~~NOTE: ALL detached accessory structures under 144 square feet in size—6' setback.~~ *[Note: Deleted text moved to 5.4.B.3]*

~~\*\*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.~~ *[Note: Deleted text moved to 5.4.B.2]*

### C. Commercial Services in Residential Developments<sup>23</sup>

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the 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.<sup>5</sup>

D. Standards for Commercial or Light Industrial Uses<sup>23</sup>

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.<sup>5</sup>
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 Reserved<sup>23</sup>**

**Section 5.6 Industrial - Commercial District<sup>23</sup>**

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 Uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table and this section.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject the requirements of this section and 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)<sup>23</sup>
  - 4. Commercial sawmills
  - 5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
  - 6. Garbage or dead animal reduction or processing
  - 7. Slaughterhouses, Stockyards

8. Acid or heavy chemical manufacturer, processing or storage
9. Cement or lime manufacture
10. Explosive manufacture or storage
11. Foundries and/or casting facilities
12. Mineral extraction, mineral processing
13. Jails and Prisons (subject to requirements for this use in Article 8)<sup>23</sup>

C. Height Regulations

No structure shall exceed seventy-five (75) feet in height except as provided in Section 9.2.

D. Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. Yard Requirements as follows: (These requirements are also for an approved commercial or industrial use proposed for any other zone.)<sup>5, 23</sup>

1. Front yard building setback	
Commercial sites	25 feet
Industrial sites	50 feet
2. Side yard building setback	
Commercial sites greater than 1.5 acres	50 feet
Commercial sites 1.5 acres and smaller	25 feet
Industrial sites	50 feet
3. Rear yard building setback	
Commercial sites greater than 1.5 acres	50 feet
Commercial sites 1.5 acres and smaller	25 feet
Industrial sites	50 feet
4. Parking, Driveway and Internal Access Drive Front Setbacks	
Commercial sites greater than 1.5 acres	15 feet
Commercial sites 1.5 acres and smaller	15 feet
Industrial sites	25 feet
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. Parking must abide by buffer requirements.*

*[Note: Setbacks and footnote relocated to Appendix B]*

2. ~~6~~ Compliance with Sections 4.11 and 8.9(A)(1-9)<sup>7, 23</sup>

### 3. ~~7~~ Distance Requirements

- a. Commercial shall comply with Section 4.6(b)
- b. Industrial shall comply with Section 4.6(a)<sup>7, 23</sup>

### ~~D.E.~~ 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.<sup>23</sup>

### ~~E.F.~~ F. Additional Commercial and Industrial Design Standards

#### 1. Commercial Design Standards<sup>23</sup>

- a. ~~Landscaping, screening, buffer yards, and setbacks for commercial development are subject to Section 4.11.~~

Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.

- b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11 F.
- c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
- d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.

#### 2. Industrial Design Standards

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.<sup>23</sup>
- b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11 F.
- 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 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. 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 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. Cottage Industry<sup>8</sup>~~

~~9. Home Occupation, Level 1<sup>8</sup>~~

~~10. Home Occupation, Level 2<sup>8</sup>~~

~~11. Day Care Center, Small<sup>12, 11, 15</sup>~~

~~12. Public Safety Facility~~

~~13. Cultural Facility~~

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

~~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)<sup>7, 15</sup>
- 21. Publicly Owned Facility<sup>8</sup>
- 22. Wireless Telecommunications Facilities pursuant to Article 4B.<sup>10</sup>
- 23. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)<sup>12</sup>
- 24. Non-profit Community Centers<sup>15</sup>
- 25. Landscaping business outside of Planning Commission approved subdivisions<sup>15</sup>
- 26. Veterinary services outside of Planning Commission approved subdivisions<sup>15</sup>
- 27. Feed and/or Farm Supply Center
- 28. Agricultural Repair Center<sup>15</sup>
- 29. Kennels (subject to the requirements for such a use in Article 8)<sup>15</sup>
- 30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)<sup>20</sup>
- 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 Requirements<sup>23</sup>**

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. 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

~~3. Lot area for schools (K-12) as shown in Table 5.7-1 shall be increased by 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 sewage treatment plant and retention ponds are required, acreage shall be increased accordingly.<sup>1,23</sup>~~

~~4.2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.<sup>23</sup>~~

~~5.3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6(a).<sup>23</sup>~~

#### C. Height Regulations

No structure shall exceed thirty five (35) feet in height as provided in Section 9.2.

#### D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7(d)1, 5.7(d)2 or 5.7(d)3 below. A property owner may use a combination of these subsections, provided that the number of lots are prorated by density.<sup>8</sup>

1. A property owner may create one (1) lot for every fifteen (15) acres with a minimum lot size of three (3) acres.<sup>17,21</sup>

a. Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.

b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17,21</sup>

#### 2. Clustering

##### a. Purpose and Intent

i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract.

ii. To provide for a well planned development while minimizing the use of prime agricultural land.

##### b. Requirements

- i. One (1) lot may be subdivided for every ten (10) acres.<sup>17, 21, 23</sup>
  - (a) Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.
- ii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.<sup>17, 21</sup>
  - (a) Setbacks shall be 25' front, 12' sides and 20' rear.
  - (b) All clusters of three (3) or more lots shall be served by an internal road.<sup>23</sup>
  - (c) Clusters of three (3) or more lots shall not be along an existing public road.
  - (d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17, 21</sup>
  - (e) Maximum lot size shall be 3 acres.<sup>17, 21</sup>
- iii. Procedures<sup>23</sup>
  - (a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.<sup>17, 21, 23</sup>
  - (b) The Staff will have final approval over the location layout of the proposed clustering of lots. The Staff shall consider the following when reviewing concept plans:
    - (1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
    - (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - (c) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating "The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation".<sup>23</sup>

3. Not in addition to subsections 5.7(d)1 and 5.7(d)2 above, any property that was a lot of record as of October 5, 1988 may create 3 total lots (including the residue) during any five year period. Applications which exceed this number during any five year period shall be processed utilizing the Development Review System. Subdivisions involving transfers of land between parent and child shall not be subject to this section. All lots that qualify under this section must meet subdivision requirements. 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 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. 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 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~~
- ~~42.1. 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>

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

C. Site Development Standards ~~Other Regulations~~<sup>23</sup>

1. All sections of this ordinance applying to the ~~r~~Residential ~~g~~Growth district with the exception of Section 5.4(a) will apply to residential uses in this District.
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~All commercial 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).~~ All commercial or industrial uses ~~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. [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]
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.<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. 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 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>~~
- ~~12.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

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

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, Limited<sup>12</sup>~~

C. Setbacks

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. Residential

~~a. Section 9.7, Residential Growth standards<sup>23</sup>~~

~~2. Commercial~~

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

[combine sentence with 1. above.] Setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood.<sup>23</sup>

~~3.2. Existing Structures~~

~~a. As exists not less than 6' on The sides and rear yard setbacks are 6' for an existing structure to be used for a land use as provided in this article.~~

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.<sup>23</sup>

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.<sup>23</sup>

H. Other Requirements<sup>23</sup>

1. With the exception of setback requirements as 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 (NC) District

A. Purpose. The purpose of this district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the GC District (and not otherwise permitted in the NC District) is not appropriate. 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 appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses development. Uses should be appropriate in scale to the residential character of their context.

B. Location. This zoning category is intended for use in the following locations on properties:

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

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.
3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.

#### D. Site Development Standards

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

6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this ordinance.

E. Additional Requirements

1. Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.
2. Each building shall be limited to a maximum building footprint of 3,500 square feet.
3. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of buildings from the adjacent street(s). The landscaping requirements in this subsection are in addition to any other applicable landscaping requirements of this ordinance. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail meeting any applicable county requirements may be installed.
4. One bicycle parking space shall be provided for each ten vehicular parking spaces.
5. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
6. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.12 General Commercial (GC) District

A. Purpose. The purpose of this district is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 ~~50,000~~ square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.

B. Location. This zoning category is intended for use in the following locations on properties:

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

- ~~1. Properties located on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.~~
- ~~2. 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. 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, which may include very large including buildings that exceed 50,000 100,000 square feet of gross floor area for

an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

B. Location. This zoning category is intended for use in the following locations on properties:

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

1. 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.

2. Properties designated for Highway Commercial 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 5.14 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. Location. This zoning category is intended for use in the following locations on properties:

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

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. Location. This zoning category is intended for use in the following locations on properties:

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

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 features of the site (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourses, and karst topography) and scenic features of the site (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes);
9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
10. Mitigate the problems which may be presented by specific site conditions.

#### B. Location. This zoning category is intended for use in the following location(s) on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
1. Properties identified as being located in the Growth Area 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. 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. If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.
2. Modification of Development Standards Allowed
  - a. The Planning Commission may approve 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, as measured in gross floor area:
  - a. 10-30% commercial
  - b. 10-30% high density residential (7+ dwelling units per acre)
  - c. 20-40% medium density residential (4-6 dwelling units per acre)
  - d. 0-60% low density residential (1-3 dwelling units per acre)
2. Open Space Requirements
  - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural

environmental features (as defined in this article), may constitute up to 25% 50% of the required common and open space area.

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

3. Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection.

4. Street Network. An interconnecting network of internal streets shall be designed to accommodate the various uses found within a PND development. Where possible, all access to sites shall be from these internal streets.

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

6. For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, establishment of a trail easement shall be required prior to site plan approval.

#### F. Review and Approval Process

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

1. Pre-Application Conference. Prior to filing a formal application for a Zoning Map Amendment for a PND district, the applicant shall schedule and attend a Pre-Application Conference with staff 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. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements. The Preliminary PND Plan shall be considered during the public hearing. In addition to the review criteria for a Concept Plan as required by the Subdivision and Land Development Regulations, the Planning Commission shall utilize the following criteria in its consideration of a Preliminary PND Plan and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations:

- i. Consistency with the purpose of the PND district as described in this Article;
- ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards;
- iii. Consistency with the Comprehensive Plan

- c. As part of its recommendation to the County Commission regarding approval or disapproval of a zoning map amendment as described in Article 12, the Planning Commission shall make a recommendation to the County Commission regarding the Preliminary PND Plan, including any changes proposed by the Planning Commission.
  - d. County Commission review and public hearing. The County Commission shall conduct a public hearing on the proposed map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.
  - e. In its deliberation of a proposed map amendment to change a zoning designation to a PND district and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations, the County Commission shall consider:
    - i. Consistency with the purpose of the PND district as described in this Article
    - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards
    - iii. Consistency with the Comprehensive Plan
  - f. The County Commission shall approve, amend, or deny the Preliminary PND Plan and the zoning map amendment request; and may apply conditions to the approval of a zoning map amendment to a PND district.
  - g. County Commission approval of a zoning map amendment to change the zoning designation of a property to a PND district shall have the following effect:
    - i. Approval of the change in zoning designation;
    - ii. Approval of the Preliminary PND Plan;
    - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
    - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other

County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.

- b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
- c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.

5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the 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 not are limited to changes that would exceed one or more of the percentages noted in a-c below.

- a. A change in total square footage of the development by  $\pm 10\%$
- b. A change in the area of any land use by  $\pm 10\%$
- c. A change in the residential density by  $\pm 5\%$

#### **Section 5.17 Office / Commercial 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. Location. This zoning category is intended for use in the following location(s) on properties:

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

1. Properties designated by the Comprehensive Plan as appropriate for Office/Commercial development.

### 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 4.11.A-B does not apply to the side property line that abuts a commercial or industrial use
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
  - a. A rear yard building setback may be reduced to 10 feet
  - b. Section 4.11.A-B does not apply to the rear property line
4. Section 4.11.A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this ordinance.

### E. Additional Requirements

1. At least 75% Of the gross floor area of land uses in a development in this district, at least 75% shall be non-residential uses, and at least 50% shall be office uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. A minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space
4. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
5. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent

street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.

6. One bicycle parking space shall be provided for each ten vehicular parking spaces.
- ~~4.7.~~ Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

## ARTICLE 6: 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.<sup>14, 17, 21, 23</sup>

### 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 applicable when one or more of the following circumstances applies:
  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 proposed land use will be development is proposed to be completely contained:
    - i. located in an existing building, and/or
    - ii. on an existing paved or disturbed area installed prior to the effective date of this Ordinance, and/or
    - iii. on an existing paved area installed at any time, for a non-residential purpose, in compliance with County regulations in existence at the time of the installation; or

3. a land use that complies with Sec. 6.3B.2 with the exception of entails an a one-time expansion of an existing paved area that meets the criteria described in Sec. 6.3B.2 and/or a one-time expansion of an existing building footprint by the lesser of either:
  - i. less than up to 1,000 square feet total, or
  - ii. up to 50% of the building footprint of an existing building and/or an existing paved area that meets the criteria described in Sec. 6.3B.2

A.C. \_\_\_\_\_ 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.<sup>14, 17, 21</sup>
- ~~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 6.3]~~
- 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.<sup>17, 21</sup>

6. Glare and Heat

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

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

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

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

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

8. Fire Hazards

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

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

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

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

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

Container Setback from Lot Lines

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

9. Frontage Road

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

10. Landscape Buffer

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

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

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

ROW LIMITS OF CONTROLLED ACCESS HIGHWAY



- \* Maximum 60' easement or dedication for frontage road
- \*\* 50' landscaped buffer strip
- \*\*\* Setbacks

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

### **Section 8.10 Model Homes/Sales Offices<sup>23</sup>**

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

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

Model homes without staffed sales offices are permitted internally within the subdivision.<sup>12</sup>

### **Section 8.11 Petroleum Products Refining or Storage<sup>23</sup>**

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

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

Sales of fireworks are ~~only~~ permitted in the ~~commercial~~-Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.<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.

## 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;  
*[Note: the amendment to the following subsections is also under consideration in Agricultural Uses and Related Amendments currently under review]*
    - a.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
    - b.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.

[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.<sup>17, 21</sup>

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.<sup>17, 21</sup>

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



Appendix A, Residential Site Development Standards Table [DRAFT 6/5/13]

Zoning District	Land use	Land Use Subtype	Minimum Lot Area (MLA) in sq. ft.***	Area per Dwelling Unit (ADU) in sq. ft.	Min. Lot Width	Maximum Building Height (feet)*	Setbacks (feet)				Parking / Drive Aisle Setbacks	Screened buffers (Sec. 4.11)
							Front	Side	Street Side	Rear		
Residential Growth	Single family detached dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small lot single-family detached dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20		
	Duplex dwelling unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
	Townhouse	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Multi-family dwelling (See also Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30		
	Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 square feet –	N/A	N/A	N/A	40	25	12	‡	12		
		30,000 sq. ft. to 40,000 sq. ft.–	N/A	N/A	N/A	40	20	10	‡	12		
	Under 30,000 square feet –	N/A	N/A	N/A	40	20	8	‡	12			
Rural (See also Sec. 5.7)	Dwellings		40,000	N/A	100	35	40	15	‡	50	N/A	N/A
	Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres –	N/A	N/A	N/A	35	40	15	‡	50		
		40,000 sq. ft. to 2 acres –	N/A	N/A	N/A	35	25	12	‡	12		
		30,000 sq. ft. to 39,999 sq. ft. –	N/A	N/A	N/A	35	20	10	‡	12		
		under 30,000 sq. ft. –	N/A	N/A	N/A	35	20	8	‡	12		
	Cluster Subdivision	See Residential Growth										
	Residential use that complies with the Development Review System	See Residential Growth										
Village	Residential uses	See Residential Growth										
Residential / Light Industrial / Commercial	Residential uses	See Residential Growth†										
Industrial-Commercial	Residential uses	See Residential Growth										
Neighborhood Commercial	Residential uses	See Residential Growth. Article 5 also provide supplemental standards for certain development types in this district.										
General Commercial	Residential uses	See Residential Growth. Article 5 also provide supplemental standards for certain development types in this district.										
Highway Commercial	Residential uses	N/A										
Light Industrial	Residential uses	N/A										
Major Industrial	Residential uses	N/A										
Office / Commercial Mixed Use	Residential uses	See Residential Growth										
Planned Development	Residential uses	See Residential Growth. Note: the Planning Commission may amend site development standards for a land use in the Planned Neighborhood Development district pursuant to to Article 5 of this Ordinance.										

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the ordinance for site development standards for certain land uses.

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.

All dimensions are in feet unless otherwise indicated.

\* 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."

For all lots approved prior to Sept. 1, 1989, lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'. NOTE: All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District)

‡In the Residential - Light Industrial - Commercial 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 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. [Note: the change to this section is also under consideration in other amendments currently under review]

Appendix B, Non-residential Site Development Standards Table [DRAFT 6/5/13]

Zoning District	Development Type <sup>o</sup>	Min. Lot Area (MLA)	Min. Lot Width	Max. Building Height*	ImperVIOUS Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks <sup>q</sup>			Distance (if Sec. 4.6 applies)	Buffers (Sec. 4.11) (Screened/Unscreened)									
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	Adjacent lot is:								
														a Residential district, or any lot with a residence, school, church, or institution of human care			Commercial Use			Industrial Use		
											Front, Side, Rear	Front	Side	Rear	Front	Side	Rear					
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25'			15	4	4	75	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25'	50' (or 25' if adjacent to industrial use)		15	10	10	75	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)	
	Industrial	3 acres***	N/A	75	90%	50' (or 25' if adjacent to industrial use)			25	25 (or 20' if adjacent to industrial use)		200	200(U) and 20(S)			25(S)	20(S)	20(S)	N/A	20(S)	20(S)	
Residential / Light Industrial / Commercial	Commercial or Industrial	N/A	N/A	60	80%	See Industrial - Commercial District																
Rural	Churches	2 acres	200	35	N/A	25	50	50				N/A	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)	
	Schools, Grades K-12	Grades K-4: 10 acres+ Grades 5-8: 20 acres+ Grades 9-12: 30 acres+	500	35	N/A	100			See Parking/Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, based on lot size) in the Industrial - Commercial District.			N/A										
	Hospitals	10 acres	500	35	N/A	100						N/A	N/A			N/A	N/A	N/A	N/A	N/A	N/A	
	Other Rural principal permitted uses	40,000 sq. ft.	100	35	N/A	40	50	50				N/A	If a commercial or industrial use, see Industrial - Commercial District; otherwise N/A									
	Commercial or Industrial**	See Industrial-Commercial District																				
Village District	Commercial <sup>k</sup>	N/A	N/A	35	N/A	25	10	40	See Industrial-Commercial													
	Industrial**	See Industrial-Commercial District																				
Residential Growth	Commercial or Industrial**	See Industrial-Commercial District																				
Neighborhood Commercial <sup>k</sup>	Commercial	N/A	N/A	35	70%	15' (min) 25' (max)	10 <sup>e</sup>	10 <sup>o</sup>	See Industrial-Commercial District			25	See Industrial - Commercial District									
General Commercial <sup>k</sup>	Commercial	N/A	N/A	60	80%	20	10	25	See Industrial - Commercial District													
Highway Commercial	Commercial	N/A	N/A	60	80%	25	25	25														
Light Industrial	Commercial or Industrial	N/A	N/A	60	80%	25	25	25														
Major Industrial	Commercial	N/A	N/A	75	90%	25	10	50														
	Industrial	3 acres***	N/A	75	90%	25	50	50														
Office / Commercial Mixed Use	Commercial	N/A	N/A	60	80%	15' (min) 25' (max)	10 <sup>e</sup>	10 <sup>o</sup>														
Planned Development	Commercial	3 acres	See General Commercial District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).																			

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the ordinance for site development standards for certain land uses.

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.

All dimensions are in feet unless otherwise indicated.

\* Maximum building height is 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(d)]

\*\*\*If land use(s) approved via Neighborhood Compatibility Meeting process or Development Review System process in accordance with the Zoning and Development Review this 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. Side and rear yard setbacks - 6' for an existing structure to be used for a land use as provided in Sec. 5.10 [Source: 5.40e]

\*Setback may be reduced if adjacent to industrial use.

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

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

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

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

\*Article 5 also provide supplemental standards for certain development types in this district.

**APPENDIX C: PERMITTED USES TABLE /DRAFT 6/6/13/**

~~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.~~

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

\* = Limited permitted or conditional uses listed in Permitted Uses Table.

\*\* = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	R-LI-C	I-C	V	Additional Standards
<b>Residential Uses</b>													
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	PNP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	PNP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	NP	P	NP	
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
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
Cottage Industry	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
<b>Institutional Uses</b>													
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	PC	
Convention Center	NP	P	P	P	PC	P	P	NP	NP	P	PC	NP	
Cultural Facility	P	P	P	P	PC	P	P	P	NP	P	P	P	
Day Care Center, Large	P	P	P	P	PC	P	P	NP	P	P	P	PC	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Elementary or Secondary School	P	P	PC	PC	NP	P	P	P	P	P	NP	NP	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	P	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	P	P	P	P	NP	P	
Heliport	ENP	PC	PC	P	P	PC	PC	NP	NP	PC	PC	NP	
Hospital	NP	P	P	P	PC	P	P	P	P	P	NP	NP	
Nursing or Retirement Home	PC	P	P	P	NP	P	P	NP	P	P	NP	NP	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Preschool	P	P	PC	PC	PC	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	NP	PC
Recycling Drop-Off Center	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	P	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	NP	NP	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
<b>Industrial</b>													
Heavy Equipment Repair	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PCP	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

<sup>1</sup> Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**APPENDIX C: PERMITTED USES TABLE *DRAFT 6/6/13***

*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.*

P = Permitted use

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\* = Limited permitted or conditional uses listed in Permitted Uses Table.

\*\* = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

*[Note: Blue text indicates proposed new districts and new land use name, or other text changes]*

*[Red text indicates deleted text]*

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP	
Manufacturing, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	PC <sup>2</sup>	NP	NP	NP	NP	NP	PC <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP	
Shooting Range, Outdoor	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	<del>P</del> PC	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	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, General	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													Sec. 8.9
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
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	<del>PNP</del> P	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													Sec. 8.9
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	

<sup>1</sup> Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

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*[Note: Blue text indicates proposed new districts and new land use name, or other text changes]*

*[Red text indicates deleted text]*

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	R-LI-C	I-C	V	Additional Standards
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	
<del>Branch</del> Bank	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	
Bar / Nightclub	PC	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 <i>[use was formerly shown as deleted]</i>	*	*	*	*	*	*	*	*	**	P	P	*	Sec. 8.9
Car Wash	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
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	
<del>Retail Food</del> 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	PPC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and laundry services pick-up station; laundromat	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and laundry facility services	NP	P	P	P	P	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	
Gambling Facilities	NP	NP	NP	PNP	PPC	NP	NP	NP	NP	NP	PPC	NP	Sec. 4.4G
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	
Horse Racing Facility	NP	NP	NP	P	P	NP	NP	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-Profit Commercial Uses	P	P	P	P	PC	P	P	NP	NP	P	P	NP	

<sup>1</sup> Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**APPENDIX C: PERMITTED USES TABLE *(DRAFT 6/6/13)***

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*[Note: Blue text indicates proposed new districts and new land use name, or other text changes]*

*[Red text indicates deleted text]*

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	R-LI-C	I-C	V	Additional Standards
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	
Restaurant, Fast Food	PC	P	P	P	PC	P	P	NP	NP	PPC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	PPC	P	NP	Sec. 5.8C (RLIC only)
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 <del>Store</del> Sales and Services, General	PNP	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	
Wireless telecommunications facilities	P	P	P	P	P	P	P	P	P	P	P	P	Article 4B
<b>Agricultural Uses</b>													
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	<del>NP</del> 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	
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

<sup>1</sup> Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**Proposed New Commercial Zoning Districts and Related Amendments to the Zoning and Land Development Ordinance**

**Section 2.2: Definitions**

Add (or amend) the following definitions:

Airport	Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities, and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.
Appliance Sales	Use of a site for indoor sale of nonportable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.
Art Gallery or Artist Studio	The use of a site for (a) an establishment engaged in the sale or exhibit of art works including but not limited to paintings, sculpture, knitted goods, or pottery; and/or (b) work space for one or more artists, artisans, or craftspersons, who may offer instruction in the creation of art works.
Automobile parts, supplies and tire stores	Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.
Automobile repair, sales and service	The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.
Automobile, light truck and light trailer rentals, indoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas. <b>This use is conducted indoors with no outdoor storage of vehicles to be rented.</b>
Automobile, light truck and light trailer rentals, outdoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.
Bail Bond Services	An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.
Bank with drive-through facility	A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.
Bar / Nightclub	An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.

Bicycle Parking Space	A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.
Bank	A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. A bank does not include the Pawn Shop Services land use.
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.
Building Materials and Supplies	An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.
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.
Campground	An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents, cabins and/or lodges. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park as defined in this ordinance.
Car Wash	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Commercial Blood Plasma Center	The use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. This land use does not include a blood bank.
Contractor with no outdoor storage	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area other than incidental storage.
Contractor with outdoor storage	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.

Convenience Store	An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.
Convention Center	A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
Custom Manufacturing	Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.
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.
<del>Dry cleaning and laundry pick-up station; laundromat</del>	<del>An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry, and/or that provides self-service machines for use by customers for the washing or drying of clothes or other fabrics. This use does not include the maintenance or operation of any other types of laundry or dry cleaning equipment or machinery on the premises. [Note: redundant definition]</del>
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.
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.
Electric Vehicle Charging Station	A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
Equipment Rental, Sales, or Service	The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships and construction equipment dealerships, and mobile home sales establishments.
Exterminating Services	The use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.
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.
Gambling Facilities	The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance

	operated by charitable organizations licensed under West Virginia state law.
Gas Station	Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a "Gas Station, Large" if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Large	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 <del>gross floor area</del> .
Golf Course	A facility <del>other than a miniature golf course</del> for the playing of golf. A golf course may include a clubhouse with rest rooms and locker rooms, may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.
Grocery Store	An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores. <del>A grocery store may include a pharmacy as an accessory use. [unnecessary]</del>
Gross Floor Area	The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.
Heavy Industrial Use	Manufacturing or other enterprises with significant external effects including but not limited to noise, dust, glare, odors or vibrations, or which <del>op</del> pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.
Helipad	A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.
Heliport	An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
Horse Racing Facility	A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals

	incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.
Hotel/Motel	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn as defined in this ordinance. A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.
Kennel (replaces existing definition in ordinance)	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.
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.
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.
Medical/Dental/Optical Office	A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.
Mobile home, boat and trailer sales	Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.
Movie Theater	A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.
Parking, Commercial Offsite Accessory	Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.
Pawn Shop Services	An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.
Performing Arts	An establishment for the performing arts with seating for audiences. Such establishments may

Theater	include related services such as food and beverage sales and other concessions. Incidental use of a performing arts theater for community events is permitted. This use does not include an adult use or a bar/nightclub.
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 (as defined in this ordinance); duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.
Printing and Publishing	A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.
Professional Office	A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.
Recycling Drop-Off Center	A building or site used for a drop-off location for temporary storage of recyclable, recoverable or reuseable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use. The area dedicated a Recycling Drop-Off Center is limited to 1,000 square feet.
Restaurant	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building, and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.
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. This use may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.
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.
Retail sales, limited	Establishments of up to 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. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.

Retail Sales and Services, General

A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.

Retail Store, Large

A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A Retail Store, Large that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores which would not otherwise be classified as a Retail Store, Large that are connected by common walls as part of a shopping center with shared parking facilities are not included in this definition. If a shopping center includes a store which meets the definition of Retail Store, Large, the entire shopping center shall be treated as a Retail Store, Large for the purposes of applicable ordinances.

School, Vocational or Professional

A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.

Shipping and Mailing Services

Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. This use does not include major processing of mail or packages or bulk mailing distribution centers, and does not include facilities owned or operated by governmental agencies such as the United States Postal Service.

Shooting Range, Indoor

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards.

Shooting Range, Outdoor

The use of land for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of target practice, sport shooting, military/law enforcement training, mock war games, or temporary competitions. The operations and design and design of an outdoor shooting range meet all applicable National

Rifle Association standards, and the range must shall the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this ordinance. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.

**Shopping Center** A group of retail and/or other commercial establishments that is planned, constructed and managed as a total entity.

**Storage, Commercial** An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.

**Transportation Terminal** The use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or shipped materials between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities. This use does not include long-term storage of shipped items.

**Vehicle Storage** The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.

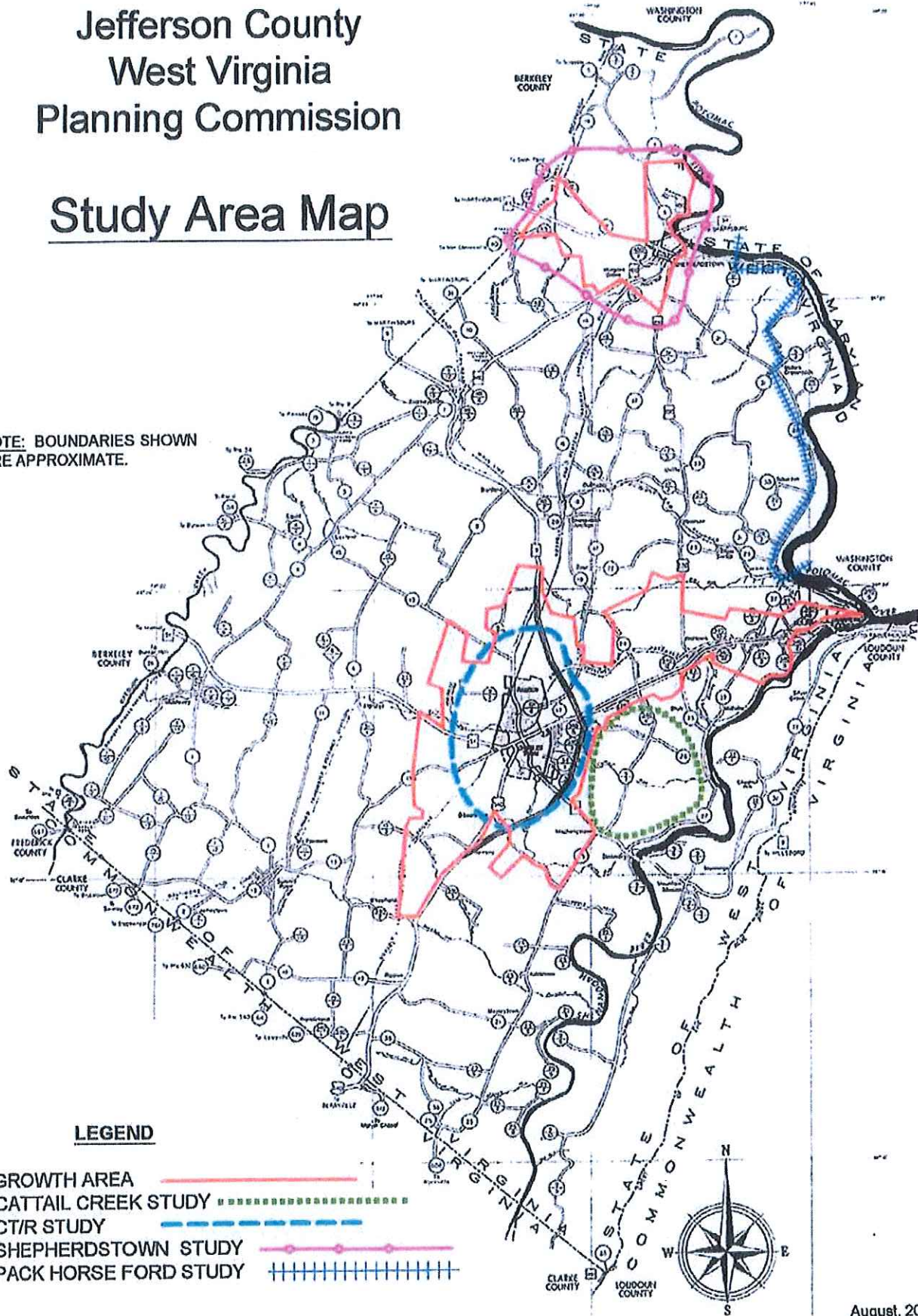
**Warehousing and Distribution, General** Use of a site for the storage of goods, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. This use includes major distribution centers, frozen food lockers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities. Facilities may be characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors.

**Warehousing and Distribution, Limited** Use of a site for the small scale storage of goods, and sale of goods to other businesses for resale. Wholesale and warehouse areas are will be no more than 50,000 square feet in area and operate during conventional business hours. Outdoor storage is limited to an area of 1,000 square feet. This use does not include major distribution centers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities, or a use described as a Storage, Commercial facility.

# Jefferson County West Virginia Planning Commission

## Study Area Map

NOTE: BOUNDARIES SHOWN  
ARE APPROXIMATE.



August, 2003  
NOT TO SCALE

