

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, JANUARY 2, 2014**  
**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**

**COUNTY COMMISSION ORGANIZATION**

- a. Selection of President
- b. Selection of Vice President

**APPROVAL OF MINUTES**

- December 19, 2013 Regular Meeting

**APPROVAL OF PURCHASE ORDERS**

- January 2, 2014

**APPROVAL OF ACCOUNTS PAYABLE**

- December 26, 2013
- January 2, 2014

**PUBLIC COMMENT**

**PRESENTATIONS:**

1. 9:45 a.m. Pete Dougherty, Sheriff
  - Discussion/Demonstration of the Home Confinement Program - Discussion/Action
  - Discussion of Noise Ordinance - Possible Executive Session §6-9A-4 - Discussion/Action
  - Discussion on animal neglect and abuse cases - costs/contracts - Discussion/Action

2. 10:15 a.m. Interviews and Appointments - Discussion/Action
  - Jefferson County Board of Zoning Appeals - two 3 year terms ending January 1, 2017 and three alternate positions ending January 1, 2015, 2016, and 2017 - Discussion/Action
  - Jefferson County Emergency Services Agency - three 3 year terms ending November 2, 2016 as follows:
    - Two Citizen Representatives
    - One EMS Representative
  - Jefferson County Emergency Services Agency - one unexpired term ending three 3 year terms ending November 2, 2015 as follows:
    - One Citizen Representative
3. 10:45 a.m. **BREAK**
4. 11:00 p.m. Barbara Miller, Director of Homeland Security and Emergency Management
  - Approval of 2013 Jefferson County Emergency Operations Plan - Discussion/Action
5. 11:15 a.m. Roger Goodwin, Chief County Engineer and Michelle Mason, Impact Fee Program Specialist
  - Modification of FY 2014 Capital Improvement Plan for Middleway Volunteer Fire Company Generator Project - Discussion/Action
6. 11:30 a.m. Jennifer Brockman, Director of Planning and Zoning
  - REVISED Zoning Ordinance Amendment Text (ZTA 13-01) based on 10-10-13 Public Hearing input related to Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14, 8.15, 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments) - Discussion and possible Action
  - Follow up Workshop/Discussion to 11-21-13 Public Hearing input on proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance; including 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 and possible Action

## **UNFINISHED BUSINESS:**

7. Clarifying role of County Commission liaison to different boards and commissions - Discussion/Action (LW)
8. Discuss Budget Goal - Discussion/Action (JT)
9. Discuss Capital Outlay Policy - Discussion/Action

## **NEW BUSINESS:**

10. Compensation During Temporary Assignment - Merri McIntyre - Acting Supervising Public Safety Dispatcher - Discussion/Action

## **FINANCIAL DIRECTOR REPORTS**

- Review of FY14 Budget Revisions and Financial Overview - Discussion/Action

## **COUNTY ADMINISTRATOR REPORTS**

- Reschedule Duncan Estate Hearing

## **COUNTY COMMISSION REPORTS**

11. ADJOURN

## **DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS**

- Jefferson County Homeland Security and Emergency Management
- Jefferson County GIS/Addressing Office

## **CORRESPONDENCE:**

Notice of the Board of Review and Equalization Dates for 2014.

Letter from Anna Mary Walsh, Member of the Board of Directors of the Jefferson County Animal Welfare Society.

Letter from Billy Madert, Director of the Jefferson County Solid Waste Authority, regarding the findings in the State Audit for the year ending June 30, 2013.

Jefferson County Commission Notice of Public Hearing on FY 2014 Home Investment Partnership.

Letter from Jennifer Brockman, Director of Planning & Zoning and Acting Jefferson County Zoning

Administrator, to Ms. Junipa Contento regarding the withdrawal of the Seasonal Use Permit to host the 2014 All Good Music Festival and Camp Out.

Jefferson County Historic Landmarks Commission nomination reports for York Hill Bank Barn and Oak Tree Farm.

Letter from Anthony J. Petrucci, President of the Berkeley County Council, regarding the Jefferson County Commission's participation in the 2013 Eastern Panhandle Legislative Summit.

West Virginia Ethics Reporter - December, 2013.

West Virginia Lottery Weekly Settlement for Charles Town week ending December 14, 2013.

West Virginia Lottery Weekly Settlement for Charles Town week ending December 21, 2013.

*At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.*

## Minutes

### Jefferson County Commission

Thursday, December 19, 2013

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A meeting of the Jefferson County Commission was held on Thursday, December 19, 2013 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Patsy Noland, Walter Pellish, Jane Tabb and Lyn Widmyer. Also present were Debbie Keyser, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the Thursday, December 19, 2013 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

Motion by Ms. Noland to approve the Regular Meeting Minutes of December 5, 2013 with noted corrections. Motion seconded and unanimously approved.

#### APPROVAL OF PURCHASE ORDERS

Motion by Ms. Widmyer to approve Purchase Orders in the amount of \$48,483.11 to include P.O. Nos. 51922, 51923, 51924, 51540, 51424, 51849, 52180, 52190, 51691, 51692, 51812, 52187, 52188, 52192, 52217, 52218, 52219, 52229, 52230, 52231, 50243, 51813, 52178, 51864, 52154, 52159, 52179, 52181, 52182, 52183, 52184, 52186, 52191, 51665, 51532, 51541, 51542, 51543, 51544, 51545, and 51546. Motion seconded and unanimously approved.

#### APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
071238	712	APCO INTERNATIONAL INC	51673	\$ 856.00	\$ -	\$ 856.00
071239	428	ACCURATE SYSTEMS INC		\$ -	\$ 11,400.00	\$ 11,400.00
071240	425	B-K OFFICE SUPPLY INC	52165	\$ 417.00	\$ -	\$ 417.00

071240	425	B-K OFFICE SUPPLY INC	52173	\$ 1,198.25	\$ -	\$ 1,198.25
071241	439	BREAKTHROUGH ACHIEVEMENT	50346	\$ 2,192.80	\$ -	\$ 2,192.80
071242	424	CHARLES TOWN UTILITIES		\$ -	\$ 153.04	\$ 153.04
071242	425	CHARLES TOWN UTILITIES		\$ -	\$ 888.85	\$ 888.85
071243	405	CLAYMAN & ASSOCIATES, PLL	51664	\$ 1,995.00	\$ -	\$ 1,995.00
071244	425	COVENANT BUILDING MAINT		\$ -	\$ 11,827.43	\$ 11,827.43
071245	425	84 LUMBER		\$ -	\$ 80.96	\$ 80.96
071246	717	FISHER AUTO PARTS		\$ -	\$ 778.00	\$ 778.00
071247	425	GRAINGER, INC	52174	\$ 199.50	\$ -	\$ 199.50
071248	717	GUTTMAN OIL CO		\$ -	\$ 15,627.72	\$ 15,627.72
071249	424	GRIFFITH ENERGY SERVICE		\$ -	\$ 1,671.26	\$ 1,671.26
071249	425	GRIFFITH ENERGY SERVICE		\$ -	\$ 301.55	\$ 301.55
071250	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 169.12	\$ 169.12
071251	402	JEFFERSON PUBLISH CO INC	51810	\$ 168.48	\$ -	\$ 168.48
071252	425	JEFFERSON UTILITIES INC		\$ -	\$ 559.76	\$ 559.76
071253	403	MATTHEW BENDER & CO	51459	\$ 216.10	\$ -	\$ 216.10
071254	717	MILLER'S CHRYSLER JEEP	52176	\$ 297.64	\$ -	\$ 297.64
071255	402	PIFER OFFICE SUPPLY, INC	51809	\$ 104.13	\$ -	\$ 104.13
071255	404	PIFER OFFICE SUPPLY, INC	52121	\$ 377.20	\$ -	\$ 377.20
071256	424	POTOMAC EDISON/OH		\$ -	\$ 1,613.59	\$ 1,613.59
071256	425	POTOMAC EDISON/OH		\$ -	\$ 2,276.11	\$ 2,276.11
071256	425	POTOMAC EDISON/OH		\$ -	\$ 13,476.89	\$ 13,476.89
071257	425	RCS SECURITY	52175	\$ 211.80	\$ -	\$ 211.80
071258	711	SOFTWARE COMPUTER GROUP	50010	\$ 150.00	\$ -	\$ 150.00
071259	425	SHENANDOAH VALLEY WATER		\$ -	\$ 523.85	\$ 523.85
071260	425	CAPITAL TRISTATE		\$ -	\$ 2,296.53	\$ 2,296.53
071261	425	THOMPSON GAS		\$ -	\$ 239.24	\$ 239.24
071262	403	UNITED SYSTEMS & SOFTWARE		\$ -	\$ 212.00	\$ 212.00
071263	424	US POSTAL SERVICE		\$ -	\$ 20,000.00	\$ 20,000.00
071264	424	VERIZON BUSINESS/TX		\$ -	\$ 1,136.99	\$ 1,136.99
071265	405	THOMSON REUTERS - WEST	51638	\$ 485.50	\$ -	\$ 485.50
071266	425	WM OF WEST VIRGINIA, INC		\$ -	\$ 671.47	\$ 671.47
071267	402	DONALD WATTS	51811	\$ 35.00	\$ -	\$ 35.00
071268	439	XEROX CORPORATION	50339	\$ 675.31	\$ -	\$ 675.31
<b>TOTAL</b>						<b>\$ 95,484.07</b>
<b>TOTAL</b>				<b>\$ 9,579.71</b>	<b>\$ 85,904.36</b>	<b>\$ 95,484.07</b>

**Motion by Ms. Tabb to approve the accounts payable for December 12, 2013 in the amount of \$95,484.07. Motion seconded and unanimously approved.**

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
071271	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 4,268.52	\$ 4,268.52
071272	428	ACCURATE SYSTEMS INC		\$ -	\$ 6,000.00	\$ 6,000.00
071273	700	AUTOZONE		\$ -	\$ 27.68	\$ 27.68
071274	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 1,719.46	\$ 1,719.46
071275	413	APPLE VALLEY OFF.PRODUCT	51630	\$ 79.00	\$ -	\$ 79.00
071276	424	BOLAND SERVICES	51763	\$ 270.00	\$ -	\$ 270.00
071276	425	BOLAND SERVICES	51764	\$ 991.01	\$ -	\$ 991.01
071277	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
071278	PAYROLL	BUREAU FOR CHILD SUPPORT		\$ -	\$ 28.85	\$ 28.85
071279	PAYROLL	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
071280	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
071281	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
071282	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
071283	PAYROLL	VA DEPT OF TAXATION		\$ -	\$ 610.46	\$ 610.46
071284	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
071285	PAYROLL	COLONIAL LIFE		\$ -	\$ 487.46	\$ 487.46
071286	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
071287	424	J.C.EHRLICH		\$ -	\$ 34.00	\$ 34.00
071287	425	J.C.EHRLICH		\$ -	\$ 603.02	\$ 603.02
071288	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 20,349.57	\$ 20,349.57
071289	711	GUEST SERVICES		\$ -	\$ 125.20	\$ 125.20
071290	405	HR DIRECT	51829	\$ 60.77	\$ -	\$ 60.77
071291	PAYROLL	ING NATIONAL TRUST		\$ -	\$ 3,460.00	\$ 3,460.00
071292	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 1,719.46	\$ 1,719.46
071293	425	JEFFERSON COUNTY SOLID	51761	\$ 5.00	\$ -	\$ 5.00
071294	712	DR ROBERT JONES		\$ -	\$ 1,000.00	\$ 1,000.00
071295	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 40.00	\$ 40.00
071295	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,328.00	\$ 5,328.00
071296	700	GLENDON KINCAID		\$ -	\$ 18.47	\$ 18.47
071297	712	LANGUAGE LINE SERVICES		\$ -	\$ 51.83	\$ 51.83
071298	PAYROLL	COMPTROLLER OF MARYLAND		\$ -	\$ 515.08	\$ 515.08
071299	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
071300	405	STANLEY T. MORTENSEN		\$ -	\$ 759.36	\$ 759.36
071301	406	N.A.D.A. APPRAISAL GUIDE	51421	\$ 80.00	\$ -	\$ 80.00
071302	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
071303	ALLOC	JEFF CO PARKS &		\$ -	\$ 18,054.31	\$ 18,054.31
071304	403	PIFER OFFICE SUPPLY, INC	51455	\$ 17.90	\$ -	\$ 17.90
071304	406	PIFER OFFICE SUPPLY, INC	51423	\$ 28.32	\$ -	\$ 28.32

071305	425	RCS SECURITY		\$ -	\$ 564.00	\$ 564.00
071306	GRANT	RCS SECURITY		\$ -	\$ 6,131.25	\$ 6,131.25
071307	403	RECORD MANAGEMENT SOLUTN	51438	\$ 30.00	\$ -	\$ 30.00
071308	401	SOFTWARE SYSTEMS, INC		\$ -	\$ 1,103.00	\$ 1,103.00
071308	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 27.00	\$ 27.00
071308	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 2,568.85	\$ 2,568.85
071308	405	SOFTWARE SYSTEMS, INC		\$ -	\$ 30.50	\$ 30.50
071308	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 52.00	\$ 52.00
071309	408	STATE TAX DEPARTMENT		\$ -	\$ 13,340.89	\$ 13,340.89
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,916.86	\$ 45,916.86
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2.42	\$ 2.42
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10.36	\$ 10.36
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 55.56	\$ 55.56
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,738.66	\$ 10,738.66
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 13.00	\$ 13.00
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 62.34	\$ 62.34
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 7.09	\$ 7.09
071310	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,029.01	\$ 45,029.01
071311	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 32,506.31	\$ 32,506.31
071311	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 71.22	\$ 71.22
071311	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 3.74	\$ 3.74
071312	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 18,796.57	\$ 18,796.57
071312	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 12,290.05	\$ 12,290.05
071313	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 8,857.50	\$ 8,857.50
071314	401	TISCHLERBISE, INC.		\$ -	\$ 2,636.00	\$ 2,636.00
071316	401	UNITED BANKCARD CENTER		\$ -	\$ 19.00	\$ 19.00
071316	401	UNITED BANKCARD CENTER		\$ -	\$ 97.00	\$ 97.00
071316	402	UNITED BANKCARD CENTER		\$ -	\$ 219.00	\$ 219.00
071316	402	UNITED BANKCARD CENTER		\$ -	\$ 34.95	\$ 34.95
071316	402	UNITED BANKCARD CENTER		\$ -	\$ 91.17	\$ 91.17
071316	402	UNITED BANKCARD CENTER		\$ -	\$ 114.89	\$ 114.89
071316	403	UNITED BANKCARD CENTER		\$ -	\$ 359.08	\$ 359.08
071316	405	UNITED BANKCARD CENTER		\$ -	\$ 103.00	\$ 103.00
071316	405	UNITED BANKCARD CENTER		\$ -	\$ 85.81	\$ 85.81
071316	405	UNITED BANKCARD CENTER		\$ -	\$ 87.50	\$ 87.50
071316	405	UNITED BANKCARD CENTER		\$ -	\$ 382.70	\$ 382.70
071316	405	UNITED BANKCARD CENTER		\$ -	\$ 199.99	\$ 199.99
071316	415	UNITED BANKCARD CENTER		\$ -	\$ 75.88	\$ 75.88
071316	424	UNITED BANKCARD CENTER		\$ -	\$ 109.86	\$ 109.86
071316	424	UNITED BANKCARD CENTER		\$ -	\$ 16,530.18	\$ 16,530.18

071316	425	UNITED BANKCARD CENTER		\$ -	\$ 49.24	\$ 49.24
071316	425	UNITED BANKCARD CENTER		\$ -	\$ 311.03	\$ 311.03
071316	425	UNITED BANKCARD CENTER		\$ -	\$ 118.99	\$ 118.99
071316	425	UNITED BANKCARD CENTER		\$ -	\$ 21.61	\$ 21.61
071316	428	UNITED BANKCARD CENTER		\$ -	\$ 1,272.09	\$ 1,272.09
071316	433	UNITED BANKCARD CENTER		\$ -	\$ 36.69	\$ 36.69
071316	433	UNITED BANKCARD CENTER		\$ -	\$ 106.97	\$ 106.97
071316	439	UNITED BANKCARD CENTER		\$ -	\$ 38.15	\$ 38.15
071316	439	UNITED BANKCARD CENTER		\$ -	\$ 49.82	\$ 49.82
071316	439	UNITED BANKCARD CENTER		\$ -	\$ 406.00	\$ 406.00
071316	451	UNITED BANKCARD CENTER		\$ -	\$ 51.66	\$ 51.66
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 4.10	\$ 4.10
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 22.95	\$ 22.95
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 113.00	\$ 113.00
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 175.77	\$ 175.77
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 1,351.73	\$ 1,351.73
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 1,659.28	\$ 1,659.28
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 299.94	\$ 299.94
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 243.87	\$ 243.87
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 169.41	\$ 169.41
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 49.95	\$ 49.95
071316	700	UNITED BANKCARD CENTER		\$ -	\$ 65.00	\$ 65.00
071316	711	UNITED BANKCARD CENTER		\$ -	\$ 79.00	\$ 79.00
071316	711	UNITED BANKCARD CENTER		\$ -	\$ 442.10	\$ 442.10
071316	711	UNITED BANKCARD CENTER		\$ -	\$ 2,916.00	\$ 2,916.00
071316	712	UNITED BANKCARD CENTER		\$ -	\$ 3,648.55	\$ 3,648.55
071316	712	UNITED BANKCARD CENTER		\$ -	\$ 358.37	\$ 358.37
071316	716	UNITED BANKCARD CENTER		\$ -	\$ 471.40	\$ 471.40
071316	717	UNITED BANKCARD CENTER		\$ -	\$ 258.72	\$ 258.72
071317	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 21,493.23	\$ 21,493.23
071318	405	THOMSON REUTER - WEST	51638	\$ 2,151.45	\$ -	\$ 2,151.45
071319	717	NAPA AUTO PARTS		\$ -	\$ 625.69	\$ 625.69
071320	716	WM OF WEST VIRGINIA, INC		\$ -	\$ 127.81	\$ 127.81
071321	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 12.25	\$ 12.25
071321	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 3.80	\$ 3.80
071321	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 26,288.73	\$ 26,288.73
071321	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 84,707.93	\$ 84,707.93
071322	424	WV DIVISION OF LABOR	52177	\$ 50.00	\$ -	\$ 50.00
071323	PAYROLL	WV CPRB/LOAN DIVISION		\$ -	\$ 166.50	\$ 166.50
071324	404	WV TAX DEPUTIES ASSOC	52123	\$ 40.00	\$ -	\$ 40.00

<b>TOTAL</b>						<b>\$ 439,001.23</b>
<b>TOTAL</b>				<b>\$ 3,803.45</b>	<b>\$ 435,197.78</b>	<b>\$ 439,001.23</b>

**Motion by Ms. Widmyer to approve the accounts payable for December 19, 2013 in the amount of \$439,001.23. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Ed Boober, Citizen Representative for the Jefferson County Emergency Services Agency – spoke regarding his concerns over the proposed budget reductions for the JCESA and the impact to staff.

Brenda Engle, EMS Representative for the Jefferson County Emergency Services Agency – spoke requesting the Commission to consider longer terms for JCESA board members.

Ed Hannan, Employee of the Jefferson County Emergency Services Agency – read a letter from Doug Pittinger, Director of the JCESA, regarding the proposed budget reductions for JCESA and the effects the reductions would have on the agency and the County.

Paul Rosa, resident and former board member of the JCESA – spoke regarding the reasons for limited board terms.

**PRESENTATIONS**

1. Leslie Smith, Independent Contractor for the County – gave the Commission a Financial Presentation with her findings and recommendations for FY2014 and the upcoming budget.
2. Interviews and Appointments to the Jefferson County Emergency Services Agency Board for three (3) three-year terms ending November 2, 2016.
  - **Motion by Mr. Manuel to delay action on this item until the January 2<sup>nd</sup>, 2014 Commission meeting to allow time for more applicants and research the request to consider longer terms for board members. Motion seconded and unanimously approved.**
3. Roger Goodwin, Chief County Engineer
  - A. Requested partial release of the Escrow Agreement for DR Acquisitions, LLC – Sheridan Estates Subdivision, Phases 1 & 2 (Files #00-33 & #05-26) – Cash in Escrow with the Bank of Charles Town, Charles Town, West Virginia originally in the amount of \$972,616.00

- **Motion by Ms. Widmyer to approve the partial release of Escrow Agreement for DR Acquisitions, LLC – Sheridan Estates Subdivision, Phases 1 & 2 – Case in Escrow with Bank of Charles Town, Charles Town, West Virginia originally in the amount of \$972,616.00. Motion seconded and unanimously approved.**
- B. Requested the Commission to allow staff to call on any Letters of Credit that have not been renewed by Monday, January 6, 2014.
- **Motion by Ms. Noland to approve the Engineering staff to call on any Letters of Credit that have not been renewed by Monday, January 6, 2014. Motion seconded and unanimously approved.**
4. Jane Tabb, Commissioner – requested the Commission set a budget goal to segregate gambling revenue from budget for onetime expenses only.
    - It was the consensus of the Commission to discuss this item during Mr. Stanton’s financial update.
  5. Sandy McDonald, Deputy County Administrator – requested the Commission set the dates and times for the 2014 Board of Review and Equalization meetings.
    - **Motion by Ms. Tabb to approve the requested dates and times for the 2014 Board of Review and Equalization as presented. Motion seconded and unanimously approved.**
  6. Sandy McDonald, Deputy County Administrator – requested the Commission approve the date and time for the FY2014 HOME Investment Partnership Public Hearing.
    - **Motion by Mr. Manuel to approve January 16, 2014 at 11:00 am as the date and time for the FY2014 HOME Investment Partnership Program Public Hearing and to advertise the notice as presented. Motion seconded and unanimously approved.**
  7. Debbie Keyser, County Administrator – spoke with the Commission about the possibility of meeting every Thursday in the month of January.
    - It was the consensus of the Commission to meet every Thursday in January in an effort to resolve current budget issues. Therefore, second and fourth Thursdays would be budget meetings only.
  8. Debbie Keyser, County Administrator – requested the Commission set a date and time for the Duncan public hearing.

- **Motion by Ms. Widmyer to approve Thursday, January 9<sup>th</sup>, 2014 at 1:30 pm as the date and time for the Duncan public hearing. Motion seconded and unanimously approved.**

9. Lyn Widmyer, County Commissioner – requested a discussion to clarify the role of voting and non-voting County Commission liaisons to various boards, commissions, and committees.

- It was the consensus of the Commission to continue this discussion at a future meeting during the assignation of Commissioner Liaisons to the various boards, commissions, and committees, to be postponed until the current budget issues are resolved.

### **COUNTY ADMINISTRATOR REPORTS**

- HRA Short Plan Year – Ms. Keyser updated the Commission on the HRA Short Plan Year and stated she’s continuing to research their options and will report back at a later date.
- Process for Policies – Ms. Keyser asked the Commission for clarification on the process of submitting policies for their review prior to scheduled Commission meetings. It was the consensus of the Commission to allow Ms. Keyser to submit policies for review via e-mail. The Commission may also present amendments to these policies via e-mail; however, any debate or discussion concerning departmental policies must be addressed during the County Commission meetings.
- PCard Rebate – Ms. Keyser notified the Commission of a PCard Rebate in the amount of \$1,548 and expressed hopes to increase this amount each year.
- Elected Officials Roundtable – Ms. Keyser notified the Commission the elected officials are open to having quarterly roundtable meetings. It was the consensus of the Commission to schedule the first roundtable meeting after more progress had been made on the current budget. The Commission also requested staff to arrange a meeting with the department heads and elected officials for discussion of the current budget.

10. The Commission recessed for lunch at 12:30 pm.  
The Commission reconvened at 1:30 pm.

### **FINANCE DIRECTOR REPORTS**

11. Tim Stanton, Finance Director

- A. Internal Budget Revisions/Potential Cost Savings List

- **Motion by Mr. Pellish to approve Internal Budget Revision #1 for Public Utilities in the amount of \$544,424. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to approve Internal Budget Revision #2 for Unencumbered Balance carry forward in the amount of \$3,483,539. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to approve Internal Budget Revisions #3 for Equipment Rent and Library Rent in the amount of \$20,000. Motion seconded and unanimously approved.**

**B. General County Fund Budget Revisions**

- **Motion by Ms. Widmyer to approve Budget Revision #3 from Animal Control (716) in the amount of \$13,500. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to approve Budget Revision #4 from the Maintenance Department (425) and the Central Garage (717) in the amount of \$80,000. Motion seconded and unanimously approved.**
- **Motion by Mr. Manuel to approve Budget Revision #5 from Homeland Security & Emergency Management (711) in the amount of \$1,800. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to approve Budget Revision #6 from the Engineering Department (440) in the amount of \$16,145. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to approve Budget Revision #7 from the adjustment in health insurance budget in the amount of \$207,570. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to approve Budget Revision #8 from the Emergency Communications Department (712) in the amount of \$69,564. Motion seconded and unanimously approved.**
- **Motion by Mr. Manuel to approve Budget Revision #9 from the GIS Department (433) in the amount of \$24,165. Motion seconded and unanimously approved.**

- **Motion by Ms. Widmyer to approve Budget Revision #10 from the Parks and Recreation Department (900) in the amount of \$18,147. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to approve Budget Revision #11 from the Extension Agent (412) in the amount of \$3,473. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to approve Budget Revision #12 from the Commission Office (401) in the amount of \$45,900. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to approve Budget Revision #13 from the Planning and Zoning Department (439) in the amount of \$26,695. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to approve Budget Revision #14 from the Contingency account in the amount of \$786,448. Motion seconded and unanimously approved.**

C. Potential Savings List

- It was the consensus of the Commission to approve the budget reduction for Contribution to the Airport Authority in the amount of \$6,500.
- It was the consensus of the Commission to approve the budget reduction for Contribution to the Economic Development Authority in the amount of \$15,343.
- It was the consensus of the Commission to approve the budget reduction for the Jefferson County Emergency Services Agency in the amount of \$32,500 (12% of the operating budget, less staff salaries and benefits).
- It was the consensus of the Commission to approve the budget reduction for the Fire Departments in the amount of \$25,600 (12% of the remaining allocation).
- It was the consensus of the Commission to approve the budget reduction for Maintenance Electricity in the amount of \$7,500, which requires the approval of the Energy Policy.
- It was the consensus of the Commission to approve the budget reduction for Contribution to Senior Citizens in the amount of \$6,300.

- It was the consensus of the Commission to approve the budget reduction for Contribution to Public Transportation (PanTran) in the amount of \$6,850.
- It was the consensus of the Commission to approve the budget reduction for Contribution to Solid Waste Authority in the amount of \$15,312.
- It was the consensus of the Commission to approve the budget reduction for Contribution to Partnership for Affordable Housing in the amount of \$40,000.
- It was the consensus of the Commission to deny the approval of the 50% reduction of the HRA funding for FY2014 in the amount of \$80,000.
- It was the consensus of the Commission to approve the budget reduction for the Library Capital funding in the amount of \$15,600.
- It was the consensus of the Commission to approve the budget reduction for Commissioner Contributions in the amount of \$245,000.
- It was the consensus of the Commission to shift \$494,808 from the Coal Severance fund into the General Operating fund.

#### D. New Jefferson County Finance Department Policies and Procedures

##### 1. Purchase Order Policy (#305)

- **Motion by Mr. Pellish to approve the Purchase Order policy (#305) with amendments submitted by Ms. Keyser to include exceptions regarding work related emergencies. Motion seconded and unanimously approved.**

##### 2. Capital Outlay Fund Policy (#307)

- **Motion by Mr. Manuel to delay action on this policy until a draft copy with changes has been submitted to the Commission. Motion seconded and unanimously approved**

##### 3. Fund Balance Policy (#308)

- **Motion by Mr. Manuel to approve the Fund Balance policy (#308) with the following amendment: "Should the unencumbered balance rise above the amount stated in the policy, fifty percent of the excess amount will be placed into a Rainy Day Fund." Motion seconded and unanimously approved.**

4. Balanced Budget Policy (#309)

- **Motion by Ms. Tabb to approve the Balanced Budget policy (#309) as presented. Motion seconded and unanimously approved.**

5. Annual Budgets (#310)

- **Motion by Ms. Noland to approve the Annual Budgets policy (#310) with the following amendment submitted by Ms. Tabb: “It is the responsibility of the Finance Director to arrange for Department budget presentations to the County Commission, offer budget counsel and draft a budget that reflects the decisions of the County Commission.” Motion seconded and unanimously approved.**

6. Financial Reserve Policy (#311)

- **Motion by Ms. Widmyer to approve the Financial Reserve policy (#311) as presented. Motion seconded and unanimously approved.**

7. Contingency Account #01-699 (#312)

- **Motion by Ms. Noland to approve the Contingency Account #01-699 policy (#312) as presented. Motion seconded and unanimously approved.**

8. Financial Plan (#313)

- **Motion by Mr. Manuel to approve the Financial Plan policy (#313) with the following amendment submitted by Ms. Widmyer: “The financial plan shall be available for public review on the County Commission website.” Motion seconded and unanimously approved.**

9. Financial Sustainability of Benefits (#314)

- **Motion by Ms. Widmyer to approve the Financial Sustainability of Benefits policy (#314) as presented. Motion seconded and unanimously approved.**

10. Debt Service (#315)

- **Motion by Ms. Tabb to approve the Debt Service policy (#315) as presented. Motion seconded and unanimously approved.**

11. Energy Policy (#602)

- **Motion by Ms. Tabb to approve Energy Policy (#602) with Ms. Noland’s addition of “energy efficient space heaters” under the “Space Heaters” usage guidelines. Motion seconded and unanimously approved.**

12. Recommendation for Current Open Positions

- **Motion by Mr. Manuel to enact a hiring freeze for all positions within the County. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to amend Mr. Manuel’s original motion by including the following: “The only exception will deal with essential personnel as defined by the County Commission.” Motion dies for lack of a second.**
  - It was the consensus of the Commission to request Mr. Stanton provide them with weekly expenditure reports and monthly revenue reports as they continue their work on the budget.

**COUNTY COMMISSIONER’S REPORTS**

Jane Tabb

- Attended a Fair Board meeting.
- Attended a Farmland Protection Board meeting.
- Attended a Tri-County Extension meeting.

Dale Manuel

- Participated in the Kiwanis Santa’s Toy Shop reception and distribution.
- Attended a WAC meeting.
- Attended an ESA meeting.
- Attended a Jefferson Center meeting.
- Attended a JCCOA meeting.

The Commission meeting was adjourned at 4:10 pm on a motion by Ms. Tabb. Motion was seconded and unanimously approved.

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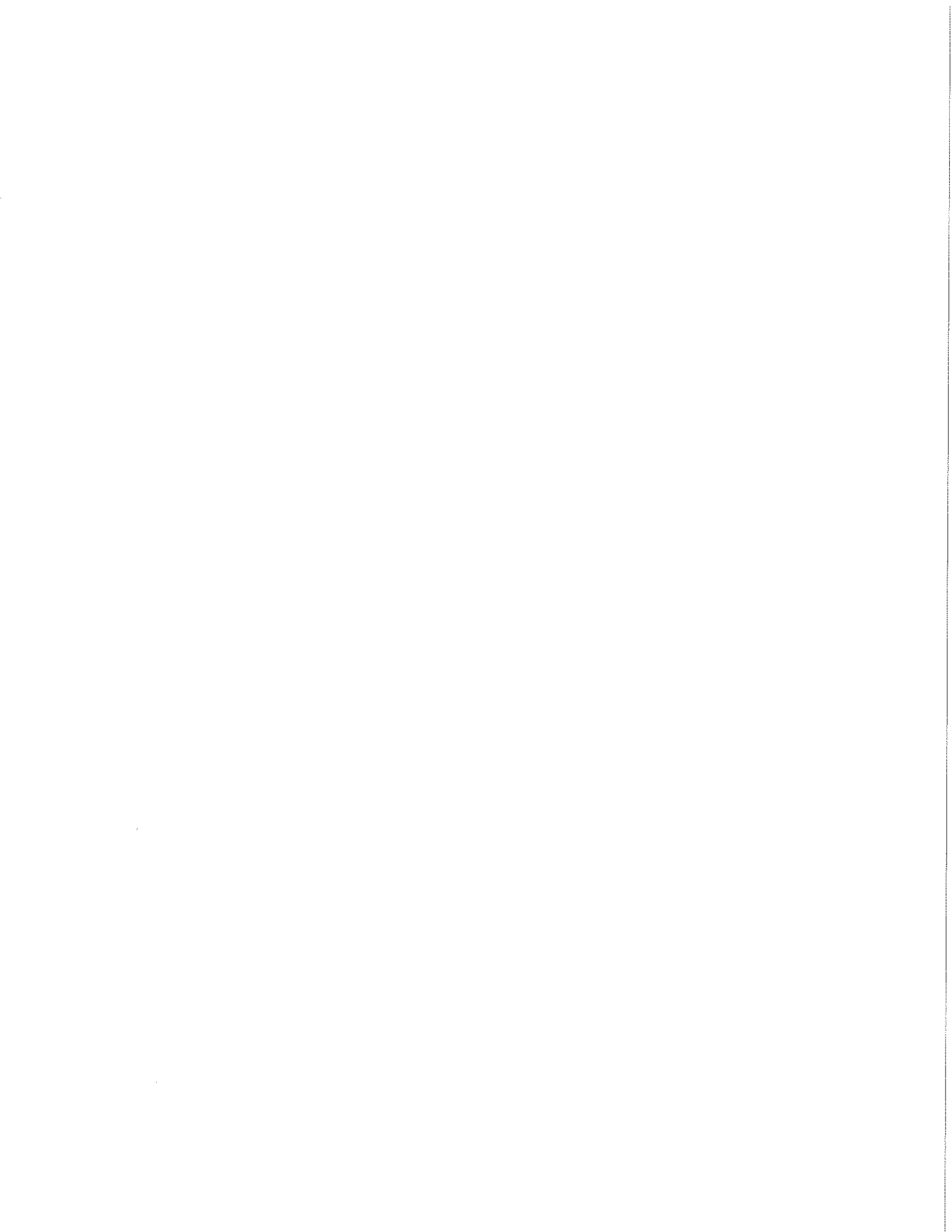
DALE MANUEL, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant

**PURCHASE ORDERS TO BE APPROVED**

**January 2, 2014**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
CENTRAL GARAGE	52194	\$ 569.68	Donald B. Rice	Tires
COMMUNICATIONS	51680	\$ 1,500.00	Panhandle Accident Reconstruction	Background Investigation
COUNTY COMMISSION	52220	\$ 92,688.25	WV Regional Jail & Correctional Facility	Inmate Charges for November
OTHER BUILDINGS	52195	\$ 1,553.06	Daycon	Cleaning Supplies
	52197	\$ 1,421.50	BK Office Supply	Copy & Computer Paper
PROSECUTING ATTORNEY'S OFFICE	51832	\$ 600.00	WVPAA	Registration Fees
	51833	\$ 716.10	Marcia L. Chandler, RPR	Transcription
	51831	\$ 848.51	Matthew Bender & Co., Inc.	WV Code Books
<b>GRAND TOTAL</b>		<b>\$ 99,327.42</b>		



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Pete Dougherty

Department or Entity: Jefferson County Sheriff

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: January 2, 2014

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

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

Subject: **Discussion/Demonstration of the Home Confinement Program**

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

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

Attachments:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Pete Dougherty

Department or Entity: Jefferson County Sheriff

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: January 2, 2014

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

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

Subject: **Discussion of Noise Ordinance (Possible Executive Session §6-9A-4)**

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

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

Attachments:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jessica Carroll

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: January 2, 2014

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

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

Subject: **Interviews/Appointments to the Jefferson County Board of Zoning Appeals – two (2) three-year terms ending January 1, 2017 and three (3) alternate positions ending January 1, 2015, 2016, and 2017 respectively.**

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

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

Attachments:

# Jefferson County Board of Zoning Appeals | 2014

## Members currently serving

<u>Name</u>	<u>Expiration</u>	<u>Intention</u>
Jeffrey C. Bannon	01/01/2016	
J. Tyler Quynn	01/01/2014	no response
Matthew Knott	01/01/2014	wishes to be reappointed
Christy Huddle	01/01/2015	
Edwin T. Kelly, II	01/01/2015	

## INTERESTED APPLICANTS

<u>NAME</u>	<u>ATTENDING</u>	<u>CONTACTED</u>
Ted Schiltz	Yes	Yes
Janis Schiltz	Yes	Yes
Matt Knott	Possibly	Yes

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 2, 2014, or as soon thereafter as the Commission may decide:

**Board of Zoning Appeals - two (2) three-year terms ending January 1<sup>st</sup>, 2017 and three (3) alternate positions ending January 1<sup>st</sup>, 2015, 2016, and 2017 respectively.**

*Alternates: Alternate members shall have all powers and duties of a regular Board member when sitting on a case and shall continue to participate in the case until a final decision is reached. Alternate members shall serve by rotation based upon seniority of appointment to the Board.*

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

**SPIRIT OF JEFFERSON:**

**PLEASE ADVERTISE ON:**

**December 11th, 18th, 25th 2013**

**THANKS - JEFFERSON COUNTY COMMISSION**

As of 12/09/13

ZONING BOARD OF APPEALS  
Zoning Clerk: Jennilee Hartman  
304-728-3228  
Email: [jhartman@jeffersoncountywv.org](mailto:jhartman@jeffersoncountywv.org)

Jeffrey C. Bannon  
8036 Shepherdstown Pike  
Shepherdstown, WV 25443  
h: 304-876-1526 c: 301-514-4721  
[jeffrey.bannon@gmail.com](mailto:jeffrey.bannon@gmail.com)  
3 years 1/1/2016

J. Tyler Quynn  
P.O. Box 430  
Charles Town, WV 25414  
304-279-8821 (Brusco resignation)  
3 years 1/1/2014  
email: [jtyquynn@gmail.com](mailto:jtyquynn@gmail.com)

Matt Knott  
200 River Rock Run  
Harpers Ferry, WV 25425  
304-671-7199 (Bresee resignation)  
unexpired term ending 1/1/2014  
email: [matt@riverriders.com](mailto:matt@riverriders.com)

Christy Huddle  
1220 W. Ridge St.  
Harpers Ferry, WV 25425  
535-2759  
email: [huddlec@yahoo.com](mailto:huddlec@yahoo.com)  
3 years 1/1/2015

Edwin T. Kelly, II  
33 River View Drive  
Harpers Ferry, WV 25425  
724-6553 w: 301-738-5690  
email: [Ekelly@mcecorp.com](mailto:Ekelly@mcecorp.com)  
3 years 1/1/2015

As of 12/09/13

ALTERNATES:

Vacant: 1/1/2015

Vacant: 1/1/2016

Vacant: 1/1/2017

S8A-8-4

## Jessica Carroll

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**From:** Matt Knott [matt@riverriders.com]  
**Sent:** Sunday, December 08, 2013 8:44 PM  
**To:** Sandy McDonald; pnoland@jeffersoncountywv.org; Walter Pellish; Jane Tabb; dkeyser@jeffersoncountywv.org; INFO@jeffersoncountywv.org; Dale Manuel  
**Subject:** Board of Zoning Appeals

Dear Commissioners,

I am requesting that I be reappointed to the Board of Zoning Appeals. My initial appointment of 2 months has given me an introduction to the situations that come before the board, but I feel that I am able to commit to a longer position. I would appreciate your consideration for a full term.

Thank you,

Matt Knott  
304 671 7199

December 26, 2013

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Commissioners,

I have enclosed a copy of my resume for your consideration regarding the vacancies with the Jefferson County Board of Zoning Appeals. I live within the Shepherdstown District and have been a resident of Jefferson County for the last 10 years.

I have been actively involved with the Planning and Zoning Staff on the drafting of the 2014 Comprehensive Plan. Although I am not a member of the Steering Committee I have been actively involved with the community meetings and follow up sessions. I have gained valuable insight into the operations of the County Commission and the Planning Commission over the last several years by attending meetings as well as making presentations to the members of the County Commission and the Planning Commission. During my 20 years in the military I was responsible for establishing procedures and guidelines for review boards and Quality Assurance best practices. While working with civilian contractors I was responsible for establishing and chairing review boards for software development as well as documentation.

The integrity and attention to detail that I have gained through my life experiences enables me to assist the Board of Zoning Appeals in providing unbiased and neutral representation while providing valuable technical insight. The technical knowledge and experience that I have gained will be an asset to the Board of Zoning Appeals and the citizens of Jefferson County.

Thank you for your time and consideration.

Sincerely,

Theodore L. Schiltz  
38 River Cliff Dr.  
Harpers Ferry, WV 25425  
304-870-4155

**NAME:** Ted Schiltz

**HOME ADDRESS:** 38 River Cliff Dr, Harpers Ferry, WV 25425

**HOME TELEPHONE NUMBER:** 304-870-4155

**E-MAIL ADDRESS:** tlschiltz1@comcast.net

**MAGISTERIAL DISTRICT:** Shepherdstown

**OCCUPATION:** Small Business Owner

**LENGTH OF RESIDENCY IN JEFFERSON COUNTY:** 10 yrs

**EDUCATION:** BS, Information Management Systems, University of Maryland, University College

**NAME OF BOARD, COMMITTEE OR COMMISSION APPLYING FOR:** Board of Zoning Appeals

**QUALIFICATIONS:** I have extensive experience with documentation both on the writing side as well as the management side. This experience enables me understand the hierarchy of documentation and their dependency on each other. As Documentation Manager I was able to separate personal feelings and views and deal with the subject at hand and make decisions that were based on established procedures and regulations. This experience enables me to review the items in question and make decisions based on the evidence provided and associated regulations and ordinances.

While working as Software Configuration Manager for software development I was responsible for ensuring that all software under development was properly tested and documented prior to release. I chaired Configuration Review Boards where all software and documentation changes were reviewed to insure that the changes did not adversely affect the current software release, associated software packages and documentation. The Configuration Review Boards consisted of different government agencies as well as different contractor companies all working on the same contract. This required me to be able to plan and strategize with multiple levels of management. Decisions made at the Configuration Review Board were based on facts and approved documentation and procedures, not on the rank or status of the individual or company presenting the recommendation or change.

While I was assigned to Andrews AFB within the U.S. Navy as a Jet Engine Quality Assurance Representative I was responsible for ensuring that all maintenance was accomplished in accordance with the appropriate manuals and directives. I was responsible for ensuring the safety and welfare of pilots and crew of the aircraft being worked on. Knowing that the safety and welfare of other lives was dependent upon my decisions, I made sure that I accomplished all associated tasks and research prior to making decisions. Having this kind of responsibility gives me in-depth experience in dealing with management as well as peers and subordinates while making educated and professional decisions.

The extensive experience I have with working with personnel at all levels of management enables me to listen to and understand the material being presented without being distracted by who is presenting the material. I have the background and experience required to accomplish the research and maintain the attention to detail that is expected of a member of the Board of Zoning Appeals. Having done extensive research into the Jefferson County Zoning and Land Development Ordinance as well as the Subdivision and Land Development Regulations, I have the in-depth knowledge required to make educated decisions on the appeals being presented to the Board of Zoning Appeals. The lessons learned while in the military as well as the civilian work force have enabled me to make logical unbiased decisions without regard to personal affiliations and agendas.

December 26, 2013

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Commissioners,

I have enclosed a copy of my resume for your consideration regarding the vacancies in the Jefferson County Board of Zoning Appeals. I live within the Shepherdstown District and have lived in Jefferson County for the last ten years.

As an active member of the Steering Committee for Envision Jefferson County 2035, I have gained valuable insight into how the County Citizens would like Jefferson County to look and grow in the future. I have also attended and been involved in many of the County's meetings including County Commission, Planning Commission, and Board of Zoning Appeals meetings. I have extensive training and expertise in Analysis, Planning, Technical Problem Solving, Systems Development, and Methodology.

I am dedicated, hardworking, creative, results oriented and I work well in teams as well as independently. These attributes along with my technical experience and unbiased and honest character will make me a good choice to be a member of the Board of Zoning Appeals.

Thank you for your time and consideration.

Sincerely,

Janis M. Schiltz  
38 River Cliff Drive  
Harpers Ferry, WV 25425  
304-870-4155

**NAME:** Janis Schiltz

**HOME ADDRESS:** 38 River Cliff Dr, Harpers Ferry, WV 25425

**HOME TELEPHONE NUMBER:** 304-870-4155

**E-MAIL ADDRESS:** tlschiltz1@comcast.net

**MAGISTERIAL DISTRICT:** Shepherdstown

**OCCUPATION:** Small business owner

**LENGTH OF RESIDENCY IN JEFFERSON COUNTY:** 10 yrs

**EDUCATION:** BS in Computer Science, University of Maryland, College Park, Maryland

**QUALIFICATIONS:** I have experience with documentation both on the writing side as well as the management side. I have spent 16 years as an Analyst, Technical Systems Planning Specialist, and Project Leader for AT&T and IBM in the Northern Virginia area. I was responsible for creating the platform Operations, Administration, and Maintenance (OA&M) Plan for Software releases clearly defining what should be included in the platform high level and lower level detailed OA&M Plans. I was also a member of an End-to-End Release Service Location Project Team, Change Control Team, and Technical Forum associated with AT&T Customer Account and Billing Database application, developing solutions to technical problems and resolving issues. As a result I have a lot of experience working in teams and solving problems.

I also did quality assurance testing, participated in inspections throughout the definition and implementation process, created an Architecture Requirements document and a baseline document of all application interfaces. Through out my career, I effectively gathered and communicated operational problem analysis, identifying issues and offering solutions to multiple disciplines including Project Management, User Operations, Solution Delivery, and System Test.

I worked at WorldPartners Company (WPC), an alliance between Telecommunication Companies AT&T, Japan's KDD, Singapore Telecom, and Europe's Unisource alliance. WPC provided international telecommunications providers with the capability to provide a single consolidated international bill to their international business customers. While working at WPC, I was the Technical Project Manager for the software release of billing software that produced the consolidated international bill. I created a team environment crossing all internal departments and resolved friction and lack of communication issues that existed among the internal departments. I authored architectural papers creating and presenting Information Engineering Products and Architectural Strategy Papers to International Partnership analysis/design teams to advance and gain their buy-in to the WPC billing position on the billing release initiatives.

I am currently an active member of the Steering Committee for Envision Jefferson County 2035 working on creating the Comprehensive Plan for 2014. I believe that my experience, ability to be a good listener, and attention to details will allow me to be an asset to the Board of Zoning Appeals. I will be able to carry out the duties of the Board of Zoning Appeals with integrity, making unbiased decisions in regards to appeals, considering variances, and issuance or denial of conditional use permits.

**NAME OF BOARD, COMMITTEE OR COMMISSION APPLYING FOR:** Board of Zoning Appeals

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jessica Carroll

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: January 2, 2014

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

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

Subject:

- **Interviews and Appointments to the Jefferson County Emergency Services Agency (JCESA) Board for three (3) three-year terms ending November 2, 2016 as follows:**
  - **Two Citizen Representatives**
  - **One EMS Representative**
  
- **Interviews and Appointments to the Jefferson County Emergency Services Agency (JCESA) Board for one (1) unexpired term ending November 2, 2015 as follows:**
  - **One Citizen Representative**

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

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

# JEFFERSON COUNTY EMERGENCY SERVICES BOARD | 2013

## Members currently serving

<u>Name</u>	<u>Represents</u>	<u>District</u>
Maura Sherrill	Citizen	Charles Town District
Michael Mood	FIRE	Middleway District
Alan Williams	FIRE	Charles Town District
Dave Withers	Jeff.Co Fire & Rescue Assoc.	
Ed Boober	Citizen	Middleway District
John Considine	EMS	Charles Town District
VACANT	Citizen – unexpired term ending 2015	Kitchner RESIGNED
Brenda Engle (exp. 11/2/13)	FIRE/EMS	Kabletown District
VACANT (exp. 11/2/13)	Citizen	Murto RESIGNED
Sid White (exp. 11/2/13)	Citizen	Harpers Ferry District
Dale Manuel	Jefferson County Commission	

### Current Openings

- 3 citizen representative positions
- 1 EMS representative

### INTERESTED APPLICANTS

<u>NAME</u>	<u>DISTRICT</u>	<u>POSITION</u>	<u>ATTENDING</u>	<u>CONTACTED</u>
Christopher Conroy	Shepherdstown	Citizen Representative	Attended 12/19/13	Yes
Tim O'Neal	Kabletown	EMS Representative	No	Attempted
Bob Aitcheson	Kabletown	Citizen Representative	Possibly	Yes

All members, including the Commissioner and the representative for the Jefferson County Fire & Rescue Association, have a vote.

§7-17A-4

(c) Only residents of the county in which the board is formed are eligible to service on the joint emergency services board. At all times, the board shall consist of at least two representatives from the emergency medical services community, at least two representatives from the fire protection services community, and at least two citizen representatives from the county at-large. The citizen members may not be employed with the emergency medical services community, fire protection services community or the county commission and not more than one citizen member may be appointed from the same magisterial district in the county.

Following Magisterial Districts Available for the Citizen Positions:

- Harpers Ferry District
- Shepherdstown District
- Kabletown District

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, December 5<sup>th</sup>, 2013, or as soon thereafter as the Commission may decide:

**Jefferson County Emergency Services Agency - (3) Three year terms ending November 2, 2016 as follows:**

- Two Citizen representatives
- One EMS representative

**Jefferson County Emergency Services Agency - (1) Unexpired term ending November 2, 2015 as follows:**

- One Citizen representative

**§7-17A-4**

(c) Only residents of the county in which the board is formed are eligible to serve on the joint emergency services board. At all times, the board shall consist of at least two representatives from the emergency medical services community, at least two representatives from the fire protection services community, and at least two citizen representatives from the county at-large. The citizen members may not be employed with the emergency medical services community, fire protection services community or the county commission and not more than one citizen member may be appointed from the same magisterial district in the county.

***Following Magisterial Districts Available for the Citizen Positions:***

Harpers Ferry District  
Shepherdstown District  
Kabletown District

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

**SPIRIT OF JEFFERSON:**

**PLEASE ADVERTISE ON:**

**November 13<sup>th</sup>, 20<sup>th</sup>, and the 27<sup>th</sup>, 2013**

**THANKS - JEFFERSON COUNTY COMMISSION**

December 1, 2013

Jefferson County Commission

P. O. Box 250

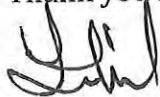
Charles Town, WV 25414

Commissioners,

I am interested in being appointed to the **Jefferson County Emergency Services Agency Board as and Emergency Medical Services representative**. I am a registered nurse in the emergency department at Jefferson Medical Center. I have lived in the community for 10 years. I am an active volunteer firefighter at Independent Fire Company. I am currently in the process of obtaining a West Virginia paramedic certification and expect to be an active running paramedic by the end of the year. I have been involved with fire/EMS since 1987 and a nurse since 1995.

I feel that my experiences within a combination paid/volunteer system, as well as in my career, would be beneficial to the community as a board member. Several volunteers and JCESA staff have encouraged me to apply for appointment. I would accept such a challenge assisting the board with providing Jefferson County with the best emergency services possible.

Thank you for your consideration,



Tim O'Neal

119 Burnlea Rd

Charles Town, WV 25414

304 598 0151  
Kable Town

**RECEIVED**

DEC 1 1 2013

Jefferson County Commission

## Jessica Carroll

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**From:** Debbie Keyser [dkeyser@jeffersoncountywv.org]  
**Sent:** Wednesday, December 11, 2013 10:12 AM  
**To:** 'Jessica Carroll'; 'Sandy McDonald'  
**Subject:** FW: JCESA Board of Directors appointment

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**From:** wanda aitcheson [<mailto:waitcheson@yahoo.com>]  
**Sent:** Tuesday, December 10, 2013 1:40 PM  
**To:** [dkeyser@jeffersoncountywv.org](mailto:dkeyser@jeffersoncountywv.org)  
**Subject:** JCESA Board of Directors appointment

To: Jefferson County Commission  
From: Robert D. Aitcheson  
P.O. Box 188  
Rippon, WV 25441  
304-725-7639  
[bob.aitch46@gmail.com](mailto:bob.aitch46@gmail.com)

Please accept this as my application to serve on a voluntary basis on the Board of Directors of Jefferson County Emergency Services Agency. I am willing to serve if you want me to do so, bearing in mind I may have to miss an occasional meeting due to our travel plans.

Robert D. Aitcheson

*Charles Tomn*

November 28, 2013

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Dear Sir/Madam,


Please find enclosed a copy of my resume for your consideration regarding the vacancy within the Emergency Services Agency. I live within the **Shepherdstown District** and retired as a Captain with Montgomery County Fire & Rescue in Maryland after 26 years of service.

I have a thorough understanding of the International Building and National Fire Protection Association Codes and Standards combined with than 36 years of experience within the volunteer, military and career fire service in fire suppression, prevention, protection and emergency medical services. During this period, I participated on numerous committees ranging from Howard County, MD Fire Rescue Staffing Task Force. Montgomery County, MD Fire Rescue Accreditation Committee, Hazardous Materials Response Committee and Emergency Operations Center and Emergency Management Group Committee (EOC & EMG) fire service representative. Currently, I am a Committee member with the International Fire Service Training Association (IFSTA) assisting with rewriting the 5th Edition of the Fire Protection Suppression and Detection Systems manual.

Having the technical knowledge and experience within the fire service and fire protection community while meeting the requirement of not having a relationship with the fire companies and EMS within Jefferson County, I believe will allow me to assist the Agency in providing an unbiased and neutral representation while providing valuable technical insight.

Thank you for your time and consideration.

Sincerely,

  
Christopher L. Conroy, CET  
1347 Engle Molders Rd.  
Harpers Ferry, WV 25425  
Phone: 410.302.3621

**RECEIVED**

DEC 11 2013

**Jefferson County Commission**

*Christopher L. Conroy  
1347 Engle Molers Road  
Harpers Ferry, WV 25425  
Email: CLConroy@aol.com  
Tel: (410)302-3621*

## **EXPERIENCE**

- 2004 – Present *the* Protection Engineering Group, Inc. – Chantilly, Virginia  
**Sr. Fire Protection Specialist**  
Provides oversight, mentoring and/or technical assistance during the design, construction and installation of fire protection systems that includes: Collaborating with Fire Protection Engineers in designing new fire protection systems or changes to existing systems to accommodate construction modifications or changes in occupancy within new or existing structures to ensure compliance with the applicable codes and standards. Utilizing AutoCAD, revises construction documents to reflect new or modifications to fire protection system designs. Performs hydraulic, voltage drop and standby power calculations as required to verify system performance. Performs construction period services to verify compliance with construction documents, specifications and applicable codes and standards, as an example: 1) Reviews fire protection contractor submittals, shop drawings, calculations (hydraulic, seismic bracing and restraint, voltage drop, standby power, etc.) and manufacturers equipment product data. 2) Conducts onsite construction commissioning and/or installation acceptance inspections or witnesses functional testing of fire protection systems. Performs assessments of existing buildings to determine adequacy of fire protection systems and features, identifies life safety or fire protection deficiencies and provides recommendations for corrective action. Evaluates fire protection system failures (pre and post fire conditions) to determine the cause and affects installation, maintenance, equipment and/or environmental conditions played in contributing to the premature or operational failure. Performs internal sprinkler pipe obstruction and corrosion investigations and pipe/water sample collection oversight for laboratory analysis. Drafts initial findings, recommendations and budget cost analysis for replacement or repairs to damaged fire protection system.
- 2007 – 2011 Department of Fire & Rescue, Montgomery County, Maryland  
**Captain**  
Served as the officer in charge of a fire station supervising eight assigned firefighters to ensure station, personnel and apparatus were operationally ready. Supervised assigned firefighters on scheduled 24 hour shift during emergency and non-emergency situations to safely manage and mitigate fire, hazmat and/or emergency medical incidents as the first arriving officer or incident commander. Directed and supervised staff to assure compliance with established policies, procedures and directives. Assessed and evaluated assigned firefighters, performed annual performance reviews to recognize individuals having above average skill levels or recommended remedial training to those having difficulty mastering basic skills. Conducted or supervised in station fire, EMS or hazmat training to ensure personnel obtained hands-on training with new equipment and familiarization with new policies and procedures or to maintain basic and advanced job proficiency requirements (knowledge, skills and abilities) to safely and successfully respond to and mitigate emergency incidents. Responded to fire, hazmat and EMS incidents and implemented operational strategies based standard operating procedures or supervised the initial tactics necessary to perform life safety, incident stabilization and property protection.

- 2005 – 2007      Department of Fire & Rescue, Montgomery County, Maryland  
**Lieutenant**  
Served as a unit officer in charge of an Engine Company and Hazmat Officer to ensure assigned personnel and apparatus were operationally ready for service. Supervised assigned firefighters on scheduled 24 hour shift during emergency and non-emergency situations to safely manage and mitigate fire, hazmat and/or emergency medical calls as the first arriving officer or incident commander. Assisted station Captain with station management, training and supervision of personnel to ensure compliance with established policies, procedures and directives. Responded to fire, EMS and hazmat incidents and assisted with life safety, incident stabilization and property protection. Fulfilled station management responsibilities and duties in the absence of assigned Captain. Responded with task force to New Orleans, LA after hurricane Katrina to assist with providing fire protection and re-establishing hazmat operations. Responded to numerous hazardous material events and directed staging area hazmat decontamination operations of fire and rescue personnel and equipment returning from contaminated areas or operations.
- 2003 – 2005      Department of Fire & Rescue, Montgomery County, Maryland  
**Master Firefighter**  
Performed the duties and responsibilities associated with fire suppression, protection, prevention and emergency medical treatment. Responded to emergency situations as the apparatus driver/operator or acting Company Officer and performed the associated duties as outlined in the MCFR policy and procedures for structural fires and the National Incident Management System. As an acting Company Officer performed duties and responsibilities as a Lieutenant. Provided fire protection systems training and familiarization on fire alarm systems, wet, dry, pre-action and/or deluge sprinkler systems, fire pumps standpipes and smoke control systems.
- 1995 – 2011      Department of Fire & Rescue, Montgomery County, Maryland  
**Hazardous Material Technician**  
As a hazmat technician, perform duties and responsibilities associated with recognizing and mitigating the hazards associated with accidental or intentional release of hazardous vapors, solids and/or liquids associated with industrial chemicals and compounds, illicit drug labs, radiological, biological or chemical warfare agents or precursors. Research known chemical/agent involved and advises the Operations Officer as to the recommended safety precautions, compatible protective clothing and the containment and decontamination procedures. Select the appropriate field testing equipment and/or toxic, flammable or bio meter; verify operational readiness and brief Entry Team members on specialized meters and chemical sampling equipment. When assigned as an Entry Team member duties included donning the appropriate chemical personal protective equipment and respiratory protection i.e level A, B C boots and gloves, communication equipment with either self contained breathing apparatus, powered air purified respirator (PAPR) or chemical filtered mask. Enter hazardous area with the required tools and specialized equipment and perform rescue, information gathering, field testing and sampling and control and containment. Perform hazardous materials inspections of licensed facilities throughout the County to ensure compliance with Federal, National and Local Laws, Standards and Codes. Responsible for the calibration and repair of toxic, combustible and oxygen sensing meters as well as maintaining and training of the Hapsite a portable Gas Chromatograph, Mass Spectrometer used in the identification of volatile organic compounds and chemical warfare agents.

As a Hazmat Officer, performed initial incident size-up, site safety plan, approved hazardous material containment/confinement and mitigation plan and advised Incident Commander of situation status, required additional resources, evacuation/isolation zones and decontamination plan as the subject matter expert. Performed hot wash debriefs and after action reports associated with major or complex hazardous material incidents.

1987 – 2002

Fire Protection Today, Inc., Ellicott City, Maryland

**President and Founder**

Responsible for oversight and functions associated with a small fire protection consulting firm specializing in the inspection, testing and design of fire protection systems. Performed day-to-day business management and development while providing technical oversight. Performed fire protection design for residential and commercial properties utilizing AutoCAD, Polaris, Sigma and THE drafting and fire protection software. Conducted and/or supervised the inspection and testing of fire protection systems to ensure compliance with Local Codes and Contract Specifications. Met with Building Owners, Architects, Engineers, Contractors and Fire Marshal's to review, design, coordinate and negotiate issues or projects in obtaining code compliance for permit submittals and/or field changes. Provided training for employees on fire protection systems and familiarization with fire protection systems codes and standards minimum requirements. Supported fire protection engineering firms with life safety and fire protection system assessments, testing, inspections, design, operation performance or system failure investigations.

1987 – 2003

Department of Fire & Rescue, Montgomery County, Maryland

**Firefighter III**

Performed the duties and responsibilities associated with fire suppression, protection, prevention and emergency medical treatment. Responded to emergency situations as either a firefighter or apparatus driver/operator and performed the assigned duties. Performed fire prevention inspections within an assigned response area. Provided fire protection systems training and familiarization on fire alarm systems, fire sprinkler systems that included wet, dry, preaction and/or deluge type systems, fire pumps standpipes and smoke control systems.

1985 – 1987

Department of Fire & Rescue, Montgomery County, Maryland

**Fire Protection Engineer Technician III**

Performed life safety and fire protection system construction permit review associated with new construction or the renovation of existing structures. Reviewed construction plans, shop drawings, product data and calculations to ensure minimum compliance to Local and Nationally adopted codes and standards are met. Attended pre-construction meetings with building owners, architects and engineers to coordinate design intent and recommended changes to obtain minimum code compliance. Performed life safety construction and fire protection system inspections and witnessed acceptance testing to verify compliance with the applicable Fire and/or Building Codes. Assisted with revising the County Fire Code and Amendments while adopting the National Fire Codes and developing local policy for residential sprinkler systems and the egress and evacuation of multi-cinema theaters. Montgomery County Fire Rescue representative to the State Fire Marshal's Sub-Committee.

1984 – 1985

Grinnell Fire Protection Systems, Columbia, Maryland

**Fire Protection Designer**

Designed fire sprinkler systems in accordance with NFPA13 for new structures or revised existing shop drawings to accommodate changes in occupancy or construction to commercial structures.

- 1981 – 1984 U.S. Air Force, RAF Bentwaters / Woodbridge, United Kingdom  
**Staff Sergeant – Fire Inspector**  
 Performed the duties and responsibilities associated with a Base Fire Inspector, i.e. fire prevention inspections, building construction plan review, fire protection system plan review, fire protection system inspection and witness acceptance or periodic testing, public fire safety education and fire cause and origin investigations. Developed and implemented an inspection program for three forward bases located in Germany and several radar sites located in England.
- 1979 – 1981 U.S. Air Force, Moody, AFB, Georgia  
**Airman, Firefighter**  
 Performed the duties and responsibilities associated with fire suppression, protection, rescue and emergency medical treatment on a Tactical Fighter Base. As a member of the Rapid Deployment Force provided fire protection at two remote base bases, the first being a classified site which provided air support for the rescue attempt of the American hostages in Iran, the second to Cairo West Airfield in Egypt, for a joint exercise with the Egyptian Air Force.

### EDUCATION & TRAINING

- 2008 – Present Columbia Southern University  
 • Major in Fire Science - 70 Credits
- 1987 – 2011 MCFR Public Safety Training Academy, Montgomery County, Maryland  
 • Instructor I  
 • Firefighter III  
 • Fire Officer I  
 • Fire Officer II  
 • Practical Rescue  
 • Incident Command  
 • Building Construction  
 • Pumps and Hydraulics  
 • Ladder Truck Operations  
 • Emergency Vehicle Operator  
 • Fire Officer Candidate School  
 • Emergency Medical Technician  
 • Hapsite Portable GC/MS Specialist  
 • Hazardous Materials Training – 120+ Annually
- 1999 – 2011 Department of Justice / Department of Homeland Security  
 United States Army Chemical School, Fort McClellan, Alabama  
 • Toxic Agent Training  
 • Chemical/Biological Countermeasures Course  
 Federal Emergency Management Agency  
 • IS100 National Incident Command System  
 • IS200 National ICS Federal Disaster Worker  
 • IS300 National Unified Command System  
 • IS400 National Incident Command System  
 • IS700 National Incident Management System  
 • Homeland Security Exercise and Evaluation Program

- 1985 – 1995 University of Maryland, College Park, Maryland
- Fire Inspector Course
  - Hazardous Material Technician
  - NFPA 13 Seminar sponsored by NFSA & NFPA
  - NFPA 25 Seminar sponsored by NFSA
  - NFPA 231c Seminar sponsored by NFSA
- 1983 – 2011 National Fire Academy, Emmitsburg, Maryland
- Fire Inspector II
  - Plan Review for Fire Inspectors
  - Food and Agricultural Terrorism Threat Assessment
  - Testing and Evaluation of Water Supplies for Fire Protection
  - Hydraulic Calculations for Water-Based Fire Protection Systems
  - Plan Review
- 1979 – 1984 Community College of the Air Force
- Fire Science Major - 32 Credits
- 1979 – 1984 USAF Fire School, Chanute AFB, Illinois
- Fire Inspector I
  - Firefighter Rescuer
  - Fire Protection Specialist

### CERTIFICATIONS

National Institute for the Certification in Engineering Technologies (NICET)

- Fire Alarm Systems – Level III
- Automatic Sprinkler System Layout – Level III
- Special Hazard Suppression Systems – Level III
- Inspection & Testing of Water Based Systems – Level III

National Professional Qualification Standard and Qualification Board (ProBoard)

- NFPA Firefighter I
- NFPA Firefighter II
- NFPA Fire Officer I
- NFPA Fire Officer II
- NFPA Fire Inspector I
- NFPA Fire Service Instructor I

### PROFESSIONAL MEMBERSHIPS

National Fire Protection Association (NFPA)

Society of Fire Protection Engineers (SFPE)

Society of Fire Protection Engineers Chesapeake Chapter

International Fire Service Training Association (IFSTA) - Committee Member  
5th Edition, Fire Detection and Suppression Systems

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: January 02, 2014

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

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

Subject:

- 1) Jefferson County Emergency Operations Plan

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

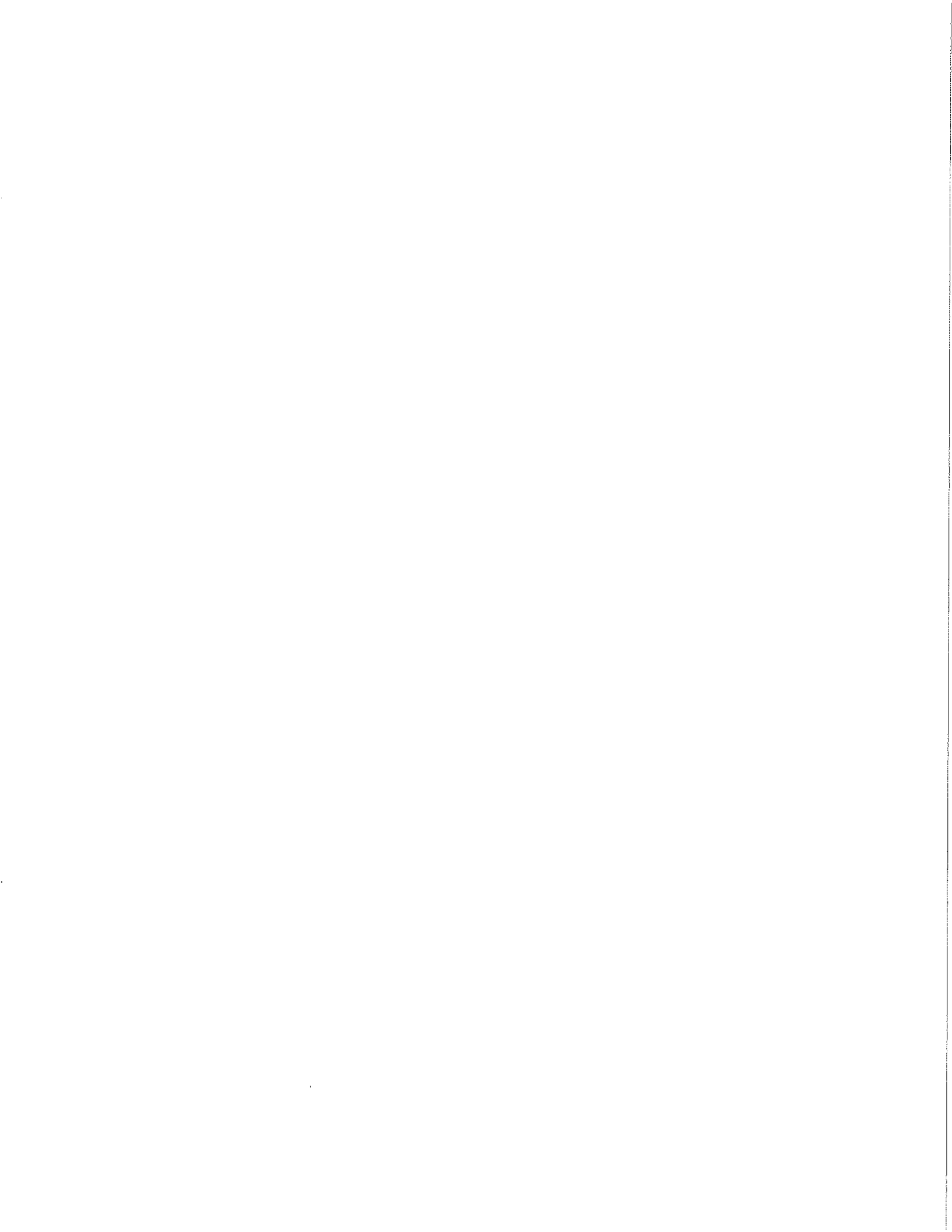
- 1) Portions of the Jefferson County Emergency Operations Plan are updated each year. Over the past year, the following annexes were updated: Basic Plan, Annex A-Direction and Control; Annex C-Public Information and Warning, Annex G-Resource Support; Annex M-Terrorism Response, Annex N-Continuity of Operations; Annex P-Volunteer Management; Annex P-Volunteer Management; and Annex Q-Donations Management. Additionally, a new annex was developed this year, Annex V-Dam Failure. Once that the County Commission approves the plan, it will then go to each municipality for their approval, then distributed to the State DHSEM and all applicable agencies within Jefferson County.

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

- 1) I move to approve the 2013 Jefferson County Emergency Operations Plan as presented.

Attachments:





Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: December 19, 2013

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

*Jan 2  
2014*

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

Subject: **REVISED Zoning Ordinance Amendment Text (ZTA 13-01) based on 10-10-13 Public Hearing input related to Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14, 8.15, 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments) – Discussion and possible Action**

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

On October 10, 2013, the Jefferson County Commission held a Public Hearing to consider public input regarding proposed Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15 (new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments). The record was held open until October 24, 2013 for additional written comments.

The County Commission reviewed all public input received at their 11-21-13 and 12-5-13 meetings. Attached is a revised version of the Zoning Ordinance Text Amendment (ZTA 13-01) for County Commission review and approval. Please note that changes made since the Public Hearing based on public testimony received are highlighted in yellow so that the revisions are noticeable. Revisions made in response to comments include the following:

1. Limited authority of Zoning Administrator to waive permanent off-street parking to something requiring a maximum of 30 spaces and provided it would occur on usable rather than level ground.
2. Changed provisions for Rural Reception/Event Facility, Small to 75 cars instead of 100 people in the definitions and in 8.14.
3. Moved discussion of size of Rural Reception/Event Facility, Small from Section 4A.5 to 8.14.
4. Added statement that if Rural Reception/Event Facility, Small exceeds limited provisions, the permit can be revoked.
5. Added noise provisions to 8.14 regarding Rural Reception/Event Facility.
6. Better definition of the types of events that qualify under Rural Reception/Event Facility to 8.14.
7. Change size limit of Accessory Agricultural Dwelling Unit from 1,000 square feet to 1,700 square feet, an average size of a double wide trailer, in 8.15.

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

**I move to approve the Revised Version of the Proposed Minor Amendments to the Jefferson County Zoning and Land Development Ordinance (dated 12-19-13) effective immediately.**

Attachments:

- **REVISED Zoning Ordinance Amendment Text (ZTA 13-01) referred to as Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14, 8.15, 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments) dated 12-19-03**

# Jefferson County Zoning and Land Development Ordinance

Jefferson County,  
West Virginia

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, November 10, 2011  
DRAFT AG USES and REALTED AMENDMENTS 12/19/13 revised



## Office Consolidation

This document contains additions and amendments approved by the  
Jefferson County Commission on the following dates.

- (1) Amended by act of the County Commission, Effective May 4, 1989
- (2) Amended by act of the County Commission, Effective August 31, 1989
- (3) Amended by act of the County Commission, October 12, 1989
- (4) Amended by act of the County Commission, November 30, 1989
- (5) Amended by act of the County Commission, September 13, 1990
- (6) Amended by act of the County Commission, October 4, 1990
- (7) Amended by act of the County Commission, July 15, 1993
- (8) Amended by act of the County Commission, Effective May 18, 1996
- (9) Amended by act of the County Commission, Effective February 11, 1998
- (10) Amended by act of the County Commission, Effective July 1, 1998
- (11) Amended by act of the County Commission, Effective August 13, 1998
- (12) Amended by act of the County Commission, Effective October 14, 1999
- (13) Amended by act of the County Commission, Effective January 10, 2002
- (14) Amended by act of the County Commission, August 8, 2002
- (15) Amended by act of the County Commission, Effective November 7, 2002
- (16) Amended by act of the County Commission, Effective May 1, 2003
- (17) Amended by act of the County Commission, April 8, 2005 at 5:00 p.m.,  
Invalidated and removed by Court Order February 26, 2008
- (18) Amended by act of the County Commission, Effective October 3, 2005
- (19) Amended by act of the County Commission, September 1, 2006
- (20) Amended by act of the County Commission, Effective September 28, 2006
- (21) Previously invalidated April 8, 2005 amendments that were reinstated by  
Court Order on December 3, 2009
- (22) Added by act of the County Commission on March 10, 2011
- (23) Amended by act of the County Commission on July 7, 2011
- (24) Amended by act of The County Commission on November 3, 2011
- (25) Amended by act of The County Commission on November 10, 2011

Note: On November 1, 2008, an ordinance was enacted to amend the ordinance adopted July 7, 1988, with all previous amendments, to replace non-traditional zoning with traditional zoning. On January 8, 2009, there was a stay of the November 1, 2008 Amended Ordinance due to a petition to place the ordinance on a future ballot for referendum and a return to the ordinance which was effective prior to November 1, 2008. The referendum did not result in the approval of the new ordinance.

- (\*) Unidentified amendment approved by the County Commission September 14, 1989
- (\*) Unidentified amendment approved by the County Commission January 1, 1997
- (\*) Unidentified amendment approved by the County Commission June 12, 1997
- (\*) Unidentified amendment approved by the County Commission December 10, 1998



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## **ARTICLE 1: PURPOSE, JURISDICTION, APPLICATION, INTERPRETATION AND SEVERABILITY**

### **Section 1.0 Effective Date**

This Ordinance shall become effective ninety (90) days after the date on which the County Commission acts to adopt it.

### **Section 1.1 Purpose**

The purpose of this Ordinance is to:

- A. Protect and encourage the health, safety, and general welfare of the present and future population of Jefferson County.
- B. Help guide the future growth and development of Jefferson County in accordance with the adopted Comprehensive Plan.
- C. Encourage growth and development in areas where sewer, water, schools, and other public facilities are or will soon be available in order to provide services in the most cost effective manner.
- D. Insure that growth and development are both economically and environmentally sound.
- E. Encourage the maintenance of an agricultural base in the County at a level sufficient to insure the continued viability of farming.
- F. Encourage and support commercial, industrial, and agricultural activities while maintaining land use, order and compatibility.
- G. Encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures.
- H. Encourage the conservation of natural resources.
- I. Provide a guide for public action in the orderly and efficient provision of public facilities and services.
- J. Provide a guide for private enterprise in developing and building a strong economic community.
- K. Encourage Historic Preservation.

### **Section 1.2 Jurisdiction**

These regulations shall apply to all properties within Jefferson County, West Virginia; but shall not include the incorporated areas.<sup>23</sup>

### **Section 1.3 Application and Interpretation**

- A. The terms of this Ordinance shall be applied to promote the intent in Section 1.1 and the Comprehensive Plan.
- B. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules, regulations or ordinance, or by private restrictions, covenants or declarations, the provisions of this Ordinance shall control, except where stated specifically herein.
- C. Where a provision of this Ordinance is in conflict with another provision of this Ordinance the stricter regulation shall apply.
- D. If a proposed use is not one in the list of those permitted in each zoning district, it shall be prohibited as though it was included in the list of prohibitions. However, the use may be approved if the Development Review System demonstrates that the use is compatible and appropriate with the neighborhood and the use can be approved by the Board of Zoning Appeals as a conditional use.<sup>2, 17, 21</sup>
- E. Amendments to this Ordinance shall not adversely affect specific decisions made by the Board of Zoning Appeals or conditions on a Conditional Use Permit dated prior to the adoption of such amendment. Determination of adverse affect shall be made by the Zoning Administrator.<sup>8, 17, 21</sup>

### **Section 1.4 Severability**

Should any article, section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Zoning and Land Development Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.<sup>23</sup>

### **Section 1.5 Use of Technical Information**

Should any technical study, authorized by the Jefferson County Commission, become available after the adoption of this Ordinance, the County Commission shall authorize the Planning Commission to review such study to determine the extent that this Ordinance may need to be amended. Such studies may include, but, are not limited to, information on recreation, groundwater, hazardous wastes, and historic structures.<sup>23</sup>

Changes that arise from this provision may include additions and/or deletions of sections in this Ordinance which would further encourage the proper management and preservation of our Natural and Cultural Resources. All such recommended changes are subject to Section 12.1.

## ARTICLE 2: DEFINITIONS

### Section 2.1 Definitions

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

### Section 2.2 Terms Defined

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

shall be considered “major additions”.

Adjacent/Confronting  
Affected Property Owner<sup>7</sup>

The owner of property adjacent to or confronting a proposed development (including the properties across any road, right of way or easement) which will be impacted either positively or negatively by that proposed development. Names and addresses of affected property owners will be taken from current tax records in the Jefferson County Court House.

Adult Use<sup>7</sup>

Uses that are commonly associated with adults only, including but not limited to: bars, lounges, dance clubs, stripping establishments, adult book stores, clubs, adult arcades, adult cabarets, adult motion picture theaters, massage parlors, sexual encounter establishments or other similar businesses.

Adult Arcade<sup>15</sup>

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Bookstore<sup>15</sup>

An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specifies sexual activities.

Adult Cabaret<sup>15</sup>

A nightclub, bar, restaurant, facility, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions of material that is characterized by any emphasis upon the depiction of specified sexual activities or specifies anatomical areas.

Adult Mini Motion Picture  
Theatre<sup>15</sup>

An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined, for observation by patrons therein. The phrase "used for" in this

definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.

Adult Sauna<sup>15</sup>

A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, using steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas as defined herein.

Adult Theater<sup>15</sup>

A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.

Affordable Housing<sup>17, 21</sup>

Housing units where the occupant is paying no more than 30 percent of Jefferson County median gross income for housing costs, including taxed and utilities.

Aggrieved or Aggrieved Person<sup>17, 21</sup>

A person who is denied by the planning commission or the board of zoning appeals, in whole or in part, the relief sought in any application or appeals, or has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer.

Agricultural Use<sup>17, 21, 23</sup>

The use of land for a bona-fide farming operation. This includes:

1. Commercial Agricultural Enterprise;
2. Agriculture, Ranching;
3. Aquaculture;
4. Apiculture;
5. Horticulture;
6. Viticulture;
7. Fish, meat, poultry and game birds processing, provided that fifty percent (50%) of the meat processed must be raised on the site farm of the processing facility for minimum periods of three (3) months for beef and pork and two (2) months for lamb and poultry;
8. Animal Husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals;
9. Poultry husbandry and the production of poultry, game birds and poultry products;
10. Dairy production and processing of dairy products;
11. Equestrian uses;
12. The production of field crops including but not limited to tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms,

- timber, pasturage, Christmas trees, maple sap, woody biomass, compost;
13. Pick your own farm products;
  14. Agricultural tourism;
  15. Farm vacation enterprise;
  16. Farm brewery and winery subject to the requirements for such a use in Article 8;
  17. Rental of garden plots;
  18. Community supported agriculture;
  19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production;
  20. Forestry

Alternative Structure <sup>22</sup>	For antenna-mounting purposes, a structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. The term Alternative Structure includes, but is not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples and electric distribution, electric transmission or other utility poles.
Amenities	Utilities, roadways, and public services which make a particular site more attractive for development. Section 6.4 governs the assessment of amenities as it relates to the Development Review System.
Antenna <sup>22</sup>	Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, Personal Communications Services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.
Antenna Array <sup>22</sup>	Two or more antennas that operate as components of a complete antenna suite for a single Wireless Telecommunication Facility.
Antenna, Concealed <sup>22</sup>	An antenna that is designed and/or erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located in such a way that it is not readily visible or discernible to the average individual at the adjacent street level.

Appalachian Trail Overlay District <sup>22</sup>	For purposes of the Wireless Telecommunication Facilities Ordinance, the area within one mile of the centerline of the Appalachian Trail.
Applicant <sup>23</sup>	Any person seeking to develop land, initiate a land use, obtain approval pursuant to the Development Review System Ordinance, or request an appeal from or variance to this Ordinance.
Area, Land	Land area refers to new land area, exclusive of streets and other public space.
Barber/Beauty Shop, Limited <sup>23</sup>	A barber or beauty shop limited to no more than two chairs.
Bed and Breakfast <sup>23</sup>	A single-family dwelling where lodging is offered for compensation, having no more than seven (7) bedrooms for this purpose, and meeting the requirements for such a use in Article 8 of this Ordinance.
Billboard	A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located. (See Sign, Outdoor Advertising)
Blue Ridge Line <sup>11</sup>	The common surveyed boundary between Jefferson County, West Virginia and Loudoun County, Virginia.
Board <sup>17, 21</sup>	The Jefferson County Board of Zoning Appeals.
Boarding or Rooming House <sup>24</sup>	A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.
Broadcast Tower <sup>22</sup>	A structure situated on a lot that is intended for transmitting television or AM/FM radio signals.
Buffer <sup>5</sup>	An area on a property defined by a distance from the property line or other specifically designed line such as flood plain, wetland limit or stream bank. Said area is intended to absorb, lessen or neutralize the impacts of one land use from another. The nature of the buffer will depend on the impact(s) being neutralized.
Building	Any structure which is permanently affixed to the land and has

one or more floors and a roof. The term building shall include manufactured homes.

Building, Height of	The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of the coping of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
Building Line	The line established by law beyond which a building shall not extend as determined by front, side and rear yards, herein.
Caretaker Residence <sup>23</sup>	An accessory residential structure for the use of a caretaker or security guard.
Cell on Wheels "COW" <sup>22</sup>	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use <sup>23</sup>	Any use which is different than the previous use of a building or land or any change in the North American Industry Classification System (NAICS) code in utilizing the Development Review System.
Church <sup>23</sup>	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering <sup>5, 23</sup>	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel remains within acceptable limits. See Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location <sup>10, 22</sup>	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and

	related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.
Commercial <sup>1</sup>	Any wholesale, retail or service business activity established to carry on trade whether or not for profit.
Commercial Agricultural Enterprise <sup>17, 21</sup>	Farm operations which will: <ul style="list-style-type: none"> <li>A. Contribute in a substantial way to the area's existing agricultural economy; and</li> <li>B. Help maintain agricultural processors and established farm markets. When determining whether a farm is a part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.</li> </ul>
Commercial Wireless Service Provider <sup>22</sup>	Persons or entities who operate radio systems requiring an FCC license and who employ those facilities to provide point- to-point microwave links for wireline communication services (or connectivity between adjacent antenna sites), fixed wireless (including microwave), or mobile wireless communication services to third parties for compensation. Commercial Wireless Service Providers include, but are not limited to Cellular, Personal Communication Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), paging, Competitive Local Exchange Carriers (CLEC) utilizing point-to-point microwave, and other point-to-point microwave links for wireline communication service.
Commission <sup>17, 21</sup>	The Jefferson County Planning Commission.
Comprehensive Plan	A composite of mapped and written text, the purpose of which is to guide the systematic physical development of the County and is adopted by the County Commission.
Conditional Use <sup>17, 21, 23</sup>	A use which because of special requirements or characteristics may be permitted in a particular zoning district only after review by the Board of Zoning Appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the Zoning and Land Development Ordinance.
Conditional Use Permit	A permit issued upon completion of the Development Review System which allows for the proper integration of compatible uses into the community.

Condominium <sup>5</sup>	A common interest community in which portions of the real estate are designated for separate fee simple ownership of cubic air interior spaces and the remainder of the real estate is designated for common ownership solely by the owners of those portions. Said common interest community may be residential, commercial or industrial depending on other provisions of this Ordinance. All such projects are subject to the West Virginia Uniform Common Interest Ownership Act. In the event that a specific requirement within the Uniform Common Interest Ownership Act is inconsistent with a commercial or industrial project, that specific requirement shall not apply.
Contiguous <sup>17, 21</sup>	Lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.
Cottage Industry <sup>8, 24</sup>	An occupation conducted at a residential premises, as described in Article 4A of this Ordinance.
Country Inn <sup>23</sup>	A private residence at least 50 years old that offers sleeping accommodations to lodgers in 30 or fewer rooms for rent. For the purpose of this definition, a lodger means a person who rents a room in a country inn establishment for fewer than 30 consecutive days. The land use may include a restaurant open to the general public as well as to guests.
Cultural Facility <sup>23</sup>	A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest.
Day Care Center, Small <sup>23</sup>	A facility: (1) in a dwelling unit; (2) licensed by the state, if applicable; (3) providing care for five or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are not included in the total; and (4) which may include some instruction.
Day Care Center, Large <sup>23</sup>	A facility: (1) licensed by the state, if applicable; (2) providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction.

Department <sup>22</sup>	The Jefferson County Planning and Zoning Department.
Development	The subdivision of land; construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, installation of a sign; and any mining, landfill or land disturbance, such as grading, paving and excavation.
Development Review System	A numerical rating system designed to assess a particular site's development potential based on soils and amenity criteria cited within this ordinance.
Discernible <sup>22</sup>	Capable of being distinguished with the eye or mind from its surroundings as a telecommunications tower.
Dormitory <sup>13, 23</sup>	A building used for sleeping accommodations where such building is used accessory to a permitted use of land.
Dwelling Unit <sup>7, 23</sup>	One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, occupied by no more than one family, and containing no more than one independent food preparation area together with facilities for sleeping and bathing.
Dwelling, Detached	A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.
Dwelling, Duplex <sup>23</sup>	A combination of no more than two single-family dwelling units, with each individual dwelling unit located on its own legal lot, and sharing a common lot line and a common vertical wall.
Dwelling, Multi-Family <sup>23</sup>	A building containing three or more dwelling units, which may include rental or condominium residential units.
Dwelling, Single Family <sup>23</sup>	A detached building containing not more than one dwelling unit and not occupied by more than one family.
Dwelling, Townhouse	One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
Dwelling, Two-Family	A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.
Easement	A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained

by a person other than the owner of the land parcel.

Electric Distribution Poles <sup>22</sup>	Metal, wooden or concrete towers and poles used to suspend wires transporting electricity between substations at the terminus of transmission lines and individual customer premises.
Electric Transmission Towers <sup>22</sup>	Metal, wooden or concrete towers and poles used to suspend wires transmitting electricity between generating plants and substations supplying electricity to distribution and feeder lines.
Engineer	A person registered by the State of West Virginia through the Board of Registration of Professional Engineers.
Equestrian Uses <sup>23</sup>	Use of a site for horse riding, training, breeding, stables, or boarding.
Equipment Enclosure <sup>22</sup>	Facilities, equipment enclosure means a building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories.
Essential Utilities Or Equipment <sup>8, 9, 17, 21</sup>	<p>Underground or overhead electrical, gas, communications not regulated by the federal communications commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cable, fire alarm boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories:</p> <ul style="list-style-type: none"><li>A. Local serving;</li><li>B. Nonlocal or transmission through county or municipality; and</li><li>C. Water and sewer systems, the activities of which are regulate, in whole or in part, by one or more of the following state agencies:<ul style="list-style-type: none"><li>1. Public Service Commission;</li><li>2. Department of Environmental protection; or</li><li>3. Department of Health and Human Resources.</li></ul></li></ul>
Expanded Use	The further development of a developed site.
FAA <sup>22</sup>	Federal Aviation Administration.
Family <sup>23</sup>	<p>Any of the following cases constitutes a family:</p> <ul style="list-style-type: none"><li>A. An individual; or</li><li>B. Two (2) or more persons related by blood, marriage or adoption, or under approved foster care; or</li><li>C. A group of not more than six (6) unrelated persons living</li></ul>

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

Farm Market <sup>23</sup>	Market for the sale of farm products, and products incidental to farm products.
<u>Farm Winery</u>	<u>An agricultural use licensed as a “Farm winery” pursuant to the West Virginia Code, and meeting the requirements for a “Farm winery” in §60-1-1 et seq of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
<u>Farm Distillery</u>	<u>An agricultural use licensed as a “Mini-distillery” pursuant to the West Virginia Code, and meeting the requirements for a “Mini-distillery” in §60-1-1 et seq of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
<u>Farm Brewery</u>	<u>An agricultural use that entails the manufacturing of beer in accordance with the requirements of the West Virginia Code. A farm brewery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
Farm Vacation Enterprise <sup>23</sup>	A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camping, scenery, nature recreation areas, and similar uses. The site may contain up to 5 lodging units.
FCC <sup>22</sup>	Federal Communications Commission.
Flood-prone Area	Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended.
Flood-prone Soils	Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is a dead-end, then all property abutting on one side between an intersecting street and the dead-end of the street.
Functionally Equivalent	FCC licensed providers of Commercial Mobile Radio Services

Services <sup>22</sup>	(CMRS) classified as Cellular, Personal Communication Services (PCS), Paging, Specialized Mobile Radio (SMR) and Enhanced Specialized Mobile Radio (ESMR).
Glare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Governmental User <sup>22</sup>	Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license, and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.
Group Residential Facility <sup>23</sup>	A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.
Group Residential Home <sup>23</sup>	A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence, and complying with all applicable requirements of the state of West Virginia. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.
Harpers Ferry Overlay District <sup>22</sup>	For purposes of regulating Wireless Telecommunication Facilities, an area bounded on the north by a line running west from the Potomac River shore to and along Engle Switch Road to its intersection with Route 230; thence south along Route 230 to its intersection with the CSX Railroad Valley Line; thence south along said railroad to Milepost 4 on the railroad at its intersection with Millville Road; thence east from that point to and across the Shenandoah River to a point 1000 feet distant on the eastern shore of the said Shenandoah River; then following a line 1000 feet

	inland from that opposite shore of the Shenandoah River to its confluence with the Potomac River; then along a line 1000 feet inland from the Potomac river shore running east to the Virginia state line; thence north to the Potomac River shore; thence west along the shore of the Potomac River to the point of origin. This district excludes the area within the jurisdictional boundaries of the town of Harpers Ferry and the town of Bolivar.
Historic Resource <sup>22</sup>	A site, structure, area, or district possessing historic importance as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.
Historic Site/ Property	Any lot, parcel, historic structure, or designated area which has been listed on the West Virginia or the National Register of Historic Places.
Home Occupation, Level 1 <sup>8, 24</sup>	An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.
Home Occupation, Level 2 <sup>8, 24</sup>	An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.
Hunting, Shooting, Archery and Fishing Clubs, public or private <sup>23</sup>	Land owned by an organized group of persons formed as a club that is used for hunting, fishing, shooting, archery and similar types of passive recreation.
Impervious Surface	Any structure, material, or surface which reduces and prevents absorption of storm water into the earth.
Improvements	Modifications to land which increase its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains, sidewalks, street signs, modifications to watercourses, water supply facilities, sewage disposal facilities, and park and recreation equipment.
Institutional Use <sup>17, 21, 23</sup>	A non-profit, public or quasi-public use, such as a religious facility, library, public or private school, hospital, or government owned, operated, or supported facility or land use for public purpose.
Kennel <sup>23</sup>	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.

Land Surveyor	A person registered by the State of West Virginia through the Board of Examiners of Land Surveyors.
Lattice Tower <sup>9, 22</sup>	A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.
Light Industrial <sup>1, 23</sup>	Any industry that does not use a significant amount of water except for domestic purposes. Industrial uses that do not create noise, odors, smoke and objectionable nuisances or hazards. Any uses listed in Section 5.6(b) (as amended) are not considered light industrial.
Lot	A tract of land area meeting local development standards which is intended for building development whether immediate or future.
Lot Area	The total horizontal area included within the rear, side and front lot or proposed street lines of the lot.
Lot, Corner <sup>23</sup>	A lot abutting on two intersecting streets. Both sides abutting the streets forming the corner shall be considered front lot lines unless otherwise specified in this Ordinance, with the exception of corner lots that front on a private or public road on one edge and an access easement serving 5 lots or fewer on one edge. For such lots, a front yard setback for the principal structure applies to the edge of the lot that fronts on a private or public road and a side yard setback for a principal structure applies to the edge of the lot that fronts on the access easement. A corner lot must have at least one rear lot line.
Lot Line, Front <sup>5, 23</sup>	The side or sides of an interior or through lot which abut a street. Front lot lines shall be measured from the Road Improvement Easement where one exists. For a property with a rear yard adjacent to a right-of-way designated as an alley, a rear yard setback shall apply.
Lot Line, Side <sup>5, 23</sup>	Any lot line other than a front lot line or rear lot line.
Lot of Record	A written or graphic description of a lot that is on record in the office of the Clerk of the County Commission of Jefferson County at the adoption of this Ordinance.
Manufactured Housing <sup>23</sup>	A factory-built, single-family structure, which is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to

be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.

Massage Parlor<sup>7</sup>

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, certified massage therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Medical/Dental/Optical Office, Small<sup>23</sup>

A medical, dental, or optical office limited to two practitioners.

Mobile Home<sup>23</sup>

A detached structure with the following characteristics: It is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and it is designed for transportation after fabrication on streets or highways on its own wheels, or on flatbeds or other trailers, or detachable wheels, and it arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A mobile home is distinct from a manufactured home.

Mobile Home Park

A lot, site, or parcel of land used or intended to accommodate two (2) or more mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, which unoccupied mobile homes are parked for inspection and sale. This term includes all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.

Model Home/Sales Office<sup>23</sup>

A dwelling unit temporarily used for display purposes as an

	example of dwelling units available for sale in a residential development approved by Jefferson County. Model homes may include sales offices for dwellings within the development.
Modular Unit	A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure for residential, commercial, educational, or industrial uses.
Monopole <sup>9, 22</sup>	A support structure constructed of a self-supporting hollow metal tube securely anchored to a foundation.
Motor Vehicle <sup>17, 21</sup>	Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.
Multi-Residential Use	A deeded lot or parcel on which two or more dwelling units is located.
Natural Undisturbed Conditions <sup>5</sup>	This exists where the terrain has not been altered in form by human activities such as cutting, filling, blasting or leveling and where natural vegetation exists.
Natural Vegetation <sup>5</sup>	This occurs when a property is allowed to revert to a wild condition with native plants. No cutting, trimming or cultivation takes place in areas of natural vegetation.
Neighborhood <sup>17, 21</sup>	An area generally confined to a one-mile radius from the perimeter of a proposed development.
Nonconforming Use	A use of a building or of land lawfully existing at the time this Ordinance becomes effective and which does not conform with the use regulations of the district in which it is located. Any new lines of division within a subdivision of a parcel that is a nonconforming use shall meet the regulations of this Ordinance.
North American Industry Classification System (NAICS) <sup>23</sup>	A system to classify business establishments according to type of economic activity.
Non-residential <sup>17, 21</sup>	A commercial, industrial, or institutional use.
Nursing or Retirement Home	This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.
Open Space	Land within a proposed development site excluding areas devoted

to buildings, structures, roadways and parking.

PCS<sup>22</sup>

Personal Communication Services.

Plat<sup>23</sup>

A scaled, graphic drawing of a land subdivision project prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

Preliminary Plat<sup>23</sup>

A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development, and is prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance.

Preschool<sup>23</sup>

Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.

Primary Public Safety Provider<sup>22</sup>

An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).

Principal Use<sup>23</sup>

The primary or predominant use of any site.

Principal Permitted Use<sup>23</sup>

Any use which is or may be lawfully established in a particular district, approved by the Departments of Planning and Zoning without requirement of Development Review System review or approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance.

Private Business User<sup>22</sup>

Persons or entities which operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services, or point-to-point microwave links for commercial wireline communication

	services, to third parties for compensation.
Prohibited Use	A use that is not permitted.
Publicly Owned Facility <sup>23</sup>	Use of a site for government operations or activities, and not otherwise defined as a public safety facility; school, elementary or secondary; school, university or college; school, vocational or professional; hospital; cultural facility; or essential utility equipment.
Public Safety Facility <sup>23</sup>	Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.
Public Highway	Any highway or road in Jefferson County which is part of the Federal or West Virginia public highway system and which is so identified by and numbered on the most recent General Highway Map published by the West Virginia Department of Highways.
Research and Development <sup>13</sup>	Research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products.
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 Store, Limited <sup>23</sup>	A retail food store not exceeding 1500 square feet of retail floor space.
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.

Rural Reception/Event Facility

A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.

Rural Reception/Event Facility, Small

A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings with attendance not to exceed 75 cars of up to 100 attendees, at a frequency of no more than one event per month.

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

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

Seasonal Use<sup>5</sup>

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

Sensitive Natural Area<sup>5</sup>

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

Setback Line<sup>23</sup>

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

Sexual Paraphernalia Store <sup>15</sup>	Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual activities or used in connection with specified sexual activities.
Shopping Center <sup>7</sup>	A commercial facility on a single lot with common parking facilities that uses or leases separate areas of space to retail or service oriented businesses.
Shrub, Evergreen	A low growing, usually several stemmed, woody plant which has foliage that remains green and functional through more than one growing season.
Sign	Any object, device display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
Sign, Animated	A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.
Sign, Business	A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.
Sign, Freestanding	A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business or service advertised by the sign is located.
Sign, Outdoor Advertising	A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located. This term shall include billboards.
Sign, Vehicle <sup>23</sup>	A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.

Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.
Species, Rare or Endangered	Any species listed with the West Virginia Department of Natural Resources Heritage Program Species List or by the U.S. Department of the Interior, Department of Fish and Wildlife Management.
Specified Anatomical Area <sup>15</sup>	As used herein specified anatomical areas means and includes any of the following: <ul style="list-style-type: none"> <li>A. Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or</li> <li>B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.</li> </ul>
Specified Sexual Activities <sup>15</sup>	As herein, specific sexual activities means and includes any of the following: <ul style="list-style-type: none"> <li>A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;</li> <li>B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;</li> <li>C. Masturbation, actual or simulated; or</li> <li>D. Excretory functions, when such activities are a part of or in connection with any of the activities set forth in the following definitions: Adult Use; Adult Arcade; Adult Bookstore; Adult Cabaret; Adult Mini Motion Picture; Adult Sauna; Adult Theater; Massage Parlor; Sexual Encounter Establishment; and, Sexual Paraphernalia Store</li> </ul>
Staff <sup>17, 21, 23</sup>	Personnel employed in the Departments of Planning, Zoning, and Engineering.
Standard Details <sup>7, 23</sup>	Minimum acceptable details approved by the County Engineer for use in preliminary plats, site plans, and related improvement plans. Said approval does not relieve the subdivider, the design consultant, or the builder of the responsibility for structural adequacy and sound construction.
Street <sup>23</sup>	(See Road)
Support Structure <sup>22</sup>	A structure designed to support Wireless Telecommunication Facilities including, but not limited to, monopoles, lattice towers, utility poles and other freestanding self-supporting structures.
Telecommunication <sup>9</sup>	The technology which enables information to be exchanged

through the transmission of voice, video, or data signals by means electrical or electromagnetic systems.

Tower Base <sup>22</sup>	The foundation, usually concrete, on which a telecommunication tower is situated. For measurement calculations, the tower base is the actual or geometric center of the tower. For structures lacking a foundation the tower base is the ground elevation of the structure.
Tower Height <sup>22</sup>	The vertical distance measured from the tower base to the highest point on a telecommunication tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.
Tower Site <sup>22</sup>	The land area (including any associated easement areas) that contains, or will contain, any proposed telecommunication tower, related equipment enclosures and other improvements; together with any tower fall zone.
Urban Growth Boundary <sup>23</sup>	A site-specific line, delineated on the Jefferson County Zoning Map or a written description in the Jefferson County Zoning and Land Development Ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.
Use <sup>7</sup>	An activity that constitutes a legal employment of a land parcel or lot exclusive of ancillary parking and drives.
Utility Poles <sup>22</sup>	Metal, wooden or concrete poles used to suspend wires or cables for electric, telephone or television cable services.
Variance <sup>17, 21, 23</sup>	A variance is a deviation from the minimum standards of the Zoning and Land Development Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land.
Vehicle <sup>17, 21</sup>	A means of carrying or transporting something.
Vehicular Miles <sup>17, 21</sup>	Distance by motor vehicle between two points utilizing public highways.

Visible <sup>22</sup>	Capable of being seen by the unaided eye in the daylight.
Vocational and/or Training Facility for Adults <sup>23</sup>	A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. The land use is conducted in a campus setting, and may include classroom buildings, dormitories, cafeterias, gymnasiums (whose use is limited to the students, participants and instructors at said school or training facility), and administrative buildings. Incidental instructional services in conjunction with another primary use shall not be considered a Vocational and/or Training Facility for Adults. This use does not include School, University or College. In the Rural District, the use must be conducted in a campus setting.
Wetland <sup>5</sup>	An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The substrata is predominantly hydric soil.
Wireless Telecommunication Antenna <sup>9</sup>	The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
Wireless Telecommunication Equipment Shelter <sup>9</sup>	The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
Wireless Telecommunication Facility <sup>9, 22</sup>	A facility consisting of the equipment and structures involved in transmitting or receiving telecommunications or radio signals to or from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
Wireless Telecommunication Facility, Co-Located <sup>22</sup>	(See Co-location.)
Wireless Telecommunication Facility, Concealed <sup>22</sup>	A wireless telecommunication facility with all antennas camouflaged to match or complement the color and architectural treatment of the surface of an existing structure upon which they are mounted; or which

have all facility components concealed behind a façade or parapet wall, or inside a radome on a monopole that does not exceed the diameter of the monopole, or interlaced within or atop an electric distribution tower.

Wireless  
Telecommunication  
Facility, Temporary<sup>22</sup>

A vehicle-mounted or portable wireless telecommunication facility including portable towers, antennas, equipment enclosures, generators and associated electronics, cabling, wiring and hardware. Such a facility may include, but is not limited to, "cell on wheels" mobile equipment.

Wireless  
Telecommunication Tower<sup>9</sup>

A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

Wireless  
Telecommunication Tower,  
Speculative<sup>22</sup>

A Wireless Telecommunications Tower developed without binding commitments from one or more FCC licensees to utilize the tower within six (6) months of issuance of a certificate of occupancy for the Tower.

Zoning Ordinance, Map  
Amendment<sup>25</sup>

An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.

Zoning Ordinance, Text  
Amendment<sup>25</sup>

An amendment to the text of the Zoning Ordinance resulting in a change in the language of the Ordinance that applies to all similar property county-wide, such as a change in principal permitted uses in a district.

## ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

### Section 3.1 Administration

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

### Section 3.2 Zoning Administrator

- A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:<sup>23</sup>
  - 1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
  - 2. Interpret the provisions of the Ordinance as required by law.
  - 3. Issue Zoning Certificates as permitted by the Ordinance.
  - 4. Calculate the LESA point scores and determine the adequacy of the Support Data for all applications for a Conditional Use Permit.
  - 5. Issue all permits and Certificates as permitted by the Ordinance.
  - 6. Prepare and submit reports as required by the Ordinance or the Board of Zoning Appeals or Planning Commission.
  - 7. Conduct meetings and conferences pursuant to the Zoning and Land Development Ordinance.<sup>17,21,23</sup>
- B. Any decision or action by the Zoning Administrator based on Section 3.2(a) above is subject to appeal to the Board of Zoning Appeals.<sup>17,21</sup>
- C. It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining a zoning certificate from the Zoning Administrator. This provision may not apply to the general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.<sup>17,21,23</sup>

- D. Each application for a zoning certificate shall be accompanied by a copy of an approved site plan, if applicable, or by a legible drawing either drawn to scale or accurately indicating dimensions which show property boundaries and existing and proposed structures and other proposed changes or land development. The plans shall be retained in the office of the Departments of Planning and Zoning.<sup>17, 21, 23</sup>
- E. Use of any property, developmental arrangement, or construction on any property other than that authorized in the zoning certificate is a violation of this Ordinance. All provisions of this Ordinance and amendments shall be maintained perpetually.
- F. The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete and fees are paid when filed and the request is in compliance of the provisions of this Ordinance.<sup>17, 21</sup>
- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.<sup>17, 21, 23</sup>
- H. A filing fee, in accordance with the County fee structure, shall be charged for all zoning certification.

### **Section 3.3 Enforcement**

- A. The Zoning Administrator or Staff shall promptly investigate any written complaint alleging a violation of this Ordinance and determine if a violation has occurred.<sup>17, 21</sup>
- B. As provided in §8A-1-1 et seq of the West Virginia Code, as amended, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (\$50.00) or more than five hundred dollars (\$500.00) per day. Each day during which any violation of this Ordinance continues shall constitute a separate offense.<sup>5, 17, 21</sup>
- C. When it appears to the Board of Zoning Appeals or the Zoning Administrator or Staff that a violation of this Ordinance has occurred, the County shall notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Board of Zoning Appeals or the Zoning

Administrator or Staff pursuant to §8A-10-1, 2 and 3 of the West Virginia Code, as amended, to:<sup>17, 21, 23</sup>

1. Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved, or
2. Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

### **Section 3.4 Boards and Commissions<sup>23</sup>**

#### **A. Board of Zoning Appeals**

1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.<sup>2</sup>
3. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.
  - a. Filing an Appeal
    - i. An appeal to the Board may be taken by any person, board, associate, corporation or official allegedly aggrieved by any administrative decision based or claimed to be based, in whole or in part, upon the provisions of this Ordinance. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted.
    - ii. Such appeal shall be filed with the Board within thirty (30) days from the decision appealed.
  - b. Notification
    - i. Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing.<sup>5, 17, 21</sup>
    - ii. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days before the hearing. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.

- c. Public Hearing
    - i. The Board shall hold a hearing within forty-five (45) days of the date the appeal is received in the Departments of Planning and Zoning. At the hearing, any party may appear and be heard in person or by agent or attorney.<sup>5, 8, 17, 21</sup>
    - ii. The Board shall render its determination on the application no more than thirty (30) days following the public hearing by registered mail.
  - d. Continuance of Hearing
    - i. The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session. Any hearing continued shall be held within thirty (30) days from the initial hearing.
4. The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>
    - a. The Board shall approve a variance request if the Board finds that a variance:
      - i. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
      - ii. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
      - iii. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
      - iv. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.<sup>17, 21</sup>
    - b. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board at offices of the Departments of Planning and Zoning.
    - c. Notification for a variance must be conducted according to the requirements of Section 3.4A(3)(b).
    - d. A public hearing must be conducted according to the requirements of Section 3.4A(3)(c) and such hearing may be continued according to the requirements of Section 3.4A(3)(d).
  5. The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit. The Board of Zoning Appeals review process for a conditional use permit application is established in Article 7 of this Ordinance.<sup>2</sup>
  6. In exercising its power and authority, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as the Board deems appropriate.<sup>17, 21</sup>

7. Any party may appeal any decision of the Board of Zoning Appeals to the Circuit Court of Jefferson County within thirty (30) days of the Board's decision, pursuant to Chapter 8A of the West Virginia Code, as amended.<sup>2, 17, 21</sup>
8. Nothing in this Section shall be construed as permitting the Board of Zoning Appeals to exercise any power or refrain from the performance of any duty not authorized or directed by the provisions of Chapter 8A of the West Virginia Code, as amended, which provisions of the Code are hereby incorporated herein by reference.<sup>14, 17</sup>

B. Planning Commission<sup>23</sup>

1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Planning Commission and Chapter 8A of the West Virginia Code, as amended.
2. The powers and duties of the Jefferson County Planning Commission include but are not limited to the following:
  - a. Review applications for major site plans, major subdivisions, and waivers from minimum standards, pursuant to the Subdivision and Land Development Regulations;
  - b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance;
  - c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations;
  - d. Make recommendations to the County Commission concerning planning and zoning issues;
  - e. Make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
  - f. Prepare the Jefferson County Comprehensive Plan and recommend to the County Commission for adoption or amendment.

C. County Commission<sup>23</sup>

1. General. The County Commission shall have all powers conferred upon it by the Constitution, the laws of the State of West Virginia, and the County Charter. With respect to development approval and amendments to this Ordinance and the County's Comprehensive Plan, the powers that the County Commission retains and shall exercise include but are not limited to the powers set out in this Section.
2. Approvals. Following a public hearing and the submittal of recommendations by the Planning and Zoning Department and the Planning Commission, the County Commission may take action on the proposed adoption of, or amendments to, the following, including text, maps, and other elements:
  - a. Comprehensive Plan
  - b. Zoning and Land Development Ordinance
  - c. Subdivision and Land Development Regulations

- d. The Jefferson County Zoning Map
- e. An Urban Growth Boundary in accordance with Chapter 8 of the West Virginia Code as amended:
  - i. A boundary shall be established by the County Commission in agreement with each individual municipality regarding that municipality's boundary.
  - ii. If the County Commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court.
  - iii. Once the county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality.
  - iv. The county commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
3. Hiring. The County Commission shall hire staff of the Departments of Planning and Zoning.
4. Appointments. The County Commission shall appoint the members of the Planning Commission and the Board of Zoning Appeals.
5. Fees. The County Commission shall adopt a fee schedule for processing applications pursuant to this Ordinance. The fee schedule may be amended from time to time as determined appropriate by the County Commission.

## **ARTICLE 4: GENERAL PROVISIONS**

### **Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity**

The regulations set forth by this ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each kind of structure or land except as hereinafter provided.

For each zoning district, a limited number of principal permitted uses are listed, as well as several uses prohibited for all districts as listed in Section 4.4. All other uses, except prohibited uses, may receive a conditional use permit upon completion of the Conditional Use Permit process as described in this Ordinance, including a demonstration that the land use in a specific location will comply with the standards of the Development Review System and any other applicable requirements of this Ordinance.<sup>23</sup>

### **Section 4.2 Compliance with Ordinance**

Except as hereinafter specified, no land, building, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located and the Development Review System. This provision shall not apply to general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.

### **Section 4.3 Nonconforming Uses**

Any building, structure or premises lawfully existing at the time of the adoption of this ordinance, or lawfully existing at the time that this ordinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located or the regulations of the Development Review System; subject, however to the following provisions:<sup>7</sup>

- A. Nonconforming uses may be upgraded or repaired, or alterations made to the use's facilities. However, expansion of any nonconforming use shall be limited to the lot that existed at the time of adoption of this Ordinance.<sup>7, 23</sup>

Repair includes the following: replacement of same size (<sup>+/-</sup>35%) porches, awnings, decks roofs, overhangs, patios, or any other similar construction as approved by the Zoning Administrator. Additional acreage shall not be added to enlarge any nonconforming use unless approved via the Development Review System.<sup>23</sup>

- B. Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance.<sup>5, 17, 21</sup>
- C. A nonconforming use may not be substituted for any other nonconforming use without the Board of Zoning Appeals review and public hearing, provided, however, to the following: upon notice to the Zoning Administrator with an application for and approval of a Zoning Certificate a nonconforming retail, service, or wholesale operation may be

substituted with another retail, service or wholesale operation without such public hearing; provided again, however, the intended use does not include an adult use.<sup>7, 17, 21</sup>

- D. Effective October 14, 1999, whenever a nonconforming use expands over 35% of the existing square footage of its operation said use shall meet all the applicable requirements of this Ordinance unless otherwise allowed by the Board of Zoning Appeals. Any nonconforming use that expanded between October 5, 1988 and October 14, 1999 may expand under this provision as if they have never utilized this provision in the past.<sup>7, 8, 12, 17, 21, 23</sup>
1. When a nonconforming use can be computed by units such as apartment units, motel/hotel units, mobile home parks, and similar uses, the 35% expansion shall be limited to 35% of the number of existing units.<sup>8</sup>
- E. A nonconforming shopping center (including spaces that were not leased in the existing building at the time of the adoption of this ordinance) may substitute uses according to Section 4.3(c).<sup>7</sup>
- F. Section 4.3 is subject to Chapter 8A of the West Virginia Code, as Amended.<sup>17, 21, 23</sup>
- G. This Section (4.3) does not apply to industrial uses that existed at the adoption of the ordinance. Such industries may expand provided that they meet the site plan standards of this ordinance, in addition to those of the Jefferson County Subdivision and Land Development Regulations.<sup>8, 23</sup>
- H. A nonconforming use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 3.<sup>12, 17, 21, 23</sup>
- I. The nonconforming use automobile racing facility located on property specifically described as Tax Map 17, Parcels 2, 2.1 and 5 in the Kabletown District is permitted to expand as herein described:
1. The commercial/competitive racing circuit as measured on January 10, 2002, 5,344 linear feet may add an additional 8,870 feet of commercial/competitive raceway surface, in accordance with (and not in addition to) the provisions of Section 4.3 of this Ordinance. The surface shall conform to a required 200 foot setback from all property lines.
  2. May add dormitory lodging with food service facilities that do not contain internally lit signs.
  3. May add automobile related research and development facilities.
  4. May add other automobile related facilities only for vehicles that are used on-site, including, but not limited to warehousing, parts, supplies and service.<sup>13</sup>

#### **Section 4.4 Prohibited Uses**

- 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 except the industrial/commercial zone. 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 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 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, 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 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 uses. 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 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. Any uses or building subject to compliance with this section shall be located at least 200 feet from:
  - 1. Any lot in a residential district;
  - 2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;<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.
- B. Adjacent uses 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>

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

#### **Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

- A. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.<sup>5</sup>
- B. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have a buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard. All industrial development shall have front yard buffers of no less than one-half ( $\frac{1}{2}$ ) the front yard building setback.<sup>5,7</sup>

ADJACENT USE \ PROPOSED USE		BUILDING SETBACKS		PARKING & ACCESS DRIVE SETBACKS		BUFFERS UNSCREENED/SCREENED				DISTANCE REQUIREMENTS			
		Any Use Except Industrial	Industrial Use	Any Use Except Industrial	Industrial	Residential Zone	Lot with a Residential Use Church/School/ Institution for Human Care	Commercial	Industrial	Residential Zone	Lot with a Residential Use Church/School/ Institution for Human Care	Commercial	Industrial
FRONT	Comm'l Lot <=1.5 ac.	25	25	15	15	50/15		N/A	N/A	75		N/A	75
	Comm'l Lot > 1.5 ac.	25	25	15	15	50/15		N/A	N/A	75		N/A	75
	Industrial	50	25	25	25	200		25	N/A	200		N/A	200
	Church	25	25	15	15	50/15		N/A	N/A	N/A		N/A	N/A
	Multi-family	25	25	15	15	N/A	N/A/15	N/A	N/A	N/A		N/A	N/A
SIDE	Comm'l Lot <=1.5	25	25	4	4	50/15		10	10	75		N/A	75
	Comm'l Lot > 1.5 ac.	50	25	10	10	50/15		10	10	75		N/A	75
	Industrial	50	25	25	20	200		20	20	200		N/A	200
	Church	50	50	10	10	50/15		10	10	N/A		N/A	N/A
	Multi-family	12	12	12	12	N/A	N/A/12	N/A	N/A	N/A		N/A	N/A
REAR	Comm'l Lot <=1.5	25	25	4	4	50/15		10	10	75		N/A	75
	Comm'l Lot > 1.5 ac.	50	25	10	10	50/15		10	10	75		N/A	75
	Industrial	50	25	25	20	200		20	20	200		N/A	200
	Church	50	50	10	10	50/15		10	10	N/A		N/A	N/A
	Multi-family	30	30	15	15	N/A	N/A/15	N/A	N/A	N/A		N/A	N/A

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

*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>*

- C. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.
- D. 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.
- E. 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>
- F. All buffer yards shall be maintained by the property owner.
- G. 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 below:<sup>23</sup>

*Table 4.11 - 2 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

- H. 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.

**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>**

- A. Any development, other than residential development, that takes place after the adoption of this Ordinance must maintain a five hundred (500) foot buffer strip from the existing banks of the Potomac and Shenandoah Rivers.

**ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES<sup>8,24</sup>**

**Section 4A.1 Home Occupation and Cottage Industry, General Standards**

- A. A Zoning Certificate is required for a Cottage Industry or Home Occupation pursuant to Section 3.2 of this Ordinance.
- B. A Home Occupation or Cottage Industry shall be clearly incidental and subordinate to the use of the dwelling unit as a residence.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation or Cottage Industry, other than as provided in this Article.
- D. No equipment or process shall be used in a Home Occupation or Cottage Industry which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, at any lot line.
- E. The following land uses cannot be established as a Home Occupation or Cottage Industry:
  - 1. Boarding or rooming homes.
  - 2. Bed and breakfast establishments.
  - 3. Adult uses.
  - 4. Any business which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons).<sup>12</sup>
- F. Any need for parking generated by the Home Occupation or Cottage Industry shall be met off street and other than in a required front yard.
- G. No outdoor storage of any kind, visible from a property line or a public or private right-of-way or vehicular access easement, is permitted.
- H. The business owner is responsible for ensuring compliance with all local, state, and federal taxing requirements.
- I. All applicable County, State, and Federal requirements must be met.

**Section 4A.2 Exempt Activities**

The following land uses do not constitute a Home Occupation or Cottage Industry, and do not require a Zoning Certificate:

- A. Telecommuting.
- B. A computer-based occupation involving one full-time resident and no other on-site employees, provided that the occupation generates no additional vehicular trips, no customer visits, no additional shipping or mailing that exceeds a normal residential volume, and would not be otherwise prohibited by this Article. This category includes internet-based sales activities that do not require the presence of inventory at the property, such as drop-shipping.

- C. The participation of an individual location in an event conducted annually or twice yearly with multiple locations, such as a home and garden tour or an art studio tour.

#### **Section 4A.3 Home Occupation, Level 1**

An occupation conducted in a dwelling unit for gain provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation. Said members must be full time residents of the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of the floor area of the dwelling unit.
- C. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- D. Traffic generated by such home occupation must not exceed two (2) business related vehicle visits per day no more than ten (10) visits per week at the premises.

#### **Section 4A.4 Home Occupation, Level 2**

An occupation conducted in a dwelling unit for gain, provided that:

- A. The occupation must be conducted by a full-time resident of the property. Up to two (2) nonresident employees also may be permitted to work on the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of floor area of the dwelling unit.
- C. One sign, not exceeding two (2) square feet in area, non-illuminated, is permitted.
- D. There shall be no sales, other than items crafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- E. No more than three (3) business-related vehicle visits per day and no more than fifteen (15) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.
- F. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.
- G. For a Home Occupation located in an existing residential subdivision established after July 17, 1979, the minimum lot size is 20,000 square feet.

## Section 4A.5 Cottage Industry

An occupation conducted at a residential premises for gain, provided that:

- A. The occupation must be owned and operated by a full-time resident of the property. Up to four (4) nonresident employees may be permitted to work on the premises.
- B. The use may be conducted at least in part within the dwelling unit. Said use area within the dwelling unit shall not exceed one half (1/2) of the floor area of the dwelling unit. Two subordinate structures shall be permitted in accordance with the requirements of this Article.
- C. There shall be no change in the outside appearance of the residential structure. One sign, not exceeding four (4) square feet in area, non-illuminated may be permitted.
- D. Sales on the premises shall be permitted with the limitation that no less than seventy-five (75) percent of the items for sale shall be products produced on the premises and that items not produced on premises shall be items similar or related to the items produced on the premises. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- E. No more than fifteen (15) business-related vehicle visits per day and no more than sixty (60) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.
- F. Submittal of a sketch plan is required for all Cottage Industry applications. The plan need not be prepared by a licensed engineer or surveyor. Use of a sketch plan does not preclude compliance with applicable County, State, and Federal regulations. The plan submittal shall include the following elements:
  1. Accurate locations and dimensions of all existing and proposed:
    - a. Structures, paved areas, parking areas and drive aisles (including setbacks from property lines)
    - b. Septic areas
    - c. Access points to roads, driveways, and easements
    - d. Property boundaries
  2. Most recent deed for the property
- G. Additionally, site plans pursuant to the Subdivision and Land Development Regulations are required if the combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in (1) – (4) below, to be used as a Cottage Industry, exceeds 1,500 square feet but is less than 3,000 square feet:
  1. New accessory structures, or
  2. An addition to an existing residence or accessory structure, when the addition is intended for use as part of a Cottage Industry;
  3. Existing accessory structures that are to be converted to be used as a part of the Cottage Industry, if constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry;

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

#### **Section 4A.6 Private Covenants Running with the Land**

Jefferson County shall not enforce or become involved in the enforcement of deed restrictions, covenants, easements, or any other private agreement, and, in the review of development proposals, the County will apply only its regulations to evaluate the proposal. All such restrictions shall be enforced by the parties to the restriction. It is the responsibility of an applicant for a proposed Cottage Industry or Home Occupation to research any private agreements relating to the subject property, contact the Homeowners' Association, or seek the advice of a surveyor, engineer or attorney.<sup>17, 21, 24</sup>

**ARTICLE 4B: WIRELESS TELECOMMUNICATION FACILITIES<sup>10, 22</sup>**

**Section 4B.1 Purpose and Legislative Intent**

The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community's desire to preserve the County's rural, historic and agricultural character and the quality of its residential neighborhoods.

To accomplish these objectives and to ensure that the placement, construction or modification of wireless telecommunication facilities complies with the provisions of the Telecommunications Act of 1996 and other Federal laws, and is consistent with Jefferson County's land use policies and Comprehensive Plan, this Article is intended to regulate the construction, placement and operation of wireless telecommunication facilities within Jefferson County. When any provision of this article is in conflict with any provision of the Jefferson County Zoning Ordinance or the Jefferson County Subdivision and Land Development Regulations, the stricter regulation shall apply.

This Article establishes parameters for the siting of Wireless Telecommunication Facilities. It is Jefferson County's intent to:

- A. Ensure access to reliable and robust wireless communications services throughout Jefferson County consistent with the aforementioned objectives;
- B. Encourage the use of existing structures such as buildings, water towers, silos, church steeples, monopoles, lattice towers, utility poles, electric distribution and transmission structures and other existing structures for the co-location of Wireless Telecommunication Facilities;
- C. Encourage the location of new Wireless Telecommunication towers in non-residential areas, with taller towers limited to the Industrial-Commercial zoning district;
- D. Minimize the number of new Wireless Telecommunication Towers that would otherwise need to be constructed by providing incentives for the use of existing structures;
- E. Encourage the location of new Wireless Telecommunication Towers, to the greatest extent possible, in areas where the adverse impact on the community will be minimal; and by encouraging the use of camouflage or concealment to create structures such as silos, faux trees and flagpoles that mimic elements that typically are found on Jefferson County's agricultural landscape and that appear in scale and context with their surroundings;
- F. Minimize or mitigate the potential adverse visual effects associated with the construction of Wireless Telecommunication Towers through the implementation of reasonable design, landscaping and construction practices;
- G. Ensure public health, safety, welfare, and convenience; and
- H. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

## **Section 4B.2 Classification of Wireless Telecommunication Facilities and Development Review Process**

For purposes of administering this Article, Wireless Telecommunication Facilities (hereafter "Facilities" or "Facility") shall be classified as follows:

- A. Exempt Facilities as specified in Section 4B.3
- B. Concealed Wireless Telecommunication Facilities
- C. Co-located Wireless Telecommunication Facilities
- D. Temporary Wireless Telecommunication Facilities
- E. Wireless Telecommunication Towers

Exempt Facilities are allowed by right. Prior to the issuance of a Zoning Certificate, all other types of new Wireless Telecommunications Facilities listed above require approval of a Minor Site Plan as described in the Jefferson County Subdivision and Land Development Regulations and also meeting the submittal and design requirements of this Article. Additionally, Wireless Telecommunication Towers shall require submittal of a Concept Plan and a public hearing to allow for an analysis of demonstration of need, neighborhood compatibility, impact on cultural and historic resources, and visual mitigation.

Within ten (10) days of receiving a Concept Plan application for a Facility the Department shall notify the applicant in writing (1) that the application is sufficient or (2) the particular information needed as required by the provisions of this Article and the Jefferson County Subdivision and Land Development Regulations, to constitute a sufficient application. Once the additional information is received and the application is found to be sufficient, the Department shall notify the applicant of that finding.

## **Section 4B.3 Exempt Facilities Allowed by Right**

This section covers antennas other than those associated with commercial wireless telecommunication facilities, such as facilities associated with governmental users, television and radio broadcast facilities, and private business users requiring an antenna support structure of twelve feet or less. Antennas allowed by right subject to special requirements of this section include:

- A. Amateur radio facilities mounted on supporting structures less than 100 feet in height provided however, that commercial wireless providers and private business users may not co-locate antennas on an amateur radio tower irrespective of its height.
- B. Residential antennas for receiving television or AM or FM radio broadcast signals.
- C. Residential or business customer premise antennas for receiving microwave, satellite or broadcast television signals, provided such antennas are less than one meter (39.4 inches) in diameter and are mounted on a support structure less than twelve (12) feet in height.

#### **Section 4B.4 Concealed Wireless Telecommunication Facilities**

Concealed Facilities are permitted in all zoning districts. The Department may issue a Zoning Certificate for a Concealed Facility consistent with the following terms and conditions:

- A. Concealed Facilities are permitted on buildings and alternative structures (other than telecommunication towers).
- B. For purposes of this section antennas mounted on electric transmission towers shall qualify as Concealed Facilities provided that antennas associated with such facilities do not extend more than twenty (20) feet above the top of the supporting structure. Equipment enclosures associated with such facilities may be mounted on the structure, placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad, metal skid or platform, or other foundation and screened so as to make them unobtrusive.
- C. For purposes of this section antennas mounted on an electric distribution pole, utility or street lighting pole or traffic light pole shall qualify as a Concealed Facility provided antennas associated with such facilities shall not extend more than twenty (20) feet above the top of the existing support structure.
- D. Utility poles may be extended up to twenty (20) feet in height to accommodate antennas for a Concealed Facility.
- E. For any utility pole height increases in the Harpers Ferry Overlay District, the Department shall refer the application to the Jefferson County Historic Landmarks Commission for review and comment before issuing a Zoning Certificate.
- F. Applications for such utility pole height extensions in the Appalachian Trail Overlay District shall be referred by the Department to the Appalachian Trail Conservancy and the National Park Service for review and comment prior to issuance of a Zoning Certificate.
- G. Antennas associated with Concealed Facilities, if flush-mounted on the side of a building or alternative structure, shall be camouflaged to match or complement the color and architectural texture of the surface.
- H. Antennas associated with a Concealed Facility shall not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- I. Equipment enclosures associated with Concealed Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If antennas are placed on a structure other than a building, equipment enclosures associated with the facility may be mounted on the structure or placed underground or at ground level on a concrete pad, metal skid or platform, or other foundation. If placed at ground level, such equipment enclosures shall be screened so as to make them unobtrusive.

- J. All cabling and wiring connecting antennas, equipment enclosures, and other components of Concealed Facilities shall be colored or concealed in a manner that renders them unobtrusive.
- K. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between 8:00 a.m. and 7:00 p.m.
- L. Equipment associated with a Concealed Facility not located in a public right-of-way must meet the setback requirements for the zoning district in which it is located.

#### **Section 4B.5 Co-located Wireless Telecommunication Facilities**

Co-located Wireless Telecommunications Facilities are permitted within all zoning districts. Co-location includes the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure or Concealed Telecommunication Support Structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. The Department may issue a Zoning Certificate for a Co-located Facility consistent with the following terms and conditions:

- A. Antennas associated with a Co-located Facility shall not be co-located on a support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- B. Co-located Facilities shall meet the following design standards:
  - 1. Antennas associated with a Co-located Facility located on a monopole shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
    - a. Antennas within a cylindrical radome matching the diameter of a monopole;
    - b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
    - c. Antennas mounted as an array arranged around a platform extending from the monopole.
  - 2. All equipment enclosures and other improvements accessory to a co-located Facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed twelve (12) feet in height.
  - 3. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.
  - 4. Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The

Department may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die. The landscaping requirements of this section do not apply to an application for co-location on a site with an approved site plan. The Department may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

5. Signage at any ground-based portion of a Co-located Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.
6. Before an application for a Co-located Facility can be processed, a copy of the applicant's FCC license must accompany its application. If FCC licenses for the applicant have been provided to the Jefferson County Department of Planning & Zoning in conjunction with previous wireless facility applications, the applicant may certify that such licenses remain in full force and effect.

#### **Section 4B.6 Temporary Wireless Telecommunication Facilities**

Temporary Facilities are permitted in all zoning districts. The Department may issue a Zoning Certificate for a Temporary Facility consistent with the following terms and conditions:

- A. Temporary Facilities, including but not limited to Cell on Wheels (COW), may be placed at or near the location of an existing, proposed or approved Facilities for periods up to seventy-two (72) hours for equipment or signal propagation testing purposes or, where an existing facility is temporarily unavailable due to scheduled or unscheduled maintenance, without any requirement for a permit. Where scheduled or unscheduled maintenance will extend beyond seventy-two (72) hours, the wireless provider must obtain a Zoning Certificate. The Department may issue such a certificate for up to thirty (30) days upon a showing of good cause by the applicant. Such certificate may be extended for an additional thirty (30) day period if the applicant can demonstrate that extenuating circumstances necessitate an extension.
- B. In the event of a natural disaster, catastrophic event or public emergency that either renders an existing Facility unusable, or creates an urgent need for supplemental capacity to manage the emergency, temporary facilities may be placed in any area as necessary to provide coverage or capacity for longer periods upon the authority of the Director of the Office of Homeland Security and Emergency Management, with notification to the Director of the Planning and Zoning Department.
- C. Permits may be issued by the Department for up to one week for temporary facilities needed in conjunction with scheduled special events at specific locales that are likely to generate a need for additional capacity at the event which is expected to exceed existing installed capacity.

- D. Fees for permits for Temporary Facilities shall be in accordance with the Department of Planning and Zoning schedule of fees and charges.

#### **Section 4B.7 Wireless Telecommunication Towers**

Wireless Telecommunication Towers (hereafter “Tower” or “Towers”) are permitted in all zoning districts subject to the provisions of this section. The provisions of this section apply to an application for a new Tower, as well as for a major modification to an existing Facility or Support Structure that results in a substantial change to the facility or structure, including but not limited to a height extension of more than twenty (20) feet or ten percent (10%) of the current height of a facility or structure, whichever is greater, and/or replacement of the structure.

This section is not applicable to co-location of a new antenna array on an existing structure.

##### **A. Site Plan Required**

A minor site plan shall be required for all new Towers, as well as for Major Modifications to an existing Facility or Support Structure resulting in a substantial change to the Facility or Structure. In addition to the site plan review requirements of the Subdivision and Land Development Regulations, the site plan shall include all elements of a Concept Plan as established in Subsection B, and shall address conditions established by the Planning Commission in its review of the Concept Plan.

##### **B. Concept Plan Submittal and Public Hearing Required**

In addition to the requirements for a minor site plan, a proposed Tower shall require the submittal of a Concept Plan, subject to the following requirements:

1. Required elements for a Wireless Telecommunications Tower Concept Plan shall be the same as for a site plan as established in the Subdivision and Land Development Regulations, Appendix A, Sec. I.3A, with the exception of Subsections I.3A.20-22, 24-29, 31-35.
2. The following additional elements must be submitted:
  - a. Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.
  - b. Height of the proposed tower measured from ground level at the center of the proposed structure, and height comparison to any nearby buildings or trees, or other applicable structures and natural landforms part of the site’s background and foreground landscape.
  - c. Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.
  - d. Number, size and location of proposed and existing antennas; number of co-locations possible.
  - e. Method of camouflage (if any).
  - f. Locations of known historic structures.

- g. A description of the anticipated construction and installation schedule.
  - h. Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.
  - i. Narrative addressing the design criteria of this section.
  - j. Dates, address list, and notice for Balloon Test.
  - k. Balloon Test exhibits as required in subsection G of this section.
  - l. Propagation maps as required in subsection F of this section.
  - m. Any other relevant information.
  - n. Additional application requirements of subsection H of this section.
3. Submittal and review of a Concept Plan shall follow the review process and timeline established in Sections Sec. 24.119 – 24.122 of the Subdivision and Land Development Regulations, with the following exceptions:
- a. The application shall be exempt from 24.120A, Agency Reviews, and 24.120D, WVDOH, except as otherwise provided in this subsection.
  - b. Following the Department’s determination of the sufficiency of a Concept Plan application:
    - i. The Department shall notify the Jefferson County Historic Landmarks Commission of an application filing.
    - ii. The Applicant shall provide a copy of the completed Concept Plan application to the Appalachian Trail Conservancy and the National Park Service, if required by the Cultural and Historic Resources Review standards of this section.
  - c. The Concept Plan shall be reviewed at a public hearing conducted at a scheduled Planning Commission meeting. The scope of this public hearing shall include a demonstration of need as required under this article, neighborhood compatibility, impact on cultural and historic resources, visual mitigation, the submittal and design criteria of this article, and the compatibility of the facility proposal with the Comprehensive Plan, as well as any relevant information presented by any person that addresses the purpose and intent of this Article. The Planning Commission shall review the proposed Tower for compliance with the standards in this article and, if applicable, provide conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in the Department’s approval of the site plan.
  - d. Before the Department may approve a site plan for a Tower, the Planning Commission must find, by a majority vote, that the Concept Plan application complies with this article, and that the application is consistent with the Comprehensive Plan.

C. Retention of Consultants

The Department may elect to retain outside consultants or professional services to review a Concept Plan or site plan application for a Tower and to make recommendations on

relevant issues including, but not limited to, verification of the applicant's compliance with the provisions of this article, analysis of alternatives, conditions of approval, and compliance with State and Federal rules and regulations at the applicant's expense. Fees charged to the applicant shall not exceed the actual cost of services rendered.

#### D. Applicant's Burden of Proof

The applicant for a site plan for any Tower bears the burden of demonstrating by substantial evidence in a written record that a *bona fide* need exists for the proposed structure at its proposed height and location-as required in subsection F, "Demonstration of Need, and that it has met all submittal and design criteria in this Article.

#### E. Proof of Eligibility

Speculative Towers are prohibited. Before an application for a Tower can be processed, a copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the tower within six (6) months of issuance of a certificate of occupancy for the Tower. Such demonstration shall include submittal of an affidavit by the FCC licensee(s), and a copy of each wireless provider's FCC license. If such FCC licenses have been provided to the Department in conjunction with previous tower applications, the applicant may certify that such licenses remain in full force and effect.

#### F. Demonstration of Need

As part of its application submission for a Concept Plan and for a site plan the applicant shall be required to submit propagation maps demonstrating a technical need for its proposed Tower and justifying the height of its antennas on the structure. One propagation map shall depict existing coverage without the proposed site and another depicting coverage with the proposed site. Such maps shall identify all adjacent sites whether existing, approved or proposed, and each map shall be accompanied by an engineer's affidavit attesting to the parameters or variables used to create the map.

Such propagation studies shall be submitted in both hard copy and in electronic format to facilitate information sharing, inclusion on the county's web site and to otherwise maximize public awareness.

#### G. Balloon Test

1. An applicant shall conduct a balloon or crane test to simulate the maximum height of the proposed Tower. Following the test, the applicant shall submit color photo simulations showing the proposed structure as it would appear viewed from the closest residential property or properties and from adjacent roadways. Photographs should be taken from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and from up to five significant structures or locations identified by the Department. A map shall be supplied identifying the location of each photo. Before and after photo exhibits will be presented.
2. Notice of the dates and times of such tests shall be mailed to all property owners within a one-quarter mile (1320 feet radius) from the proposed location, in addition to the Historic Landmarks Commission at least ten (10) days prior to such tests. The

applicant shall utilize address and owner information on file at the Jefferson County Assessor's Office. Such notices shall designate a primary date and an alternate date in case of inclement weather. Notices shall state that there is an application to the Planning Commission for a Wireless Telecommunication Tower on the property and provide the file number. The Department shall review and approve the sufficiency of the notice and the list of addresses prior to mailing. An affidavit of mailing accompanied by a list of recipients and addresses shall be included in the application file.

3. Such notice shall also be published in the legal advertisements section of a newspaper of general circulation in Jefferson County at least ten (10) days prior to such tests. Such notices shall designate a primary date and an alternate date in case of inclement weather. The newspaper's affidavit of publication shall be submitted as part of the application file.
4. In the event the applicant seeks to increase the height of the proposed Tower, or move its location more than one hundred (100) feet laterally, from that stated in its original notices, additional notice shall be required to be given consistent with the above requirements.

#### H. Preferred Structures and Locations Policy

1. Co-location Encouraged. Prior to the approval of the construction of a new Tower, it is the policy of Jefferson County to encourage co-location of wireless facilities in the following locations:
  - a. Co-location of antennas on existing electric transmission towers.
  - b. Co-location and the use of existing or approved towers, buildings or alternative structures such as buildings, water towers, silos, church steeples, and utility poles more than fifty (50) feet in height within a one-quarter mile radius of a proposed Tower, where appropriate.
2. Preferred Support Structures. In light of Jefferson County's agricultural, and increasingly residential character, it is the policy of Jefferson County that for Facilities located outside the Industrial-Commercial zoning district, support structures for antennas are desired in the following descending order of preference:
  - a. Silos
  - b. Other Alternative Structures
  - c. Monopoles
  - d. Lattice Towers
3. Preferred Locations. For new Towers, it is the policy of Jefferson County to encourage use of the following facilities or locations, in descending order of priority:
  - a. The Industrial - Commercial District
  - b. Non-residential areas screened by existing vegetation and located outside of the Industrial - Commercial District

4. Application Requirements. In furtherance of the Preferred Structures and Locations Policy in this Article, the following provisions shall apply to an application for a site plan for a Tower:
- a. The application must demonstrate that the proposed Tower is designed structurally, electrically, mechanically and in all other respects to accommodate additional wireless users unless the applicant demonstrates that structure height, topography, or other factors render this requirement unfeasible. An application must include an affidavit from the tower owner affirming that, subject to exceptions for structure height, topography, or other factors which make co-location unfeasible, the tower is available for co-location.
  - b. A site plan for a Tower shall not be approved if an electric transmission tower with capacity of 230 kV or less is located above, or within twenty-five (25) feet below, the ground elevation of, and within a one quarter mile radius laterally, of a proposed Tower, unless the applicant can demonstrate that:
    - i. Sufficient easements or other interests in real property cannot be obtained to accommodate the Facility on the electric transmission tower;
    - ii. The electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
    - iii. Reasonable terms, rates, or conditions cannot be negotiated with the electric utility;
    - iv. The location of the tower will not allow the applicant to meet coverage or capacity requirements; or
    - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers.
  - c. Where suitable electric transmission towers are not available for co-location of antennas, a site plan for a Tower located outside the Industrial-Commercial zoning district shall not be approved unless the applicant demonstrates that the equipment planned for the proposed Tower cannot be accommodated on existing or approved towers, buildings, silos or other alternative structures more than fifty (50) feet in height within a one-quarter mile radius of the proposed Tower due to one or more of the following reasons:
    - i. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced modified or replaced to accommodate planned or functionally equivalent equipment at a reasonable cost;
    - ii. Existing and approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment

at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer;

- iii. Reasonable terms, rates, or conditions cannot be negotiated with the owner of the structure and/or property;
  - iv. The location of the structure will not allow the applicant to meet coverage or capacity requirements; or
  - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers, buildings or alternative structures.
- d. Antennas associated with an application for a Facility may not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.

#### I. Cultural and Historic Resources Review

1. In addition to the notification requirements of this Section, an application for a Tower shall comply with the following:
  - a. An application for a proposed tower within the Harpers Ferry Overlay District shall be provided, by the applicant, to the National Park Service for review and comment, and the applicant will provide the Department an affidavit certifying delivery.
  - b. An application for a proposed tower located within one mile of the Appalachian Trail shall be provided, by the applicant, to the Appalachian Trail Conservancy and the National Park Service for review and comment, and the applicant will provide the Department an affidavit certifying delivery.

#### J. Design Criteria

Wireless Telecommunication Towers shall comply with the following design criteria:

##### 1. Antenna Mounting Preferences

Antennas associated with a Tower shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

- a. Antennas within a cylindrical radome matching the diameter of a monopole.
- b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
- c. Antennas mounted as an array arranged around a platform extending from the monopole.

##### 2. Height Restrictions

- a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.

- b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.

3. Fall Zone

- a. With the exception of silos, Towers shall be set back from all property lines a distance equal to 110% of tower height measured from the base of the structure to its highest point. Additional easements may be acquired on adjacent properties to meet the fall zone requirement.
- b. No residential dwellings may be located in the fall zone on either the primary parcel or in any easement area on adjacent parcels.

4. Signage

Signage at any ground-based portion of a Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.

5. Lighting & Marking

Towers shall not be lighted or marked unless required by the FCC or by the FAA.

6. Electrical Supply

Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.

7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.

#### **Section 4B.8 Maintenance & Removal Bonds**

Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Planning & Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.

#### **Section 4B.9 Abandonment & Removal**

- A. Any Facility or Support Structure that is not operated for a period of twelve (12) consecutive months may be referred to the Property Safety Enforcement Agency Board for a determination of the structural soundness of the Facility or Structure.
- B. If a structure is determined to be unsound, it will be considered abandoned.
- C. The owner or operator of any Facility or Support Structure shall remove the Facility pursuant to the requirements of the Jefferson County Property Safety Ordinance.

## **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>

### **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. 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>12</sup>
22. Preschool
23. Wireless Telecommunication Facilities pursuant to Article 4B

**B. Minimum Lot Area, Height, and Yard Requirements**

1. Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4 – 1 below. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<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.<sup>5,23</sup>

**Table 5.4 - 1 Residential Growth District - Height and Yard Requirements<sup>5, 19, 23</sup>**

	Development Type	Minimum Lot Area (MLA)	Required Yards (ft)				Maximum Building
		Area per Dwelling Unit (ADU)	Front	Side	Street Side	Rear	Height (ft)*
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.

\*\*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.<sup>5</sup>

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. 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. 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. 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.*

6. Compliance with Sections 4.11 and 8.9(A)(1-9)<sup>7, 23</sup>
  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>
- 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>
- F. 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.
    - b. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.
    - c. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11 e.
    - d. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
    - e. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.
  2. Industrial Design Standards
    - a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.<sup>23</sup>
    - b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11 e.
    - c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

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

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7d. The Development Review System does allow for higher density by issuance of a Conditional Use Permit.<sup>8,23</sup>

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

1. Agricultural uses as defined in Article 2<sup>7</sup>
2. Church
3. Elementary or Secondary School
4. Vocational and/or Training Facility for Adults<sup>12, 20</sup>
5. Dwelling, Single Family
6. Mobile Home (subject to the Jefferson County Subdivision and Land Development Regulations)
7. Dwelling, Two-Family<sup>8</sup>
8. Accessory Agricultural Dwelling Unit
- ~~7.9.~~ Cottage Industry<sup>8</sup>
- ~~8.~~ 10. Home Occupation, Level 1<sup>8</sup>
- ~~9.~~ 11. Home Occupation, Level 2<sup>8</sup>
- ~~10.~~ 12. Day Care Center, Small<sup>12, 11, 15</sup>
- ~~11.~~ 13. Public Safety Facility
- ~~12.~~ 14. Cultural Facility
- ~~13.~~ 15. Farm Market (subject to the requirements for such a use in Article 8)<sup>8</sup>
- ~~14.~~ 16. Horticultural nurseries and commercial greenhouses
- ~~15.~~ 17. Hospital
- ~~16.~~ 18. Essential Utility Equipment
- ~~17.~~ 19. Accessory uses
- ~~18.~~ 20. Group Residential Facility
- ~~19.~~ 21. Bed and Breakfast (subject to the requirements for such a use in Article 8)<sup>7, 15</sup>
- ~~20.~~ 22. Publicly Owned Facility<sup>8</sup>
- ~~21.~~ 23. Wireless Telecommunications Facilities pursuant to Article 4B.<sup>10</sup>

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

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

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

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

26:28. Feed and/or Farm Supply Center

27:29. Agricultural Repair Center<sup>15</sup>

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

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

30:32. Agricultural Tourism

31:33. Farm Vacation Enterprise

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

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

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

34:37. Preschool

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

1. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.<sup>5</sup>

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

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

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. 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. 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. Light Industrial Uses
2. Commercial Uses
3. Medical/Dental/Optical Office, Small
4. Barber/Beauty Shop, Limited
5. Antique Shop
6. ATM
7. Branch Bank
8. Kennel (subject to the requirements for such use in Article 8)
9. Dry Cleaner
10. Florist
11. Restaurant, Limited
12. Restaurant, Fast Food, Limited
13. Veterinary Services
14. Video Rental Store
15. Country Inn
16. Dwelling, Single Family
17. Dwelling, Two Family
18. Dwelling, Duplex
19. Dwelling, Townhouse
20. Dwelling, Multi-Family
21. Mobile Home Parks
22. Home Occupation, Level 1

23. Home Occupation, Level 2
  24. Cottage Industry
  25. Elementary or Secondary School
  26. Hospital
  27. Vocational and/or Training Facility for Adults<sup>12</sup>
  28. Church
  29. Cultural Facility
  30. Day Care Center, Small
  31. Day Care Center, Large
  32. Essential Utility Equipment
  33. Publicly Owned Facility
  34. Public Safety Facility
  35. Accessory Uses
  36. Group Residential Facility
  37. Nursing or Retirement Home
  38. Model Home/Sales Office (subject to requirements for this use in Article 8)<sup>12</sup>
  39. Non-Profit Community Center
  40. Non/Not for Profit Commercial Uses<sup>12</sup>
  41. Preschool
  42. Wireless Telecommunications Facilities pursuant to Article 4B
- B. Standards<sup>23</sup>
1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
  2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23</sup>
- C. Other Regulations<sup>23</sup>
1. All sections of this ordinance applying to the residential growth district with the exception of Section 5.4(a) will apply to residential uses in this District.
  2. All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a). Either use must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5, 7, 23</sup>

3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>23</sup> This requirement shall not apply to a building located within a shopping center shown on an approved site plan.
4. Proposed uses in this zone do not have to comply with the distance requirements in Sections 4.6 (a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7</sup>

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

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

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

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

1. Dwelling, Single Family
2. Dwelling, Duplex
3. Dwelling, Two Family
4. Home Occupation, Level 1
5. Home Occupation, Level 2
6. Cottage Industry
7. Public Safety Facility<sup>12</sup>
8. Essential Utility Equipment
9. Medical/Dental/Optical Office, Small<sup>12</sup>
10. Group Residential Facility
11. Cultural Facility<sup>12</sup>
12. Wireless Telecommunications Facilities pursuant to Article 4B

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

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

1. Barber/Beauty Shop, Limited
2. Dry Cleaners
3. Video Rental Stores
4. Retail Food Store, Limited
5. Church

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. Restaurant, Fast Food, Limited<sup>12</sup>
- C. Setbacks
1. Residential
    - a. Section 9.7, Residential Growth standards<sup>23</sup>
  2. Commercial
    - a. 25' front, 10' side and 40' rear
    - b. Setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood.<sup>23</sup>
  3. Existing Structures
    - a. As exists not less than 6' on sides and rear.
- D. Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.
- E. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.<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 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.

## **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**

The Soils Assessment evaluates a particular parcel for development based on the soil types it possesses. The following soils types will be combined into soil groups.

Soils Type Data

Table 6.3 - 1 Soil Types and Agricultural Value Groups<sup>23</sup>

Map Symbol	Soil Series	Agricultural Value Group
AmB	Airmont, stony	5
AxC	Airmont, v. rocky	7
BaC	Bagtown, v. rocky	6
BaD	Bagtown, v. stony	6
BgE	Bagtown, x. stony	8
BnF	Bagtown, rubbly	9
BoF	Bagtown	9
Bp	Bigpool	2
CaB	Carbo, v. rocky	4
CaC	Carbo, v. rocky	5
CbC	Carbo-Rock outcrop	6
CbD	Carbo-Rock outcrop	6
CdD	Cardova	6
CmB	Clearbrook	6
CrB	Clearbrook-Berks	6
Cs	Combs	2
DsB	Downsville	3
DsC	Downsville	4
DsD	Downsville	5
DsE	Downsville	7
DyB	Duffield-Ryder	2
DyC	Duffield-Ryder	4
DyD	Duffield-Ryder	5
DyE	Duffield-Ryder	7
EgB	Edgemont	3
EgC	Edgemont	4
EgD	Edgemont	5
Fa	Fairplay	4
Fk	Funkstown	1
HbB	Hagerstown	2
HbC	Hagerstown	4
HcC	Hagerstown	4
HeB	Hagerstown, v. rocky	3
HeC	Hagerstown, v. rocky	4
HgE	Hagerstown-Opequon-RO	8
HrB	Hagerstown-Rock outcrop	6
HrC	Hagerstown-Rock outcrop	6
Hy	Holly	6
Ia	Lappans	1
Ln	Lindside	3
MhA	Monongahela	3
MoB	Monongahela	3
MxC	Myersville-Catoctin, stx	7
MxD	Myersville-Catoctin, stx	7
OaB	Oaklet	3
OaC	Oaklet	4

Map Symbol	Soil Series	Agricultural Value Group
OeB	Oaklet, v. rocky	3
OeC	Oaklet, v. rocky	4
OkC	Oaklet, v. rocky	4
OrB	Oaklet-Rock outcrop	6
OrC	Oaklet-Rock outcrop	6
PmB	Poplimento	2
PmC	Poplimento	4
PpB	Poplimento, v. rocky	3
PpC	Poplimento, v. rocky	4
PpD	Poplimento, v. rocky	5
PrC	Poplimento-Rock outcrop	6
Qm	Quarry	10
ReF	Rock outcrop-Opequon	9
RpC	Ryder-Poplimento	4
RrC	Ryder-Poplimento, v. rocky	4
RrD	Ryder-Poplimento, v. rocky	5
Sp	Speedwell	1
SrF	Stumptown-Rock outcrop	9
SvF	Sylvatus	9
SyF	Sylvatus-Rock outcrop	9
ThC	Thurmont	4
ThD	Thurmont	5
Tm	Toms	3
TxC	Trego, x. stony	7
TxD	Trego, x. stony	7
Ua	Udorthents	10
Ub	Urban land	10
Uu	Urban land - Udorthents	10
UwC	Urban land-Hagerstown	10
VeB	Vertrees	2
VeC	Vertrees	4
VrB	Vertrees, v. rocky	3
VrC	Vertrees, v. rocky	4
VsC	Vertrees, v. rocky	4
VtB	Vertrees-Rock outcrop	6
VtC	Vertrees-Rock outcrop	6
VtD	Vertrees-Rock outcrop	6
W	Water	10
WbC	Weikert-Berks	6
WbD	Weikert-Berks	6
WkF	Weikert-Berks	9
WnC	Weverton, v. stony	7
WoE	Weverton-Rock outcrop, stv	8
WrB	Wharton-Clearbrook	4
WrC	Wharton-Glearbrook	4
WtB	Whiteford	3
WtC	Whiteford	4

The points for the soils assessment are computed as follows:<sup>5</sup>

- A. Determine the area of each soil type on the property according to the map symbols.
- B. Multiply the soil type areas times the Relative Value for the soil type taken from the List of Soil Groups and Relative Values.
- C. Sum the products of the multiplication of Area times Relative Value to obtain a total for the property.
- D. Divide the total of the multiplication products by the Total Area of the property to obtain the Weighted Relative Value.
- E. Multiply the Weighted Relative Value times the 25 Soil Assessment Points. Then divide the product by 100 to obtain the allowable number of Soil Assessment Points.

Soil groups take into account a rating of best and worst individual soil types. The following 10 soil groups have been developed from the Jefferson County Soil Survey and have been assigned relative values based on their agricultural productivity (see note).<sup>5</sup>

*Table 6.3 – 2: List of Soil Groups and Relative Values<sup>23</sup>*

<u>Agricultural Group</u>	<u>Relative Value</u>
1	100
2	87
3	78
4	76
5	65
6	53
7	0
8	0
9	0
10	0

The soil groups and their corresponding values will be incorporated into a work sheet to be used to evaluate the potential agricultural value of each site.

If 50% to 65% of the total soils are rated severe for home construction or street construction, by the Jefferson County Soil Survey, add 5 points to the Land Evaluation value of the work sheet.

If over 65%, add 10 points to the Land Evaluation value of the work sheet.

The soils assessment shall not exceed 25 points.

NOTE: The development of soil groups have been determined by the USDA Natural Resources Conservation Service using corn as the indicator crop.<sup>1, 17, 21, 23</sup>

**Section 6.4 Amenities Assessment<sup>17, 21</sup>**

The amenities assessment of the Development Review System provides indicators of a site’s agricultural viability or its development potential. The following criterion are weighted with a high numerical value assigned if the site is more agriculturally viable and a low numerical value assigned if development would be more appropriate for the parcel. The procedure for the compatibility assessment is contained in Article 7.

For nonresidential projects, there is no impact on Proximity to Schools or Parks and Recreation. Therefore, these points have been added to Size of Site, Highway Problem Areas, and Roadway Adequacy as shown.

**A. Size of Site<sup>4</sup>**

This criterion reflects the importance of preserving large blocks of land as a primary goal of agricultural preservation; therefore, acreage shall be contiguous. For nonresidential projects, the points on the right will be applied.

Acres	Residential Project Points	Nonresidential Project Points
0 to 40 acres	0 points	0 points
40 to 80 acres	3 points	5 points
Over 80 acres	6 points	10 points

**B. Adjacent Development<sup>7</sup>**

This criterion assesses percentage of adjacent land that which is developed or under development. Development and development pressure includes: a subdivision of more than 5 lots, lots of less than 5 acres and all commercial or industrial uses. This measurement shall be by a computation of linear feet around the boundary of the property in question. Agricultural related industry or uses shall be considered “no development pressure.” Adjacent property includes land separated by roads, rights-of-way, railroads, and other easements. After the percentage of land under development pressure is calculated the remaining percentage of adjacent property may be considered as property where there is no development pressure. The points shall be assessed as follows:

For the property not under development pressure or not developed:

Percent	Points
0 to 40 percent	0 points
40 to 65 percent	5 points
65 to 100 percent	10 points

**C. Distance to Growth Corridor**

The distance to the growth corridor relates to the distance of the subject parcel to the boundaries of the Residential-Growth District or the Residential-Light Industrial-

Commercial District adopted within this ordinance. Measuring shall be by the closest linear distance from the property to the closest point of either of the aforementioned growth districts.

Distance	Points
Less than .25 mile	0 points
.25 mile to .75 mile	6 points
Over .75 mile	12 points

#### D. Comprehensive Plan Compatibility

This criterion shall determine whether site development is supportive of or has a negative impact on the following elements of the Comprehensive Plan: Highway Problem Areas, Compatibility of site development with designated parks or proposed parks and recreational areas and percentage of proposed affordable housing.

##### Highway Problem Areas

Number of Areas	Residential Project Points	Nonresidential Project Points
0 problem areas	0 points	0 points
1 problem area	3 points	6 points
2 problem areas	6 points	12 points

Highway Problem Area Points will be assessed as follows:

If the site is accessible to the closest 'in-county' incorporated area (using the most direct vehicular route) and an 'out-of-county' market area (Frederick, MD; Winchester, VA; Inwood, WV; Martinsburg, WV) (using the most direct vehicular route) without traveling through a Highway Problem Area as shown on the Comprehensive Plan Highway Problem Area Map the project would score a 0 for this criterion.<sup>23</sup>

If the site is accessible to either one or the other without traveling through a Highway Problem Area the project would score a 3 for this criterion.<sup>23</sup>

If a Highway Problem Area intersects the most direct vehicular route to the closest in-county incorporated area and the closest out-of-county market area, the project would score a 6 for this criterion.<sup>23</sup>

##### Affordable Housing

Percent	Points
25% affordable housing is proposed	0 points
10% affordable housing is proposed	3 points
No affordable housing is proposed	6 points

Park/Recreational

Proposal	Points
Proposing a 5 acre park or 10% of gross acreage (whichever is greater) with amenities and land dedicated to and accepted by Jefferson County Parks and Recreation Commission	0 points
Located within 2 miles from an area marked on the Comprehensive Plan Parks and Recreation map	3 points
Located farther than 2 miles from an area marked on the Comprehensive Plan Parks and Recreation map	6 points

Distances for Parks and Recreation will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest park or recreation area as shown on the Comprehensive Plan map of Parks and Recreation Areas.

For nonresidential projects, parks and recreation points will be reassigned to Highway Problem Areas: 0, 6, and 12.

E. Proximity to Schools<sup>4</sup>

Distance	Residential Project Points	Nonresidential Project Points
Less than 2 miles	0 points	For Nonresidential projects points are reassigned to Roadway Adequacy and Size of Site.
2 to 4 miles	4 points	
Over 4 miles	8 points	

The purpose of assessing the proximity of schools to new development is to avoid excessive busing of students. Distances for schools will be measured by vehicular miles from a subdivision entrance by the most direct route to the entrance of the appropriate school.

For nonresidential projects the proximity to schools points will be reassigned to roadway adequacy: 0, 10, and 16 and size of site: 0, 5, and 10.

F. Roadway Adequacy<sup>4</sup>

Road Type	Residential Project Points	Nonresidential Project Points
Primary or Four Lane Road	0 points	0 points
Secondary	6 points	10 points
Local Service	12 points	16 points

Point values for this criterion are assigned based on the designation of the Comprehensive Plan Highway Classification map. Section 6.5(d) evaluates the operational proximity of the site to designated highway problem areas.

### 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.
- E. 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>

## **ARTICLE 7: PROCEDURAL REQUIREMENTS FOR REVIEW**

### **Section 7.1 Purpose**

The Procedural Requirements section of the Ordinance details the procedures to review development utilizing the zoning district regulations and/or the Development Review System. All plans and development approved shall comply with the standards contained in this Article.<sup>23</sup>

### **Section 7.2 Zoning District Principal Permitted Uses**

All uses listed as principal permitted uses within a zoning district shall be developed subject to the Jefferson County Subdivision and Land Development Regulations.<sup>23</sup>

### **Section 7.3 General Development Review System Requirements**

- A. If a proposed use is not listed as a principal permitted use in a zoning district, the applicant must submit a Development Review System application subject to the requirements of Section 7.4.<sup>23</sup>
- B. Filing an application with the Planning and Zoning Staff is the first of several stages within the Development Review System. Those stages are listed below.
  - 1. Filing the application
  - 2. Departments of Planning and Zoning Staff Evaluation of the Development Review System<sup>23</sup>
  - 3. Compatibility Assessment Meeting
  - 4. Public hearings
  - 5. Board of Zoning Appeals decision on the issuance or denial of the Conditional Use Permit<sup>2, 23</sup>

### **Section 7.4 Filing the Application**

- A. The owner or the owner's agent proposing to develop land that is not a principal permitted use in the district where it is located shall consult with the Departments of Planning and Zoning. Fifteen (15) copies of a sketch plan detailing the project shall be submitted with an application and fifteen (15) copies of the support data that will enable the project to be evaluated by the Development Review System, at least ten (10) days prior to the scheduling of a Compatibility Assessment Meeting. This meeting will occur within thirty (30) days from the date that the meeting is scheduled by the staff. Copies of the application, sketch plan, and development review data shall be available for public review in the Planning Office at such time as the proposed development is advertised in the newspaper.<sup>1, 2, 7, 17, 21, 23</sup>
- B. The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a

reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Departments of Planning, Zoning, and Engineering, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.<sup>23</sup>

C. The sketch plan should be accompanied by a tract location map; a soils report indicating the soil types on the parcel and a map delineating the boundaries of each soil type; and the necessary support data, to evaluate the site by the Development Review System, listed below.

D. Support Data

1. Name and address of owner/developer.
2. Name and address of contact person.
3. Type of development proposed.
4. Acreage of original tract and property to be developed.
5. General description of surface conditions (topography).
6. Soil and drainage characteristics.
7. General location and description of existing structure.
8. General location and description of existing easements or rights-of-way.
9. Existing covenants and restrictions on the land.
10. Intended improvements and proposed building locations including locations of signs.
11. Intended land uses.
12. Earth work that would alter topography.
13. Tentative development schedule.
14. Extent of the conversion of farm land to urban uses.
15. Affected wildlife populations.
16. Ground water and surface water and sewer lines within 1320 feet.
17. Distance to fire and emergency services that would serve the site.
18. Distance to the appropriate elementary, middle, and high school.
19. Traffic characteristics - type and frequency of traffic; adequacy of existing transportation routes.
20. Demand for school services created by this development.
21. Proximity and relationship to historic structures or properties within two hundred (200) feet.

- 22. Proximity to recreational facilities.
- 23. Relationship of the project to the Comprehensive Plan.
- E. The developer shall submit a list of all property owners, and their addresses, adjacent to and confronting the property which is to be developed.
- F. Payment of fees - Within one week of the submittal of a Development Review System application, all required fees must be paid.<sup>23</sup>
- G. The Zoning Administrator shall determine if the sketch plan and support data are adequate.<sup>8, 17, 21, 23</sup>

**Section 7.5 Planning and Zoning Staff Evaluation of the Development Review System**

- A. The staff will evaluate all applications for the proposed land use in conjunction with Article 6 and all other applicable sections of the Zoning and Land Development Ordinance and other pertinent ordinances governing development in the County.<sup>23</sup>
- B. Staff will notify the adjacent and confronting property owners of the date, time, and place of the Compatibility Assessment Meeting by registered mail. Notification requirements of Section 3.4A(3)(b) shall apply.<sup>1, 23</sup>
- C. A North American Industrial Classification System (NAICS) code will be assigned to the proposed project. Once the classification is agreed upon, the NAICS code shall be binding. Any change of use shall require submittal of a new application in accordance with Article 7.<sup>23</sup>

**Section 7.6 Compatibility Assessment Meeting**

- A. The Compatibility Assessment Meeting allows the adjacent and confronting property owners and all other interested parties the opportunity to hear the Applicant's presentation and proposal. The presentation will address the compatibility of the project to the existing areas adjacent to the site. Following the Applicant's presentation, attendees may ask questions or provide comments. Any discussion shall be limited to the proposal's compatibility as presented rather than whether the site should be developed by any other use. At the end of the discussion, the staff shall summarize the positions presented by those in attendance. If the majority of those in attendance are in agreement that the staff record is accurate, the meeting will end. If there is need for clarification of a particular issue the staff will allow additional time for clarification before ending the meeting.<sup>23</sup>
- B. During the Compatibility Assessment Meeting, those who participate should address, but are not limited to, the following criteria to determine compatibility of the proposed project:
  - 1. Adopted Federal, State and local regulations;
  - 2. Similarity of proposed development type (residential, commercial, industrial, agricultural, etc.) to existing development types;

3. In a residential project, similarity of the density of the proposed development to existing density in the neighborhood;
  4. Adequacy of roads and highways to accommodate traffic to be generated by the development, with particular attention to dangerous intersections designated by the State Roads Commission or the State Police;
  5. Present and future transportation patterns in the area;
  6. Consistency with land use plans and regulations of incorporated municipalities immediately adjacent to the proposed development;
  7. Any variance which is known to be required at the time of submittal;
  8. The relationship of the proposed change to the adopted Comprehensive Plan; and
  9. All items submitted with the application.<sup>17, 21</sup>
- C. Staff shall monitor and record the meeting. A time limit, as referred to in Section 7.7c may be imposed if there are a large number of speakers. Staff may comment on the proposed development's conformance to applicable State, Federal and Local codes.<sup>17, 21, 23</sup>
- D. If not all issues raised at the Compatibility Assessment Meeting were resolved at that meeting, a public hearing of the Board of Zoning Appeals will be required. Staff shall prepare a report summarizing the developer's proposal, the agreed upon conditions, and any other pertinent data and will advertise for the public hearing. A public hearing in conformance with this article will be conducted no fewer than 30 days but no more than 60 days from the date of the Compatibility Assessment Meeting. At the public hearing, the Board shall take action as described in Section 7.6F.<sup>1, 17, 21, 23</sup>
- E. If all issues raised at the Compatibility Assessment Meeting were resolved at that meeting, no public hearing shall be required. At the next Board of Zoning Appeals meeting, the Board shall take action as described in Section 7.6F.<sup>2, 17, 21, 23</sup>
- F. The Board of Zoning Appeals shall issue, issue with conditions, or deny the conditional use permit. The standards governing the issuance of the Conditional Use Permits shall be: successful LESA Point application, Board of Zoning Appeals resolution of unresolved issues; and, evidence offered by testimony and findings by the Board of Zoning Appeals that the proposed development is compatible with the neighborhood where it is proposed.<sup>2, 17, 21, 23</sup>
- G. A Conditional Use Permit shall be valid for the time period identified in Sec. 3.2G of this Ordinance.<sup>23</sup>

### **Section 7.7 Public Hearings for Development Review System<sup>23</sup>**

- A. Unless otherwise superseded by the Board of Zoning Appeals Rules of Procedure, a public hearing for a Development Review System application shall be conducted in accordance with this section.
- B. The public hearing will be conducted by the Board of Zoning Appeals. The purpose of the meeting is to hear the staff's report of the issues and concerns raised at the Compatibility Meeting. Any comments relative to the validity of the staff's report should

be presented at this meeting. Concerns that have been addressed and agreed upon as accurate by the majority of those present at the Compatibility Assessment Meeting should not be addressed at this hearing. Speakers shall be limited to resolution of issues which could not be resolved at the Compatibility Assessment Meeting and the compatibility of the project within the neighborhood.<sup>1, 17, 21</sup>

- C. All public hearings shall have time limits allotted to those who speak, as follows: the applicant or agent shall have 30 minutes for a presentation, each group who speaks may have 15 minutes, each individual who speaks is allotted 5 minutes, the applicant or agent is allowed 15 minutes for rebuttal. The time limit provision within this section may be modified by the Board of Zoning Appeals Chairperson in the event that there are a large number of persons to speak at a particular hearing. The Board shall announce any change to this section at the beginning of the hearing.<sup>17, 21</sup>
- D. Notification requirements of Section 3.4A(3)(b) apply.
- E. The Board of Zoning Appeals shall render a decision no more than 60 days after the public hearing.<sup>17, 21</sup>

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

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

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

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

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

### **Section 8.2 Barns and Feeding Pens<sup>23</sup>**

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

### **Section 8.3 Bed and Breakfast<sup>23</sup>**

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

### **Section 8.4 Kennels<sup>23</sup>**

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

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

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

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

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

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

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

Design Standards for Jails, Prisons and/or Penal Institutions are as follows:<sup>5</sup>

- A. All jails shall have direct access to a primary road as defined by the Jefferson County Comprehensive Plan. Such road shall have a level of service no worse than Level C.
- B. No residential subdivisions, schools, churches or institution for human care shall be within 2000' of the subject property. However, this does not prevent such use from locating within 2000' of a jail, prison or penal institution.
- C. Setbacks:
  - 1. Front 1,000 Feet
  - 2. Sides 1,500 Feet
  - 3. Rear 1,500 Feet

### **Section 8.8 Hunting, Shooting and Fishing Clubs<sup>23</sup>**

- A. Hunting, Shooting and Fishing Clubs may include the following accessory uses:
  - 1. Private restaurant that seats no more than 80 patrons that are members and guests of members.
  - 2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
  - 3. Private lodge facilities of up to 50 units that serve members and guests.<sup>20</sup>
  - 4. Shooting ranges for use of members and guests of members.
- B. Standards for Hunting, Shooting and Fishing Clubs<sup>20</sup>
  - 1. 75 foot setback for all structures and parking.
  - 2. 150 yard setback for all shooting facilities.
  - 3. Height
    - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
    - b. 35 feet for new structures
  - 4. Landscaping requirements of this Ordinance apply, with the following exception:
    - a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
  - 5. Minimum of 150 acres under common ownership.
- C. Special Exceptions for Hunting, Shooting and Fishing Clubs<sup>20</sup>
  - 1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is

compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

**Section 8.9 Industrial and Commercial Uses<sup>23</sup>**

A. Industrial and commercial uses in all districts shall comply with the following standards:

1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)
Residential Uses in R.L.C. District	65 dB(A)	55 dB(A)
Commercial Uses	70 dB(A)	60 dB(A)
Light Industrial Uses adjacent to noise source	85 dB(A)	80 dB(A)

The following sources of noise are exempt:

- a. Transportation vehicles not under the control of the industrial use.
- b. Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

2. Odor

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

3. Smoke

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelman Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

#### 4. Ambient Air Quality Standard

##### Particulate Matter

##### Suspended

Annual Arithmetic Mean ug/m	65
24-hour Maximum b, ug/m	140

##### Settleable

Annual Arithmetic Average, mg/cm <sup>3</sup> /month	0.35
Monthly Maximum	0.7

#### 5. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

#### 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

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 1/2 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 zones provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.<sup>8</sup>

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

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

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

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

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings of up to 400 attendees with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance; provided, however, that the maximum square footage for a Cottage Industry shall not apply to a proposed Rural Reception/Event Facility, Small. If these requirements are not complied with, the Cottage Industry permit can be revoked.

Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A(1) of this Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well adjacent lots in the Rural District.

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

A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and is meets all of the following criteria: (a) is limited in size to a maximum of 1,700 4,000 heated square feet, gross floor area; (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance; (c) is located on a property of at least 10 acres in area; and (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.

## **ARTICLE 9: EXCEPTIONS**

### **Section 9.1 General**

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations.

### **Section 9.2 Building Height Limitations**

Building height limitations shall not apply for public utilities, agricultural uses, communication poles and towers, chimneys, steeples, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire or observation towers, monuments, or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 4B.<sup>7, 10, 22</sup>

### **Section 9.3 Lot Area Modification**

In any district where a single-family dwelling is permitted, a dwelling may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this ordinance, provided:

- A. The lot or parcel was lawfully created in compliance with the applicable subdivision regulations in effect at the time the lot was created; and<sup>23</sup>
- B. Health Department regulations can be met.

### **Section 9.4 Setback Modifications**

- A. Where the average setback line of at least two (2) existing buildings on lots which are on the same side of the street or road within two hundred (200) feet of the lot in question is less than the minimum setback prescribed by this ordinance, the minimum setback line shall be the average setback line of all buildings within two hundred (200) feet of the proposed building. However, in no case shall the setback line be less than thirty-five (35) feet from the centerline of any abutting road or street.
- B. A structure may be located on a common side or rear lot line of contiguous property owned by the same entity. Provided, however, that the structure shall only be a single family dwelling or an accessory structure. Also provided, however, that the contiguous lots shall be treated as one lot for all purposes by the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations.<sup>5, 23</sup>
- C. Subdivision signs, school bus shelters and/or mailboxes do not have to comply with setback restrictions provided they are shown and approved on the preliminary or final plat in the subdivision process. In subdivisions approved prior to this amendment, subdivision signs school bus shelters and/or mailboxes can be built as shown on the plat or be replaced in the same general location.<sup>12, 23</sup>

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

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

## Section 9.6 Accessory Structures

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

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

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

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

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

Residential Growth District<sup>23</sup>

Single family residences --

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single family residences --

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8'side	and	12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

**Section 9.8 Seasonal Uses**<sup>5,7</sup>

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A(3)(b) apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>

## **ARTICLE 10: PROVISIONS FOR SIGNS**

### **Section 10.1 Purpose of Sign Provisions**

The purpose of this section is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use.

It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.

### **Section 10.2 Geueal Provisions**

- A. No sign shall be erected, hung, or placed in any district except as provided in this Ordinance. No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- B. No zoning permit shall be required for the repainting or repairing of a sign.
- C. No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road.<sup>2, 17, 21, 23</sup>
- D. No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- E. No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- F. No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- G. No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- H. No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- I. No animated signs, as defined by Section 2.2 are allowed.

### **Section 10.3 Permitted Signs Without Zoning Permit**

- A. Signs posted upon property relating to private parking or warning the public against trespassing or against dangers of animals.
- B. Municipal, County, State and Federal signs, including necessary traffic signs.

- C. Historical markers, monuments, or signs erected by a public authority.
- D. Plates on residential structures or premises giving the name or address of the occupant, mailboxes, papertubes, and similar uses customarily associated with residential uses.
- E. A sign indicating the name and/or premises or accessory use of a home for a home occupation or professional purpose, not exceeding the maximum size for such a sign as permitted in Article 4A of this ordinance.
- F. A sign not exceeding twenty-five (25) square feet on a farm, advertising farm products primarily grown on the premises.
- G. Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of a public event.
- H. A temporary real estate sign designating the zoning classification of the parcel, not exceeding twenty (20) square feet and being located on the subject property for sale or lease
- I. Building contractors', subdivision and/or professional person' temporary signs on buildings or land under construction but not to exceed one hundred (100) square feet.
- J. Election signs, provided that unsuccessful candidate shall remove signs within 15 days after a primary or special election. All signs shall be removed within 15 days after the general election. Signs shall not interfere with traffic visibility.
- K. All temporary signs shall be removed thirty (30) days after the event, unless otherwise specified in Article 10.

#### **Section 10.4 Signs Requiring a Zoning Permit**

- A. Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>2</sup>
- B. Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. No sign shall be attached to the side of the building that faces an adjoining residence. All signs placed on a property whose use is governed by the Development Review System is subject to Section 10.4 (e).
- C. Individual business or industrial establishments may erect a freestanding business sign, provided the lot frontage is at least forty (40) feet. The freestanding sign shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way, and that no part of the sign is closer than five (5) feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed thirty-five (35) feet. Businesses or industries having a frontage on more than one street may have an additional freestanding sign for each street frontage, provided that the total area for all freestanding signs does not exceed 600 square feet. Where the lot adjoins a residence and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign

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

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

## **Section 10.5 Special Exception Uses**

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

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

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

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

- a. Outdoor advertising signs including billboards. ~~The may be approved by the~~ Board of Zoning Appeals shall determine if ~~such a sign~~ conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.<sup>17, 21</sup>
- b. Detached “Accessory Agricultural Dwelling Units” for agricultural purposes, such as units for occupancy by farmworkers or caretakers, may be approved based on the Board’s evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. One unit meeting the definition of “Accessory Agricultural Dwelling Unit” may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exemption in accordance with this Section.
- c. Use of existing structures and outdoor areas as “Rural Reception/Event Facilities” for weddings and similar events in the Rural, Village, Residential Growth, and Residential-Light Industrial-Commercial Districts. Such a land use may be approved based on the Board’s evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.

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

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

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

**Section 11.1 Non-Residential Parking Standards**

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

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

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

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

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

C. Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis, and require less than 30 spaces. The applicant must provide an exhibit that demonstrates that the parking will occur on usable level ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.

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

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

Spaces shall be required per residential uses as follows:

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

## ARTICLE 12: MAP AND TEXT AMENDMENTS

### Section 12.1 Purpose

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

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

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

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

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

### **Section 12.3 Procedure for Map Amendment by Petition<sup>25</sup>**

#### **A. Map Amendments by Landowners**

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

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

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

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

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 one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

The Planning Commission may opt to proceed on a proposed map amendment by informal written request for action to the County Commission by submitting the same information required above styled as a "Request for Action" rather than as a "Petition."

**Section 12.4 Procedure for Initiating a Zoning Ordinance Text Amendment<sup>25</sup>**

**A. Text Amendments by Those Other Than County or Planning Commission**

As WV Code §8A allows only the Planning Commission to file a formal petition for a Zoning Ordinance text amendment, the procedure for processing a Zoning Ordinance text

amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting. The request and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission may refer the proposed amendment to the Historical Landmarks Commission or other appropriate body for comment and shall refer the proposed amendment to the Planning Commission in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended, to provide advice on the consistency with the Comprehensive Plan. If the County Commission decides to consider the request, a Public Hearing would be required in order to amend the Zoning Ordinance. The Planning Commission may hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.

**B. Text Amendments by Those Other Than County or Planning Commission (Alternate Process)**

Any person or any board, commission or bureau of Jefferson County may submit a proposed Zoning Ordinance text amendment to the Planning Commission for consideration within its work plan at a regular Planning Commission meeting. Such a request must be submitted in writing 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 request will be presented. Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The Planning Commission, with the advice of staff, can determine if and when to undertake such a request in light of other work plan tasks and development review activities are currently under consideration. If the Planning Commission decides to consider the request, a Public Hearing would be required and the Planning Commission would need to determine if the request is consistent with the Comprehensive Plan in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended. The Planning Commission would then make a recommendation regarding the potential text amendment to the County Commission who would also be required to hold a Public Hearing.

**C. Text Amendments by the Planning Commission**

If the Planning Commission determines that a text amendment to the Zoning Ordinance is required in accordance with its work plan, for the purpose of improving or clarifying the ordinance, or for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2(d), and make a recommendation for action to the County Commission through a regular agenda request process. Any such amendment

proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan.

With its recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at dates to be determined by the County Commission to receive comment and take action on the proposed amendment.

D. Text Amendments by the Planning Commission by Petition

The Planning Commission may alternatively submit a text amendment by petition to the County Commission. The procedure for processing a formal text 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 text 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. Such petitions for a text amendment shall be clearly labeled as “§8A-7-9 Petition” in the heading and contain the following information:

1. Substantiation for the request;
2. Notation that said text amendment applies county-wide;
3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan.

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

**APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>23</sup>**

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

Zoning District	Land Use	Land Use Subtype	Minimum Lot Area (MLA) in square feet***	Area per Dwelling Unit (ADU) in square feet	Lot Width (feet)	Maximum Building Height (feet)*	Setbacks (feet)			
							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
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"
	Duplex dwelling unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"
	Townhouse	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20
	Multi-family dwelling	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	Dwellings		40,000	N/A	100	35	40	15	‡	50
	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								

\* 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.

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

All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District)  
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'.

**APPENDIX B: NON-RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>23</sup>**

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

Zoning District	Development Type	Minimum Lot Area (MLA)	Minimum Lot Width	Maximum Building Height*	Impervious Surface Limit	Setbacks		
						Front	Side	Rear
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25'		
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25'	50' (or 25' if adjacent to industrial use)	
	Industrial	3 acres***	N/A	75	90%	50' (or 25' if adjacent to industrial use)		
Residential/Light Industrial/Commercial	Commercial or Industrial	<i>See Industrial-Commercial District</i>						
Rural	Churches	2 acres	200	35	N/A	25	50	50
	Schools, Grades K-4****	10 acres +	500	35	N/A	100		
	Schools, Grades 5-8****	20 acres +	500	35	N/A	100		
	Schools, Grades 9-12****	30 acres +	500	35	N/A	100		
	Hospitals	10 acres	500	35	N/A	100		
	Other Rural principal permitted uses	40,000 sq. ft.	100	35	N/A	40	50	50
	Commercial or Industrial**	<i>See Industrial-Commercial District</i>						
Village District	Commercial <sup>‡</sup>	N/A	N/A		N/A	25	10	40
	Industrial**	<i>See Industrial-Commercial District</i>						
Residential Growth	Commercial or Industrial**	<i>See Industrial-Commercial District</i>						

\*These yard requirements are also for an approved commercial or industrial use proposed for any other zone. [Source: Section 5].

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

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

\*\*\*\*For schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly. [Source: 5.7(b)]

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

<sup>‡</sup>Setback may be reduced if adjacent to industrial use.

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

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

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

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

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

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

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

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district

\* = Limited permitted uses

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



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: 30 minutes

Date Requested – 1<sup>st</sup> Choice: December 19, 2013

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

*Jan 2 2014*

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

Subject: Follow up Workshop/Discussion to 11-21-13 Public Hearing input on proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance; including 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 and possible Action

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

On November 21, 2013, the Jefferson County Commission held a Public Hearing to consider public input regarding proposed Zoning Ordinance Text Amendments (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance affecting multiple sections of the Zoning and Land Development Ordinance noted above. The record was held open until December 5, 2013 for additional written comments. Attached is a matrix which summarizes all of the comments received with proposed staff responses to each comment for Commission consideration.

As it does appear that there are a number of concerns regarding the timing of the proposed new Zoning District categories, staff would like to remind the Commission that in addition to the creation of new zoning districts addressed in new sections 5.11 through 5.17, other related amendments to the Zoning Ordinance were identified by staff, members of the public, and the Planning Commission during the development and public review of the draft ordinance. These additional amendments did not receive negative public comment and staff would like to recommend that the County Commission move forward with the approval of these amended sections even if the new Zoning categories are tabled. The relevant sections are noted below:

Section 5.8B

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

Section 6.3

Clarifies that the soils component of the LESA scoring process is not applicable when the development is proposed to be located in an existing building, on an existing paved or

disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.

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

#### Section 6.5

Section 6.5D moved to Section 6.3 to improve the clarity of Article 6.

#### Sections 5.4, 5.6, 5.7, 5.8, 5.10 and Appendices A, B and C (formatting changes only)

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

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

All Development Standards and/or Minimum Lot Area, Lot Width and Yard Requirements replaced with the statement “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.”

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

I move to approve the Proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance; including 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;

OR

I move to approve the following proposed revisions that were heard as a part of a larger Proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance, as detailed above:

- 1) Section 5.8B
- 2) Section 6.3 and 6.5D
- 3) Sections 5.4, 5.6, 5.7, 5.8, 5.10 and Appendices A, B and C (formatting changes only)

Attachments:

- Matrix outlining comments received
- Scanned comments received

**Proposed Zoning and Land Development Ordinance Text Amendment regarding New Commercial and Industrial Zoning Categories (ZTA 12-01)**  
**Public Comments Received at 11/21/13 County Commission Public Hearing**  
 (includes written comments received before & after the public hearing through 12-05-13)

#	Request	Staff Comment
<b>General Comments</b>		
	JCDA submitted a letter in support of the seven New Zoning Categories stating that the existing two categories are too broad for development and strategic planning; additional categories would allow for efficient and streamlined planning and development would allow for efficient and streamlined planning and development. "The current zoning makes no distinction between the creation of a small scale commercial undertaking and a highly trafficked strip mall; both fall under the broad category of Commercial/Industrial."	Approve proposed amendment for new zoning categories.  Staff agrees that moving forward with the proposed text amendment will permit applicants to have a greater variety of choices when applying for a Zoning Map Amendment and will not compromise the integrity of the Comprehensive Plan. It should be noted that the 2004 Comprehensive Plan noted the short coming of the existing zoning categories and this proposed change is in keeping with the 2004 Plan
	In favor of amending existing Zoning Categories but an amendment should be delayed until Comprehensive Plan is complete in order to ensure compliance with Comp Plan. (10 Comments)	Postpone amendment until Comprehensive Plan is complete.  If approved, the Envision Jefferson 2035 (2014 Comprehensive Plan) will reference the approved categories in the Future Land Use discussion.
	Table amendment until Comprehensive Plan is completed and/or Department Staff is fully staffed. (1 comment)	Postpone amendment until Comprehensive Plan is complete and/or Department Staff is fully staffed.  If approved, the Envision Jefferson 2035 (2014 Comprehensive Plan) will reference the approved categories in the Future Land Use discussion.
	No need for new zoning categories at all; too much growth. (1 comment)	Disregard amendment altogether.  The creation of the new zoning categories does not affect the amount of growth in Jefferson County; it merely gives interested parties more choices if pursuing future Zoning Map Amendments.
	Opposes Neighborhood Commercial and Planned Neighborhood Development categories. (2 comment)	Remove 2 proposed categories from consideration.  The County Commission could determine to choose to approve other five proposed zoning categories and postpone action on these two categories to a future time.

November 21, 2013

Jefferson County Commission  
124 E. Washington Street  
Charles Town, WV 25414

Dear County Commissioners:

We are writing to ask you to postpone any further action on proposed amendments to the county Zoning and Land Development Ordinance until the new comprehensive plan is completed.

The proposed expansion of commercial and industrial zoning districts from two to seven is a significant change in the county's ordinance. As you well know, the locations of the proposed new zoning districts are linked directly to the county's comprehensive plan.

Because of the significance of these changes and their direct relationship to the comprehensive plan, the county commission voted wisely in the fall of 2012 to delay further consideration of the proposed changes until after the 2014 comprehensive plan was completed.

Now the commission is considering a 180° turn around, that is, linking the proposed far-reaching changes to a nearly decade-old comprehensive plan.

The proposed changes in commercial and industrial zoning will have substantial impacts effects throughout the county well into the future. It is incomprehensible to us that the commission would turn back 10 years when the county is on the cusp of producing a new comprehensive plan. It is also incomprehensible to us that a commission trying to position this county as a competitor for business start-ups and relocations with aggressive and savvy neighboring counties in Virginia and Maryland would look to the past instead of the future.

We can only ask why the commission has devoted so many taxpayer dollars and asked citizens to donate countless hours working on the 2014 plan only to repudiate it just as it could be of immense value in guiding proposed land-use changes.

In closing, we support the commission's efforts to attract new businesses to the county but we cannot support a regressive approach to those efforts based on decade-old assumptions, data, and analyses.

We urge you to vote to suspend any further action on the proposed commercial and industrial zoning districts and related text changes until after the 2014 comprehensive plan is released.

Sincerely,

Susan Rissler-Sheely  
142 Long Marsh Lane  
Charles Town, WV 25414

Patricia F. Rissler  
443 Long Marsh Lane  
Charles Town, WV 25414

Jane F. Rissler  
4583 Kabletown Road  
Charles Town, WV 25414

**From:** [Jennifer Brockman](#)  
**To:** [Alex Beaulieu](#)  
**Subject:** FW: New Zoning  
**Date:** Thursday, December 05, 2013 5:19:16 PM

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Jennie Brockman  
Director, Planning and Zoning

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

From: Sandy McDonald [<mailto:sandy@jeffersoncountywv.org>]  
Sent: Thursday, December 05, 2013 4:43 PM  
To: 'Jennifer Brockman'; 'JT Redmon'  
Subject: FW: New Zoning

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

From: Dannie Wall [<mailto:dwall01@frontiernet.net>]  
Sent: Sunday, November 17, 2013 3:02 PM  
To: [webmaster@jeffersoncountywv.org](mailto:webmaster@jeffersoncountywv.org); [cschott@jeffersoncountywv.org](mailto:cschott@jeffersoncountywv.org); [sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org); [chernandez@jeffersoncountywv.org](mailto:chernandez@jeffersoncountywv.org)  
Subject: New Zoning

Your submission:

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Your Name: Dannie Wall  
Your Email Address: [dwall01@frontiernet.net](mailto:dwall01@frontiernet.net)  
Subject: New Zoning  
Message: Re: New Zoning recommended by Planning Commission I urge commissioners not to move forward with any new zoning until the Jefferson co. comprehensive plan is completed, finalized, and reviewed by the commissioners.

**From:** [Jennifer Brockman](#)  
**To:** [Alex Beaulieu](#)  
**Subject:** FW: New Zoning Categories  
**Date:** Thursday, December 05, 2013 8:52:02 AM

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Jennie Brockman  
Director, Planning and Zoning

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**From:** cindy spath [mailto:[cindyspath@yahoo.com](mailto:cindyspath@yahoo.com)]  
**Sent:** Wednesday, December 04, 2013 6:38 PM  
**To:** [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)  
**Subject:** New Zoning Categories

Dear Planning Commission,

I am writing to voice my opposition to two categories of the proposed zoning changes, Planned Neighborhood Development and Neighborhood Commercial. These categories spread commercial uses beyond the expressed wishes of those who have participated in the Comprehensive Planning process. I request the county wait until the completion of the Comprehensive Plan before making any zoning changes that include these categories.

Cindy Spath  
Shepherdstown

[Sent from Yahoo Mail on Android](#)

**From:** [Jennifer Brockman](#)  
**To:** [Alex Beaulieu](#)  
**Subject:** FW: Proposed Zoning Category Changes  
**Date:** Thursday, December 05, 2013 8:52:21 AM

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Jennie Brockman  
Director, Planning and Zoning

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**From:** Meadowsriver@aol.com [mailto:Meadowsriver@aol.com]  
**Sent:** Thursday, December 05, 2013 8:34 AM  
**To:** jbrockman@jeffersoncountywv.org  
**Subject:** Proposed Zoning Category Changes

*Dear Dr. Brockman:*

*Please delay the implementation of the new zoning category changes and/or making any zoning changes until completion of the Comprehensive Plan.*

*I am opposed to making any changes until such time as the Jefferson County Comprehensive Plan is complete.*

*Thank you.*

*Beverly A. Meadows  
448 McShanes Landing  
Shepherdstown, WV 25443*

**From:** [Jennifer Brockman](#)  
**To:** [Alex Beaulieu](#)  
**Subject:** FW: Opposition to Neighborhood Commercial/PND Proposals  
**Date:** Tuesday, December 03, 2013 3:26:48 PM

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Jennie Brockman  
Director, Planning and Zoning

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**From:** Bruce [mailto:[bstrath334@hotmail.com](mailto:bstrath334@hotmail.com)]  
**Sent:** Tuesday, December 03, 2013 1:47 PM  
**To:** [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)  
**Subject:** Opposition to Neighborhood Commercial/PND Proposals

Dear Ms Brockman:

I would like to once again voice my opposition to changes in the Jefferson County zoning regulations that would permit "neighborhood commercial" and "planned neighborhood development." It is clear most residents of Jefferson County with an interest in the zoning process don't want the changes and puzzling that your office is pushing these changes while discussion of a new comprehensive plan is on-going.

Over the years the residents of Jefferson County have worked within the parameters of the existing zoning regulations to create neighborhoods, subdivisions and rural areas that they enjoy and are proud of. The property owners have purchased their properties, invested their time and efforts to improve them and paid their property taxes to fund the basic services the state and county provide. Now you would permit, with minimal input from these property owners, commercial interests (generally non-residents) to come into these neighborhoods and exploit their very essence. We haven't been told exactly what type of businesses you expect to locate in our neighborhoods, but we have experience with "river commercial" and the County Commission has discussed shooting ranges!

Look at the strife caused by a Washington, DC businessman's attempt to operate a resort rental in Glenn Haven. He found the community so appealing he would destroy it to make a few bucks! Do you foresee gas stations/convenience stores springing up around the county?

The facts indicate that even smaller towns (Harpers Ferry/Shepherdstown) have trouble supporting (or are unable to support) more than one such establishment. The simple truth is that the people of Jefferson County are by and large content with the status quo. Charlestown/Ranson, Shepherdstown, Martinsburg, Winchester, Hagerstown, Frederick meet our needs, there is no need to destroy Jefferson County in order to save it.

To place the power to approve neighborhood commercial and planned neighborhood development in the hands of your office would be a mistake. Planning and Zoning too often

responds to the pressures of developer/commercial interests. Your recent letter to the County Commission recounting the visit of one of your staff to the River Riders campground where he failed to see construction excavation even though it was heralded by a four foot by four foot, red, white and blue sign, is one embarrassing example.

Instead of treating us like mushrooms, tell us exactly what commercial/development you have in mind. And most important allow the residents of the neighborhoods impacted to have a voice in deciding what, if any, development is acceptable.

Sincerely,

Maral P. Strathearn

**From:** [Jennie Brockman](#)  
**To:** [abeaulieu@jeffersoncountywv.org](mailto:abeaulieu@jeffersoncountywv.org)  
**Subject:** Fwd: Comments on new zoning  
**Date:** Friday, November 22, 2013 11:55:23 AM

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----- Original message -----

From: Ellen May <emay@ecgc.com>  
Date: 11/22/2013 8:00 AM (GMT-05:00)  
To:  
commissionerpnoland@gmail.com,dmanuel@frontiernet.net,walterpellish@me.com,Lynwidmyer@gmail.com  
Cc: 'Jennie Brockman' <jbrockman@jeffersoncountywv.org>  
Subject: Comments on new zoning

*Please forward to Commissioner Tabb as her email is not listed on the website*

Having served on the Planning Commission, I understand the long overdue need for clarity and applaud this effort; however the timing for these changes is premature.

I would like to add my vote with those who presented at the public meeting last night, requesting you to table these new zoning categories. My request is support by two very strong reasons.

First, as you know the Steering Committee is working very hard to secure public input on many levels for the comprehensive plan. This is a detailed and complex process and I strongly believe that to interject new zoning concepts at this time would be very confusing to the public, the Committee and the staff. The comprehensive plan is intended to provide the framework to guide new zoning, not the reverse.

Secondly, our Jefferson County Planning staff is competent and dedicated but still only have a finite number of hours in a day. We no longer have a zoning administrator and, as I understand, this position is not to be filled. Therefore, the remaining staff would be required to support the education and implementation of new zoning as well as the comprehensive plan in addition to their day to day work. This does not seem reasonable.

Thank you,

*Ellen May*

ECGC Distributors, LTD  
Executive Director  
Al's Garden Center, OR  
Armstrong Garden Centers, CA  
Calloway's Nursery, TX  
English Gardens, MI  
Homestead Gardens, MD  
Green Acres Nursery & Supply, CA  
McDonald Garden Centers, VA  
Mahoney's Garden Centers, MA  
Martin Viette Nurseries, NY  
Molbak's, WA  
Petitti Garden Centers, OH  
Pike Nurseries, GA  
Southern Homes & Gardens, AL  
PO 873  
Charles Town, WV 25414  
304/728-3791

**From:** [Jennifer Brockman](#)  
**To:** [Alex Beaulieu](#)  
**Subject:** FW: Comments on proposed zoning/land development ordinances  
**Date:** Thursday, November 21, 2013 6:23:27 PM  
**Attachments:** [Comments - Zoning ord-comp plan-JCCom--11-21-13.docx](#)

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Jennie Brockman  
Director, Planning and Zoning

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**From:** Jessica Carroll [<mailto:jcarroll@jeffersoncountywv.org>]  
**Sent:** Thursday, November 21, 2013 4:22 PM  
**To:** 'Jennie Brockman'  
**Subject:** FW: Comments on proposed zoning/land development ordinances

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**From:** Susan Rissler Sheely [<mailto:susanrissler@frontiernet.net>]  
**Sent:** Thursday, November 21, 2013 4:07 PM  
**To:** [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)  
**Subject:** Comments on proposed zoning/land development ordinances

November 21, 2013

Jefferson County Commission  
124 E. Washington Street  
Charles Town, WV 25414

Dear County Commissioners:

We are writing to ask you to postpone any further action on proposed amendments to the county Zoning and Land Development Ordinance until the new comprehensive plan is completed.

The proposed expansion of commercial and industrial zoning districts from two to seven is a significant change in the county's ordinance. As you well know, the locations of the proposed new zoning districts are linked directly to the county's comprehensive plan.

Because of the significance of these changes and their direct relationship to the comprehensive plan, the county commission voted wisely in the fall of 2012 to delay further consideration of the proposed changes until after the 2014 comprehensive plan was completed.

Now the commission is considering a 180° turn around, that is, linking the proposed far-reaching changes to a nearly decade-old comprehensive plan.

The proposed changes in commercial and industrial zoning will have substantial impacts effects throughout the county well into the future. It is incomprehensible to us that the commission would turn back 10 years when the county is on the cusp of producing a new comprehensive plan. It is also

incomprehensible to us that a commission trying to position this county as a competitor for business start-ups and relocations with aggressive and savvy neighboring counties in Virginia and Maryland would look to the past instead of the future.

We can only ask why the commission has devoted so many taxpayer dollars and asked citizens to donate countless hours working on the 2014 plan only to repudiate it just as it could be of immense value in guiding proposed land-use changes.

In closing, we support the commission's efforts to attract new businesses to the county but we cannot support a regressive approach to those efforts based on decade-old assumptions, data, and analyses.

We urge you to vote to suspend any further action on the proposed commercial and industrial zoning districts and related text changes until after the 2014 comprehensive plan is released.

Sincerely,

Susan Rissler-Sheely  
142 Long Marsh Lane  
Charles Town, WV 25414  
304-728-6622 (H)  
304-886-2390 (C)

Patricia F. Rissler  
443 Long Marsh Lane  
Charles Town, WV 25414  
304-725-1184

Jane F. Rissler  
4583 Kabletown Road  
Charles Town, WV 25414  
304-728-6166

**From:** [Jennifer Brockman](#)  
**To:** [Alex Beaulieu](#)  
**Cc:** [JT Redmon](#)  
**Subject:** FW: Take no action on new zones  
**Date:** Wednesday, November 20, 2013 12:57:00 PM

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Jennie Brockman  
Director, Planning and Zoning

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**From:** Jessica Carroll [<mailto:jcarroll@jeffersoncountywv.org>]  
**Sent:** Tuesday, November 19, 2013 12:30 PM  
**To:** 'Jennie Brockman'  
**Cc:** 'JT Redmon'  
**Subject:** FW: Take no action on new zones

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**From:** Carolyn Rodis [<mailto:cjrodis@yahoo.com>]  
**Sent:** Tuesday, November 19, 2013 10:13 AM  
**To:** [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)  
**Subject:** Take no action on new zones

We respectfully request that the County Commission continue to defer action on new zones until the Comprehensive Plan is complete. No action should be taken at this time.

Thank you.

Carolyn Rodis and Elloyd Lotridge  
4878 Kearneysville Pike  
Shepherdstown, WV 25443

**From:** [Jennifer Brockman](#)  
**To:** [Alex Beaulieu](#)  
**Cc:** [JT Redmon](#)  
**Subject:** FW: New zones  
**Date:** Wednesday, November 20, 2013 12:56:16 PM

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Jennie Brockman  
Director, Planning and Zoning

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**From:** Sandy McDonald [mailto:[sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org)]  
**Sent:** Wednesday, November 20, 2013 12:23 PM  
**To:** 'Jennifer Brockman'; 'JT Redmon'  
**Subject:** FW: New zones

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**From:** Lynn Yellott [mailto:[lynnzellott@gmail.com](mailto:lynnzellott@gmail.com)]  
**Sent:** Wednesday, November 20, 2013 3:00 PM  
**To:** [webmaster@jeffersoncountywv.org](mailto:webmaster@jeffersoncountywv.org); [cschott@jeffersoncountywv.org](mailto:cschott@jeffersoncountywv.org); [sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org); [chernandez@jeffersoncountywv.org](mailto:chernandez@jeffersoncountywv.org)  
**Subject:** New zones

## Your submission:

---

**Your Name:** Lynn Yellott  
**Your Email Address:** [lynnzellott@gmail.com](mailto:lynnzellott@gmail.com)  
**Subject:** New zones

**Message:** I think it is imperative that no action be taken on proposed "new zones" until the Comprehensive Plan has been adopted. The decision taken last year to that effect was the wise one. I do hope that this time I receive some responses to my message. The last time I contacted each of you, I received no replies and wonder if you actually received my communication?

Lynn Yellott, Shepherdstown



Jefferson County  
Development Authority

November 21, 2013

Commissioner Dale Manuel, President  
Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414

Dear Commissioner Manuel,

On behalf of the Board of Directors of the Jefferson County Development Authority I am writing to support the creation of seven new zoning categories to replace the current two zoning classifications of Residential and Commercial/Zoning.

The current two categories are too broad for development and strategic planning needs and often lead to unnecessary misunderstanding and enmity when commercial projects of any size and impact are proposed. The creation of additional categories does not change the actual zoning regulations but allows for more efficient and streamlined planning and development. These new categories will further define what is allowed in specific areas of the County. For example, the current zoning makes no distinction between the creation of a small scale commercial undertaking and a highly trafficked strip mall; both fall under the broad category of Commercial/Industrial.

In closing, I would like to add that the JCDA believes that these new categories will provide clarity for economic development projects in the County. Therefore, we strongly encourage the Jefferson County Commission to look favorably upon the creation of additional zoning categories.

Thank you very much for your consideration and please do not hesitate to contact me if you have any questions.

Sincerely,

John W. Reisenweber  
Executive Director

PO BOX 237  
CHARLES TOWN  
WV 25414

304.728.3255  
304.725.3133 fax

[www.JCDA.net](http://www.JCDA.net)

11/21/13 PH on New Zoning Categories

① Cathy Vance

- thinks changes help
- but bcs Comp Plan is in process, this should happen 1st

② Kathy Loftin

- good changes
- also thinks it should be tabled - Comp Plan should be framework

③ Bernard Simmons

- ~~too~~ too much growth
- no pl in town - 340 corridor is a mess
- to many wells

④ Ted Schiltz

- Comp Plan 1st - prior to underlying documents so that this doesn't drive the plan
- need more ind but not in neighborhoods (ie N'borhood Comm + PND - not here)

COB 12/5/13 - written comments

(put on 12/19/13 agenda for matrix)



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Lyn Widmyer

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: December 19

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

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

This issue needs to be discussed before we meet in January

Subject: **Clarifying role of County Commission liaison to different boards and commissions**

Please provide the County Commission with a description of your request or presentation, including any background information: **Each January, County Commissioners are assigned as liaison to various boards, committees and commissions. The function of voting and non-voting liaisons needs to be discussed.**

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

**Role of non-voting liaison commissioners**

Attend meetings as needed to discuss items of County Commission interest—either to provide information or hear from committee/board members. Report back to County Commission.

**Role of voting liaison commissioners**

Attend meetings.

Advise county commission of upcoming items of county concern and review voting options.

Update county commission of actions, particularly votes made as representative of county commission.

Attachments:

## Assignment to Boards, Commissions & Organizations Calendar Year 2014

<i>Organization</i>	<i>Commissioner 2013</i>	<i>Commissioner 2014</i>	<i>Voting/Non-Voting</i>
Affordable Housing	Noland/Manuel		
Air Quality Control Board (Region 9)	Noland		
Approval of Bills	Widmyer		
Board of Health	Widmyer		
Building Repair/Courthouse Committee	Manuel/Widmyer		
Community Corrections Committee - Day Report Center	Manuel/Widmyer		
Development Authority	Pellish		
E-911 Council	Manuel		
Eastern Panhandle Transportation Board	Manuel/Widmyer		
Extension Service	Tabb		
Farmland Protection Board	Tabb		
Jefferson County Convention & Visitors Bureau	Noland/Pellish		
Jefferson County Emergency Services Agency / Fire & Rescue	Manuel		
Historic Landmarks Commission	Widmyer		
Homeland Security	Tabb/Manuel		
Legislative Liaison	Noland/Manuel		
Local Emergency Planning Committee	Tabb		
Mental Health Center	Prosecuting Attorney		
MPO Interstate Council	Widmyer		
Pan Tran	Widmyer		
Parks and Recreation	Manuel/Widmyer		
Planning Commission	Pellish		
Public Service District Liaison	Tabb/Noland		
Region 9	Noland		
Roundtable/Council of Government	Manuel		
Solid Waste Authority	Pellish		
Telamon Board	Widmyer		
Water Advisory Committee	Manuel/Widmyer		
Workforce Investment Act Liaison	Widmyer		

**AGENDA REQUEST FORM**

[www.jeffersoncountyvva.org](http://www.jeffersoncountyvva.org)



Name: *Kane Cash*

Department or Organization: \_\_\_\_\_

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: \_\_\_\_\_

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

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

Subject (Wording to be placed on agenda):

*Budget Goal*

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

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

*Segregate gambling revenue & budget for one-time expenses only.*

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_



**AGENDA REQUEST FORM**

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Debbie Keyser, County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: January 2, 2014

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

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

Subject (Wording to be placed on agenda):

**Discuss Capital Outlay Policy**

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

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

Are documents attachments? Yes      No

If not, explain:

Is a projector needed? Yes      No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

Name: Jeffrey A. Polczynski, ENP – Director of Communications

Department or Entity: Emergency Communications

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: 1/2/2014

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

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

Subject: **Compensation During Temporary Assignment – Merri McIntyre – Acting Supervising Public Safety Dispatcher**

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

**Per County Commission policy, Public Safety Dispatcher Merri McIntyre has satisfied the requirements to fill in for the vacancy of Supervising Public Safety Dispatcher Kimberly Burke. SPSD Burke has been on leave under the Family Medical Leave Act since 11/11/2013.**

**PSD McIntyre meets the requirements of the Supervising Public Safety Dispatcher and her tenth (10<sup>th</sup>) workday of the temporary assignment was on 12/1/2013 (employee action form completed and submitted to County Finance).**

**Based upon PSD McIntyre's current grade and in accordance to Commission policy #11 *Compensation During Temporary Assignment* PSD McIntyre is placed at Grade IV Step E during the temporary assignment. It is expected that the temporary assignment will last until January 6, 2014 when SPSD returns from her leave under the FMLA.**

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

**Approve the compensation during temporary assignment of PSD McIntyre while she fulfills the position of the Supervising Public Safety Dispatcher.**



AGENDA REQUEST FORM

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Tom STANTON

Department or Organization: Commissioner's

Estimation of amount of time needed for appointment: 45 min

Date Requested – 1<sup>st</sup> Choice: 1/2/14

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

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

Subject (Wording to be placed on agenda):

*Review of FY14 budget revisions and financial overview*

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

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

Are documents attachments?  Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: tstanton@jeffersoncountywv.org

Phone number: 724-8425

## Director of Finance Summary

At the start of rebalancing the FY14 budget I had projected that we would have a negative cash balance in the General Fund in June 2014 if corrective action was not taken. Based on budget revisions made or in process of being made it is now estimated that the June cash balance will be 2.1 million and the lowest point of cash in 2014 is expected to be July 2014 with 1.6 million. Our General Fund cash balance as of December 23, 2013 is 4.1 million.

While the above is a vast improvement of our finances over the last several weeks, we are still short 1.2 million in having an adequate fund balance and \$700,000 short of having a FY14 balanced budget.

The Fund balance as a percentage of General Fund operating expenditures is currently projected to be 10% as of June 30, 2014. The minimum desired amount is 16.67%. As a result there is more work that needs to be done on the FY14 budget.

As of December 23, 2013 55.45% of budgeted revenue has been received and 45.90% of budgeted expenditures have been expended. If the spending and receipt of revenue was straight line the benchmark to compare would be 48%. In general both revenue and expenditures are tracking consistent with budget however there are adjustments to specific general ledger lines that need to be made.

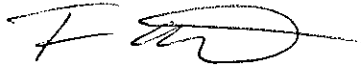
On December 19, 2013 you approved \$1,293,407 in budget reductions to the current FY14 General Fund budget. Those budget revisions have been sent to the West Virginia State Auditor's Office for review and approval. Based on discussions with the Auditor's Office on December 27<sup>th</sup> I will hold future budget revisions until the Auditor's Office approves the \$1,293,407 and we then have an opportunity to enter them into our budget software. The reason for the hold is that the County must be able to balance our specific budget lines to what the Auditor's Office has approved. When there are budget revisions in transit prior to the County agreeing with the budget records of the Auditor's Office it then can cause confusion. As a result I will not be asking for formal approval for additional budget revisions at this time, however I will be asking for verbal approval so that we may continue to move forward in the budget process.

The attached color coded chart shows that \$1,293,407 is at the State Auditor's office pending approval (color coded orange). The green section shows pending approval of budget revisions at the Commission level. Budget revision number 15 is to adjust revenue lines within the budget. I have reviewed all revenue lines by comparing actual revenue received to budget and have recommended the budget revisions in revision number 15. The net increase to revenue as a result of budget revision number 15 is \$35,142. Budget revision number 16 represents verbally agreed reductions that the Commission agreed with on December 19<sup>th</sup>. The total expenditure reduction of budget revision number 16 is \$416,505. Budget revision number 17 represents a voluntarily shifting of expenditures from department 406 to department 407. Expenditures incurred by department 407 are then reimbursed to the General Fund by the Assessor. Budget revision number 18 represents a shift of General Fund expenditures to the Coal Severance fund in the amount of \$427,000. The Commission verbally agreed to shifting expenditures on

December 19<sup>th</sup>. Budget revision number 18 shows my recommendation of the specific lines that should be adjusted within the General Fund. Budget revision number 19 makes the corresponding adjustments of revision number 18 in the Coal Severance Fund. Budget revision number 19 also makes corrections for other line numbers within the Coal Severance fund where spending is not consistent with budget.

If full cooperation is received by all elected offices it is expected that there is still 1.2 million to reduce from the FY14 budget. There will be written approval needed by all elected offices to adjust budget lines within their offices which relate to compensation and benefits. While these adjustments do not impact their current staffing or benefits, the State Auditor's office will require evidence of approval.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Stanton', with a long horizontal flourish extending to the right.

Tim A. Stanton

Proposed FY14 Budget Reductions for Discussion										
GL Acct #	Department	Description						Reduction		
		Amount needed to restore to Fund Balance						3,900,000		
1		Budget reductions approved 12/19/13 and submitted to WV						(1,293,407)		
2								(1,293,407)		
3										
4										
5	001-382-MM--000	Revenue	Reimbursements					(11,000)	Rev # 15	
6	001-394-TR-000	Revenue	Reimbursements					142,962	Rev # 15	
7	001-304-OT-000	Revenue	Transfer tax increase					(736,000)	Rev # 15	
8	001-302-TT-000	Revenue	Tax Penalties					(18,874)	Rev # 15	
9	001-325-IG-000	Revenue	Federal Payment in Lieu of taxes					(9,949)	Rev # 15	
10	001-346-CS-000	Revenue	Emer 911 fee					(94,822)	Rev # 15	
11	001-348-CS-000	Revenue	Franchise Agreements					(35,000)	Rev # 15	
12	001-322-IG-000	Revenue	Federal Grants					(80,000)	Rev # 15	
13	001-373-OT-001	Revenue	Video Lottery					(93,000)	Rev # 15	
14	001-301-TT-002	Revenue	AD Valorem Taxes 1st yr					286,711	Rev # 15	
15	001-301-TT-003	Revenue	AD Valorem Taxes 2nd yr					155,254	Rev # 15	
16	001-301-TT-004	Revenue	AD Valorem Taxes 3rd yr					38,576	Rev # 15	
17	001-370-OT-000	Revenue	Table Games					420,000	Rev # 15	
18	001-401-05-567-000	Commissioners	Affordable Housing				Verbally approved 12/19	(40,000)	Rev # 16	
19	001-916-05-567-000	Library	Library funding				Verbally approved 12/19	(15,600)	Rev # 16	
20	001-431-05-568-000	Econ Dev	Econ Dev Contribution				Verbally approved 12/19	(15,343)	Rev # 16	
21	001-431-05-568-000	Econ Dev	Airport Authority				Verbally approved 12/19	(6,500)	Rev # 16	
22	001-808-05-567-000	Solid Waste	Solid Waste				Verbally approved 12/19	(15,312)	Rev # 16	
23	001-952-05-567-000	Senior Citizens	Contribution				Verbally approved 12/19	(6,300)	Rev # 16	
24	001-953-05-567-000	Public Trans	Contribution				Verbally approved 12/19	(6,850)	Rev # 16	
25	001-715-05-567000	Ambulance Authority	Ambulance Authority				Verbally approved 12/19	(58,100)	Rev # 16	
26	001-401-05-568-000	Commissioners	Commissioner contributions				Verbally approved 12/19	(245,000)	Rev # 16	
27	001-425-02-213-001	Maintenance	Maintenance electricity				Verbally approved 12/19	(7,500)	Rev # 16	
28	001-406-xx-xxx-000	Assessor	Assessor budget adjustment					(94,186)	Rev # 17	
29			Coal Severance				Verbally approved 12/19	(427,000)	Rev # 18	

30	Subtotal							(972,833)	
31									
32	001-424-xx-xxx-000	Maintenance	Estimated savings in Dept 424 CTHSE					(47,900)	
33	Various	Various	Payroll adjustment					(303,548)	
34	001-425-02-xxx-000	Maintenance	Estimated savings in Dept 425 Other bldgs					(5,000)	
35	001-403-xx-xxx-000	Cir Court	Cir Court budget Adjustment					(5,000)	
36	Various	Various	Telephone Adjustment					(150,000)	
37	Subtotal							(511,448)	
38									
39		EMS Fee costs not budgeted						83,417	
40	Subtotal							83,417	
41	Total Reductions							(2,694,271)	
42	Additional reductions which need to be made							1,205,729	
43									
44		Pending at State							
45		Pending/Commissioners							
46		Additional discussion with Dept Manager							
47		For Commissioner discussion							

## Budget Revision Summary

### Budget Revision #15 of FY14

It is the recommendation that the following revenue accounts be adjusted as the current YTD revenue is not consistent with the budget or historical trends. The specific accounts to reduce are as follows:

AD Valorem Taxes 1 <sup>st</sup> yr	001-301-TT-002	\$286,711
AD Valorem Taxes 2 <sup>nd</sup> yr	001-301-TT-003	\$155,254
AD valorem Taxes 3 <sup>rd</sup> yr	001-301-TT-004	\$38,576
Unencumbered Fund Balance	001-299-00-002	\$35,142
School Reimbursements	001-394-TR-000	\$142,962
Table Games	001-370-OT-000	\$420,000

The offsetting revenue account to increase is:

Tax Penalties	001-302-TT-000	\$18,874
Emer 911 Fee	001-346-CS-000	\$94,822
Property Tax Transfer	001-304-OT-000	\$736,000
Franchise Agreements	001-348-CS-000	\$35,000
Federal Grants	001-322-IG-000	\$80,000
Fed payments Lieu of Taxes	001-325-IG-000	\$9,949
Video Lottery	001-373-OT-001	\$93,000
Reimbursements	001-382-MM-001	\$11,000







## Budget Revision Summary

### Budget Revision #16 of FY14

On December 19, 2013 the County Commissioners agreed to the following FY14 budget reductions. These reductions will reduce the amount needed of prior year Unassigned Fund Balance. The specific accounts to reduce are as follows:

Partnership for Affordable Housing	001-401-05—567-000	\$40,000
Commissioner Contributions	001-401-05-568-000	\$245,000
Electricity	001-425-02-231-001	\$7,500
Contribution Econ Dev Authority	001-431-05-568-000	\$15,343
Airport Authority	001-431-05-568-001	\$6,500
Ambulance Authority	001-715-05-567-000	\$58,100
Solid Waste Authority	001-808-05-567-000	\$15,312
Library Contribution	001-916-05-567-000	\$15,600
Senior Citizens	001-952-05-567-000	\$6,300
Public Transportation	001-953-05-567-000	\$6,850

The offsetting revenue account to reduce is:

Unencumbered Fund Balance	001-299-00-002	\$416,505
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**REQUEST FOR REVISION TO APPROVED BUDGET**

CONTROL NUMBER

Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

**2014**  
 FY  
**1**  
 FUND  
**16**  
 REV. NO.  
**1 of 1**  
 PG. OF NO.

Jefferson County Commission  
 GOVERNMENT ENTITY

Person To Contact Regarding  
 Budget Revision: **Tim Stanton**  
 Phone: **304-728-3284 ext 1008**  
 Fax: **304-725-7916**

P.O. Box 250  
 STREET OR PO BOX  
 Charles Town 25414  
 CITY ZIP CODE

COUNTY  
 Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	2,190,132		416,505	1,773,627
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) **-416,505**

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	2,075,557		285,000	1,790,557
425	Other Buildings	758,000		7,500	750,500
431	Economic Development	485,724		21,843	463,881
715	Ambulance Authority	2,236,453		58,100	2,178,353
808	Solid Waste Authority	36,750		15,312	21,438
916	Library	260,000		15,600	244,400
952	Senior Citizens	6,300		6,300	
953	Public Transit	13,700		6,850	6,850
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures **-416,505**

APPROVED BY THE STATE AUDITOR  
 BY: \_\_\_\_\_ Date \_\_\_\_\_  
 Director, Local Government Services Division

AUTHORIZED SIGNATURE OF ENTITY \_\_\_\_\_ APPROVAL DATE \_\_\_\_\_

## Budget Revision Summary

### Budget Revision #17 of FY14

The County Assessor on November 14, 2013 voluntarily reduced their budget (#406) by \$94,186 by transferring budgeted amounts to department 407 and then agreeing to reimburse the General Fund for all expenditures in department 407. These reimbursements will reduce the amount needed of prior year Unassigned Fund Balance. The specific accounts to reduce are as follows:

Wages	001-406-01-103-000	\$61,538
FICA	001-406-01-104-000	\$3,480
Medicare	001-406-01-104-001	\$814
Medical Insurance	001-406-01-105-000	\$18,719
Retirement	001-406-01-106-000	\$9,013
Overtime	001-406-01-108-001	\$622
Unencumbered Fund Balance	001-299-00-002	\$94,186

The accounts to increase are:

Wages	001-407-01-103-000	\$61,538
FICA	001-407-01-104-000	\$3,480
Medicare	001-407-01-104-001	\$814
Medical Insurance	001-407-01-105-000	\$18,719
Retirement	001-407-01-106-000	\$9,013
Overtime	001-407-01-108-001	\$622
Transfer Assessor Valuation Fd	001-399-TR-000	\$94,186

Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER

2014

FY

1

FUND

17

REV. NO.

1 of 1

PG. OF NO.

Jefferson County Commission

GOVERNMENT ENTITY

Person To Contact Regarding

Budget Revision: **Tim Stanton**

Phone: **304-728-3284 ext 1008**

Fax: **304-725-7916**

P.O. Box 250

STREET OR PO BOX

Charles Town

CITY

25414

ZIP CODE

COUNTY

Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	2,190,132		94,186	2,095,946
399	Transfers Assessor's Valuation Fund	423,188	94,186		517,374
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
406	Assessor	666,418		94,186	572,232
407	Assessor's Valuation Fund	410,722	94,186		504,908
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Expenditures**

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

**Budget Revision Summary**

**Budget Revision #18 of FY14**

The Commission on December 19, 2013 agreed to fund General Fund operating expenditures from the Coal Severance Fund. Listed below are the suggested budget changes. The specific account to reduce is:

Ambulance Authority	001-715-05-567-000	\$427,000
---------------------	--------------------	-----------

The offsetting revenue account to reduce is:

Unencumbered Fund Balance	001-299-00-002	\$427,000
---------------------------	----------------	-----------

Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER

2014

FY

1

FUND

18

REV. NO.

1 of 1

PG. OF NO.

Jefferson County Commission

GOVERNMENT ENTITY

Person To Contact Regarding

Budget Revision: **Tim Stanton**

Phone: **304-728-3284 ext 1008**

Fax: **304-725-7916**

P.O. Box 250

STREET OR PO BOX

Charles Town

25414

CITY

ZIP CODE

COUNTY

Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	2,190,132		427,000	1,763,132
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

-427,000

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
715	Ambulance Authority	2,236,453		427,000	1,809,453
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

-427,000

APPROVED BY THE STATE AUDITOR

BY: \_\_\_\_\_ Date \_\_\_\_\_  
 Director, Local Government Services Division

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

## Budget Revision Summary

### Budget Revision #19 of FY14

The Commission on December 19, 2013 agreed to fund General Fund operating expenditures from the Coal Severance Fund. Listed below are the suggested budget changes. The specific accounts to increase are as follows:

Ambulance Authority	002-715-05-567-000	\$427,000
Mental Health	002-801-05-567-000	\$10,600
Capital Projects in Process	002-425-04-460-000	\$61,450
Fund Balance	002-298-00-002	\$26,353

Accounts to decrease are as follows:

Capital Projects	002-986-04-459-000	\$429,905
Contracted Services	002-401-02-230-000	\$42,792

Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

Jefferson County Commission  
 GOVERNMENT ENTITY

CONTROL NUMBER

**2014**

FY

**2**

FUND

**19**

REV. NO.

**1 of 1**

PG. OF NO.

Person To Contact Regarding

Budget Revision: **Tim Stanton**

Phone: **304-728-3284 ext 1008**

Fax: **304-725-7916**

P.O. Box 250

STREET OR PO BOX

Charles Town

25414

CITY

ZIP CODE

COUNTY

Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
298	Assigned Fund Balance	378,405	26,353		404,758
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

26,353

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
715	Ambulance Authority		427,000		427,000
801	Mental Health		10,600		10,600
425	Other Buildings		61,450		61,450
986	County Commission	429,905		429,905	
401	County Commission	100,000		42,792	57,208
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Expenditures**

26,353

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

# Jefferson County GIS/Addressing Office

## DEPARTMENTAL MEMORANDUM

**TO:** Jefferson County Commission  
Debbie Keyser, County Administrator

**FROM:** Todd Fagan, GIS Director

**DATE:** December 31<sup>st</sup>, 2013

**SUBJECT:** GIS Department Quarterly Update Report- 2013, 4<sup>th</sup> Quarter



### 1. PROJECTS COMPLETED

#### a. Content Management System (CMS) and Digital Imaging Services (scanning)

- i. Bid Review Committee has selected vendors for award recommendation on both projects
- ii. Jefferson County Board of Health has committed \$102,500 toward the joint CMS project (11/1/13)
- iii. Second Round Grant applications have been submitted to the WV Technical Assistance Broadband Grant Program (11/7/13)

### 2. PROJECTS IN PROGRESS

#### a. Address Compliance Project Status – (map attached)

- i. project overall 86% complete in unincorporated areas (16,321 out of 18,902)
- ii. 75% compliant on 1<sup>st</sup> field check, raised to 95% or more after letters, communication and violation notices
- iii. 3,329 homes and businesses newly posted
- iv. Only 58 properties have reached violation or criminal complaint stage: 49 cases dismissed, 1 fine paid, 8 active cases (2 warrants, 1 bench trial, 5 filed)
- v. **Overwhelming positive results, <1% of non-compliant owners make it to Magistrate Court. 99% post their address accordingly.**
- vi. Appeal of staff decision to Commission related to citizen readdressing assignment upheld (12/5/13)
- vii. Additional project benefits include GIS address removals (255), businesses and apartments added (40), gates/obstructions mapped (60), illegal signs removed (37), new road names created (24), road signs replaced or repaired (142) and impervious surfaces documented. Field Work has also led to classification of all addressable structures reviewed to date (residential, commercial, industrial, utility, recreational, etc.)

#### b. 911 CAD

- i. Began preparation of GIS data for use in new CAD system

#### c. Supporting Planning & Zoning with maps and data related to future land use and the Comprehensive Plan

### 3. COMMISSION SHOULD BE AWARE OF:

#### a. Capital Outlay Request for Content Management System (CMS) and Document Scanning

- i. CMS and Scanning award recommendations planned in January, anticipate capital outlay approval and bid award by end of January, 2014

#### b. CAD & GIS integration

- i. GIS databases will undergo heavy quality assurance and transformation in order to function in the new CAD system. GIS staff will be very busy with this priority project throughout the next year. Our normal customer services will be impacted in such a way that new mapping and data analysis requests may be delayed or postponed for the next nine (9) months as we devote our time and energy to the CAD integration project.

# Jefferson County Address Compliance Program - Phase 1 Status

## Initial Grade

(Following First Review)

Overall Compliance Rate = 75%  
(Total Compliant = 12,165)

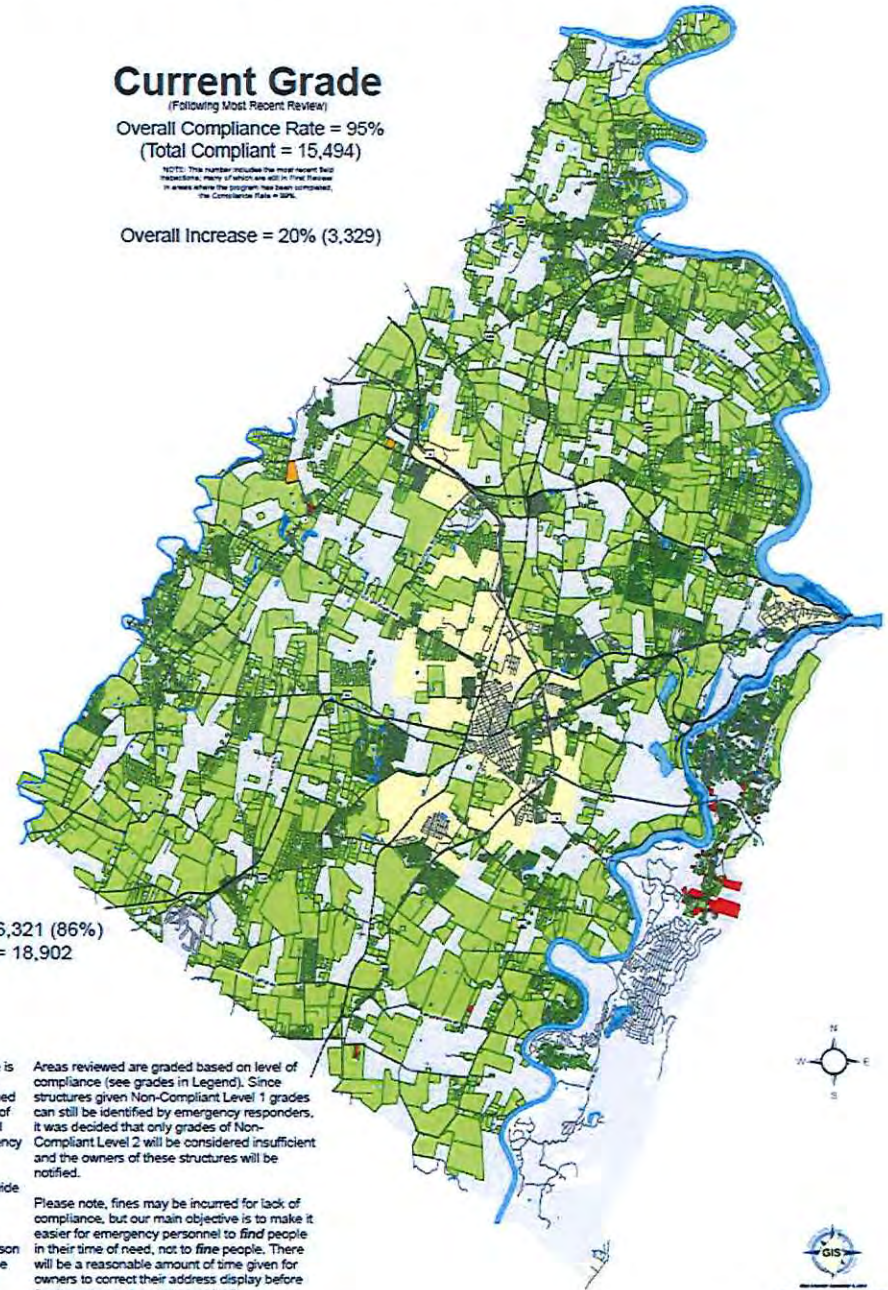
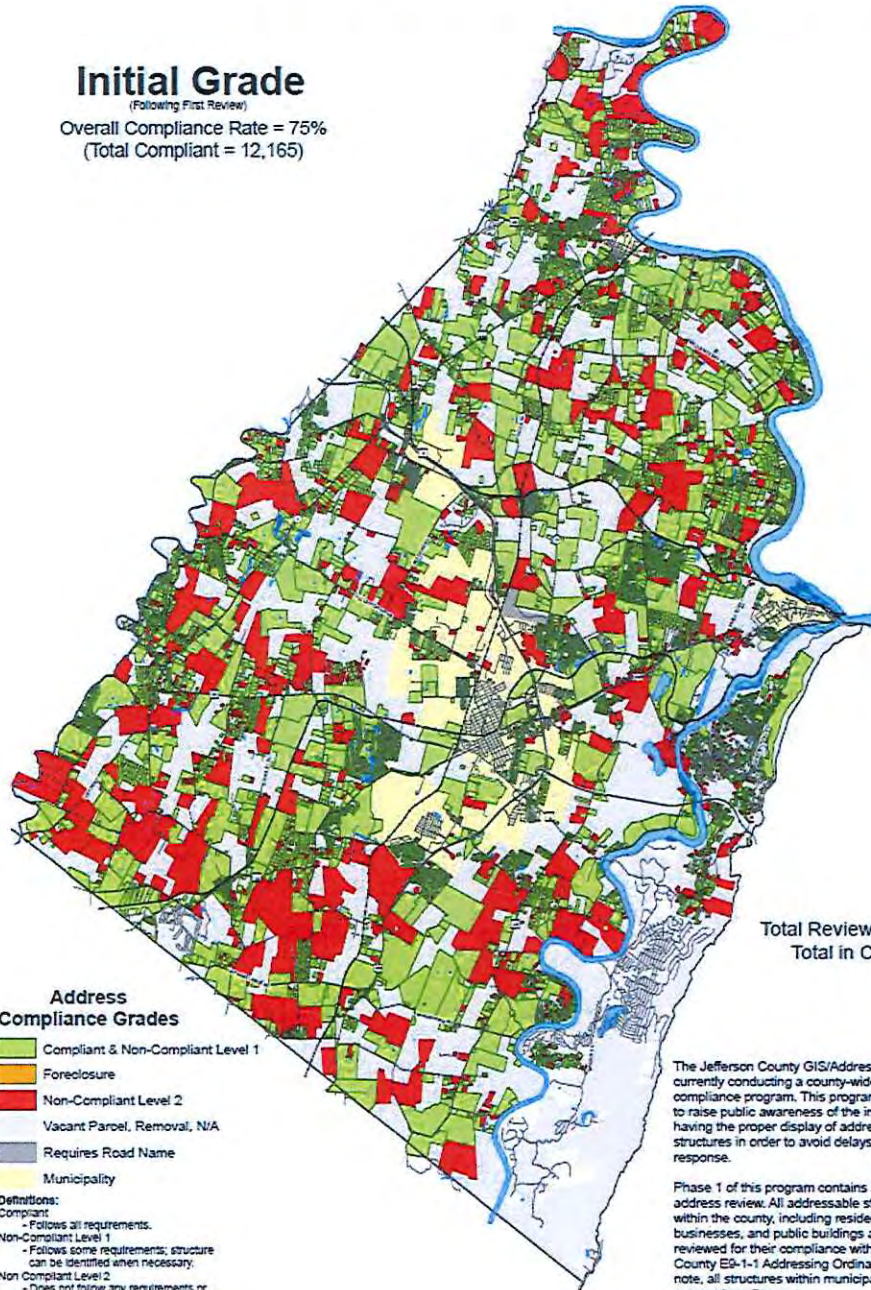
## Current Grade

(Following Most Recent Review)

Overall Compliance Rate = 95%  
(Total Compliant = 15,494)

NOTE: This number includes the most recent field inspections. Many of which are still in First Review in areas where the program has been completed. The Compliance Rate is 95%.

Overall Increase = 20% (3,329)



Total Reviewed = 16,321 (86%)  
Total in County = 18,902

### Address Compliance Grades

- Compliant & Non-Compliant Level 1
- Foreclosure
- Non-Compliant Level 2
- Vacant Parcel, Removal, N/A
- Requires Road Name
- Municipality

### Definitions:

- Compliant**
  - Follows all requirements.
- Non-Compliant Level 1**
  - Follows some requirements; structure can be identified when necessary.
- Non-Compliant Level 2**
  - Does not follow any requirements or displayed address is incorrect.

The Jefferson County GIS/Addressing Office is currently conducting a county-wide address compliance program. This program is designed to raise public awareness of the importance of having the proper display of addresses on all structures in order to avoid delays in emergency response.

Phase 1 of this program contains a county-wide address review. All addressable structures within the county, including residences, businesses, and public buildings are being reviewed for their compliance with the Jefferson County EA-1-1 Addressing Ordinance. Please note, all structures within municipalities are exempt from Phase 1.

Areas reviewed are graded based on level of compliance (see grades in Legend). Since structures given Non-Compliant Level 1 grades can still be identified by emergency responders, it was decided that only grades of Non-Compliant Level 2 will be considered insufficient and the owners of these structures will be notified.

Please note, fines may be incurred for lack of compliance, but our main objective is to make it easier for emergency personnel to find people in their time of need, not to fine people. There will be a reasonable amount of time given for owners to correct their address display before final warning notice and possible fines.





**Jefferson County Homeland Security and Emergency Management**  
**28 Industrial Blvd., Suite 101**  
**Kearneysville, WV 25430**

**Jefferson County Commissioners:**

- Dale Manuel, President**
- Walt Pailish, Vice President**
- Patsy Holand**
- Jane Tabb**
- Lyn Widmyer**

**Jefferson County Homeland Security and Emergency Management Steering Committee:**

- John Sherwood, Chair, Chamber of Commerce Representative**
- Ed Smith, Vice Chair, Fire and Rescue Representative**
- Jeff Joffe, Health Representative**
- Katherine Daubar, Non-Governmental Organization Representative**
- Mason Carter, Jefferson County Department of Engineering Representative**
- Jeffrey A. Polczynski, EPM, Jefferson County Emergency Communications Center Representative**
- Jane Tabb, County Commission Representative**
- Kelly Parsons, Private Industry Representative**
- Pete Dougherty, Sheriff, Law Enforcement Representative**
- Chuck Ellison, Utilities Representative**
- John Helsenweber, Jefferson County Development Authority Representative**
- Sanford "Sandy" Green, Region 3 Homeland Security Area Liaison**
- Holly Morgan Frye, Shepherd University Service Learning Program Education Representative**

**Staff:**

- Barbara J. Miller, CEM, CFM**  
**Director**  
**304-728-3290-Office**  
**304-283-4227-Mobile**  
**bmiller@jeffersoncountywv.org**
- Teri Mohling**  
**Planner/Program Manager/Deputy Director**  
**304-728-3329-Office**  
**304-278-8233-Mobile**  
**tmohling@jeffersoncountywv.org**
- Jessica A. Owens**  
**Administrative Assistant/Public Information**  
**Officer/Volunteer Coordinator**  
**304-724-8914-Office**  
**304-278-8135-Mobile**  
**jowens@jeffersoncountywv.org**

**Fax: 304-728-3320**

**Jefferson County Homeland Security and Emergency Management**  
**Quarterly Report to the Jefferson County Commission**  
**Second Quarter, 2014 (October-December, 2013)**

**Projects Completed:**

- Participated in the WV Emergency Management Council Conference in Charleston on November 11.
- Held a Quarterly Partnership Meeting November 6 at the National Conservation Training Center. Andy Blake, Ranson Renewed Project was the presentation.
- Held Jefferson County LEPC's Mass Fatalities Conference in Harpers Ferry. Oct. 29-30, 2013 and prepared After Action Report for the LEPC.
- Reviewed the Draft After Action Report prepared by the U.S. EPA for the Full Scale Exercise that was held in September.
- Read to children (Pre-school through grade 3) for Fire Safety Month. (583 Children)
- State Training: Social Media for All Hazards was taught in Jefferson County on October 22
- State Training: EOC Operations was taught in Jefferson County October 15-17.
- Held Emergency Response Guidebook Training Class on December 17 (18 attendees)
- Held Community Emergency Response Team Training November/December. Class will not complete until January, due to illness within one of the instructors' family. (17 participants)
- Staff attended WV Homeland Security Region 3 Improvement Planning Workshop (IPW) on November 19th.
- Participated in the Regional Neighbors Network by conference call meetings. (Members from throughout the United States)
- Participated in the National Weather Service meeting with Kyle Struckmann. December 23, 2013
- Attended County Executive Management Meetings
- Tested Ham Radios (Monthly)

- Met with a representative of Thompson's Gas regarding propane belonging to Thompson's in Jefferson County.
- Tested all JCHSEM equipment (Quarterly)
- Maintained the JCHSEM Facebook page, Twitter and press releases to local media with appropriate Public Information and Preparedness Tips.
- Monthly JCHSEM Newsletter sent electronically
- Completed the Jefferson County 2013 Emergency Operations Plan Annexes..
- Reviewed FY-2014 budget to find funds that could be given back to the County Commission.

Projects Working on Now:

- Preparing to work on the FY-2015 Departmental Budget
- Preparing for the second in series of Emergency Management Leadership Training that will be held in January at FEMA's Emergency Management Institute.
- Working with the JCHSEM Steering Committee on issues of their annual organizational meeting in January.
- Working with the LEPC (Local Emergency Planning Committee) to revise their by-laws, preliminary planning for their next Mass Fatalities Conference, and writing an RFP for them for their website maintenance.
- Reviewing the CRS Manual to find ways to increase Jefferson County's points to reduce flood insurance.
- Meeting with other Emergency Managers in the region to begin planning for the 2014 Disaster Exercise series.

Things the County Commission Should be aware of:

Barbara Miller, Director was elected by her peers as the President of the West Virginia Emergency Management Council for 2014. She was also re-appointed to serve on FEMA's Region 3 Regional Advisory Council (RAC) for the Regional Director, MaryAnn Tierney.

**NOTICE**  
**Board of Review and**  
**Equalization**

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on Thursday, January 30, 2014, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2014.

The Commission will continue to sit as a Board of Review and Equalization on Tuesday, February 4, 2014, at 1:30 p.m., Thursday, February 6, 2014, at 1:30 p.m., Tuesday, February 11, 2014, at 1:30 p.m., and thereafter as deemed necessary.

Persons wishing to appear before the Commission should apply to the Assessor no later than Thursday, February 20, 2014, at noon, in order to complete the proper forms and to schedule a hearing date prior to the planned final date of Tuesday, February 25, 2014.

Given under my hand this 19<sup>th</sup> day of December, 2013.

---

JENNIFER MAGHAN, COUNTY CLERK



P.O. Box 147 Charles Town, WV 25443 304-725-0589 [www.awsjc.org](http://www.awsjc.org)

December 17, 2013

Members  
Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Dear Commissioners,

*On behalf of the Board of Directors, I'd like to thank you for the support that you have given us throughout the year, both financially and philanthropically, as we continue to carry out the mission of the Animal Welfare Society.*

*There are many counties throughout the country that do not support non-profit organizations within their counties but we're fortunate to have people in office who recognize the importance of keeping our communities safe for our population, including our four-legged friends.*

*Thank you for your continued support. May each of you have a safe and healthy holiday season and new year.*

Sincerely,

*Anna Mary Walsh*

Anna Mary Walsh  
Member, Board of Directors

**RECEIVED**

DEC 26 2013

**Jefferson County Commission**



# Jefferson County Solid Waste Authority

Po Box 70 Ranson, WV 25438 Phone: 304-725-8082 Fax: 304-728-3811

[www.jcswa.com](http://www.jcswa.com)

December 16, 2013

The Honorable Ralph Lorenzetti  
Jefferson County Prosecuting Attorney  
100 E Washington Street, PO Box 250  
Charles Town, WV 25414

Dear Mr. Lorenzetti

The Jefferson County Solid Waste Authority met with its outside accounting support on September 5, 2013, to investigate the findings in the State Audit for the year ending June 30, 2013. As a result of the meeting the Authority and the outside accounting support are working to outline the changes needed to address the failures identified by the State Audit for the year ending June 30, 2013.

The Jefferson County Solid Waste Authority will inform your office of the progress of these changes as they are available.

Please do not hesitate to contact this office with any further questions or concerns.

Sincerely,



Billy Madert  
Director  
Jefferson County Solid Waste Authority  
Po Box 70  
Ranson, WV 25438  
304-725-8082

Cc: Cynthia B. Evans, Audit Procurement Manager, W. Va. State Auditor, 1900 Kanawha Blvd., East, Building 1, Room W-100, Charleston, 25305

**RECEIVED**

DEC 26 2013

**Jefferson County Commission**

**JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA  
FY 2014 HOME INVESTMENT PARTNERSHIP PROGRAM**

Notice is hereby given by the Jefferson County Commission that it will hold a public hearing on **Thursday, January 16, 2014 at 11:00 a.m.**, prevailing time, in the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia. The Jefferson County Commission Chambers are accessible to persons with physical disabilities. If special arrangements need to be made to accommodate citizens in order for them to participate in the public hearing, please call **Sandy Slusher McDonald, Deputy County Administrator, at 304-728-3284** to make those arrangements.

The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Jefferson County and part of Morgan County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2014. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2014. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2014 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

The following general types of activities are eligible for funding under the HOME program: Homeowner Rehabilitation, including repair, rehabilitation or reconstruction of owner occupied houses; Homebuyer Activities, including funds for purchase and/or rehabilitation of existing houses or new construction of houses for homebuyers; Rental Housing, including acquisition and/or rehabilitation of existing rental housing or new construction of rental housing; and Tenant Based Rental Assistance, including financial assistance for rent, security deposits and under certain conditions, utility deposits for tenants. All HOME funds must be used for persons and households that meet the HUD income guidelines and definition of low- and moderate-income.

Notice is also hereby given that the JEFFERSON COUNTY COMMISSION is accepting proposals for the use of its portion of the HOME Consortium funds for FY 2014 beginning December 2, 2013. Application packets, instructions and information are available on an open basis. All interested applicants are encouraged to contact the Jefferson County Commission office, in order to obtain the application packet and to address any questions. **Please contact Sandy Slusher McDonald at 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284.**

All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be addressed to **Sandy Slusher McDonald, Deputy County Administrator, 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284**

**Dale Manuel, President**  
Jefferson County Commission



# Jefferson County, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

---

December 17, 2013

Ms. Junipa Contento  
2801 Chevy Chase Circle  
Jefferson, MD 21755

Dear Ms. Contento:

The Department of Zoning is in receipt of your letter dated December 4, 2013, in which you withdraw your request for a Seasonal Use Permit for the purpose of hosting the 2014 All Good Music Festival and Camp Out. Thank you for making us aware of this decision in a timely manner. At this time, the files known as ZV13-33 and ZV13-34 are deemed to be closed and no permits can be issued related to these applications processed in November, 2013.

Please be aware of the fact that the Jefferson County Zoning and Land Development Ordinance has been under review and that text amendments may be approved that change the process for a Seasonal Use Permit in the future. Additionally, any future request for a Seasonal Use Permit and/or related variances will require the landowners' signature on the application prior to processing.

If you have any additional questions, please feel free to contact us at our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer M. Brockman', is written over a horizontal line.

Jennifer M. Brockman, AICP  
Acting Zoning Administrator

**CC:**

Stiles Partnership 3 and 4  
118 Goshen Arrabon Lane  
Charles Town, WV 25414

Kristen Stollpher, Gordon Associates  
301 North Mildred Street  
Charles Town, WV 25414

Joyce Stiles Rawn  
1202 West Main Street  
Sargent, NE 6874



December 30, 2013

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

To the Jefferson County Commission,

The by-laws of the Jefferson County Historic Landmarks Commission require that the Jefferson County Commission and West Virginia State Historic Preservation Office be notified when the Landmarks Commission designates additional structures or sites as historic landmarks. At its December 18, 2013 meeting, the Landmarks Commission added two historic structures to the list of Jefferson County Historic Landmarks.

<b>York Hill Bank Barn</b>	(Criteria C)
<b>Oak Tree Farm</b>	(Criteria C)

Enclosed are Landmarks Commission nomination reports on these properties, including photographs. These are provided for your review, though no action is required by the County Commission. A duplicate set of reports has been sent to the WV State Historic Preservation Office in Charleston.

If you have any questions regarding these reports, please do not hesitate to contact me at (304) 876-3883.

Respectfully,

Martin Burke  
Chairman, JCHLC

**Landmark Nomination Report: *York Hill Bank Barn***  
***1583 Ridge Road Shenandoah Junction, WV 25442***  
Jefferson County Historic Landmarks Commission

**Physical Description:**

The bank barn at York Hill Farm is located on the west side of Ridge Road in northern Jefferson County, West Virginia. The barn sits among the rolling agricultural fields and apple orchards near the intersection of Ridge Road and Luther Jones Road, just north of the community of Shenandoah Junction.

**Historic Description:**

York Hill is a 138-acre orchard along with historic buildings consisting of the log and stone main house, stone smokehouse, stone springhouse, and the subject stone bank barn. The rolling landscape and fertile soil is particularly suited to agricultural production, and the open fields surrounding the farmstead are generously planted with several varieties of apple, as well as table grapes, berries, and pumpkins. The building complex of York Hill fronts closely on the west side of Ridge Road (State Rt. 16), the buildings sited in a linear pattern. While the telescoping sections of the main house present an impressive front, the large stone Pennsylvania bank barn dominates the landscape. Surrounded by orchard, the bank barn, constructed in 1812 during the height of grain culture in the region, and the main house constructed beginning in the 18th century in telescoping phases of various materials, are representative of the process of change – from settlement house to established farmstead and of agricultural evolution – in the mid-Atlantic region.

In addition to the four historic buildings, York Hill includes the historic Hendricks/Snyder family cemetery.

York Hill was established as a settlement-era farm ca. 1750 by Samuel Darke, who produced subsistence goods and perhaps tobacco. The farm passed into the ownership of Col. James Hendricks in 1762. Hendricks, who in the Virginia Militia in the Revolutionary War, occupied the farm for more than 30 years until his death in 1795. In 1798, the farm was sold into the extended ownership of the Snyder family, who by 1910 had converted at least part of the York Hill farm to commercial orcharding. The Snyder family operated the orchard/farm until 1939. The Hockensmith family, initially in partnership with Milton Burr, fully developed the commercial potential of the York Hill orchard, adding significant amounts of acreage as well as an apple evaporator and packinghouse located immediately adjoining the B&O Railroad at Bardane, southwest of the York Hill farm. Passed to Jerry Hockman by his marriage to Mary Frances Hockensmith, Hockman's orchard, known first as Twin Ridge Orchards, and today as York Hill Orchard & Farm, continues under the management of their son Gordon Hockman.

In addition to retaining much of the land still planted in orchards, the farmstead is dominated by the ca. 1812 stone Pennsylvania bank barn, converted from its original use for grain storage and livestock stalls to cold storage for orchard produce. The house too demonstrates the evolution of the farm with its two log sections and stone section dating from several building periods. The stone springhouse and stone smokehouse also remain in place, although a number of other associated outbuildings are now gone. The family graveyard, dating back to the Hendricks ownership, still anchors the historic York Hill farm.

The period of significance covers the period of documented occupation and cultivation of the land beginning with the Hendricks family's 36-year ownership, through the Snyder family's 41-years of occupation, and ending in the continued ownership of the Hockensmith/Hockman family who fully developed the commercial orchard and converted the barn ca. 1950.

York Hill Farm was listed on National Register of Historic Places in 2006 in criteria A&C and the bank barn is a contributing structure to that listing.

**Historic Resource:**

Built during the ownership of John Snyder, the stone end Swisser-type (Pennsylvania) bank barn at York Hill is located to the southwest of the house. Dated 1812, it has stone end walls, which wrap along the back-side to the threshing floor doors. There is a framed overhanging forebay and a gabled wall dormer overlooking the barnyard. As indicated by the name, the barn is built into a slight slope or bank with a ramp at the back giving access to the upper level threshing floor. The end walls are pierced with vertical ventilation slits and round openings, also for ventilation in the gable peaks at each end. The north gable wall includes an arch-topped sandstone date tablet engraved with the number "1812". Under the forebay, the doors into the stable areas are marked with carved initials, doodles and dates. At the rear elevation a framed granary outshot is constructed at the north end. An unusual feature of the barn is its adaptation from a grain and livestock barn, as constructed, to a cold storage facility to accommodate the 20th century orchard use of the property. The barn continues to retain its exterior appearance as an early 19th century grain and livestock facility, but its interior has been lined with concrete blocks to create a fruit storage building. The lower level was converted to cold storage, and the upper level for storage of orchard machinery and equipment. Thus the barn reflects the changing agricultural use of the property while retaining most of its original character-defining features.

This barn is one of about a dozen early-19<sup>th</sup>-century stone bank barns remaining in Jefferson County.

**Nomination Criteria:**

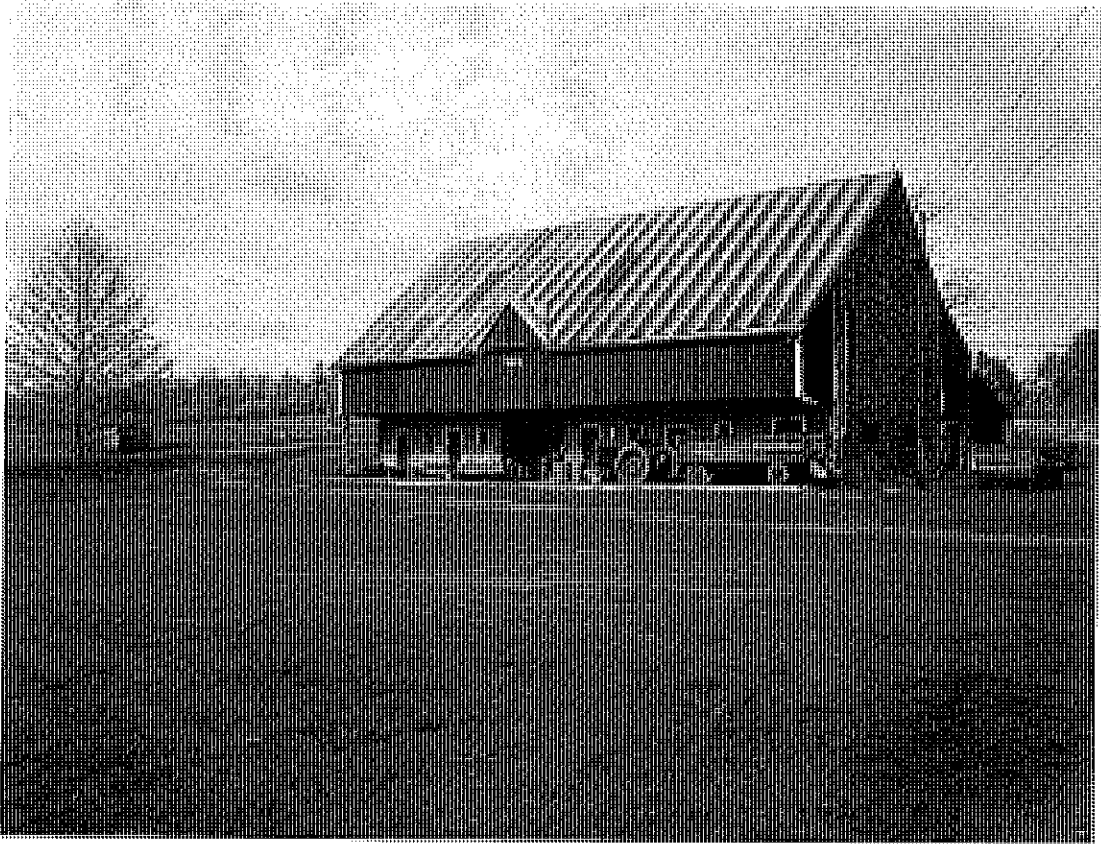
York Hill Bank Barn is significant under National Register Criterion C as a good representative example of early 19<sup>th</sup>-century bank barn adapted to changing agricultural practice and changing architectural custom. The stone barn, constructed ca. 1812 as a Pennsylvania-style bank barn used for grain storage and livestock housing, was converted to orchard product storage in the 20th century. The barn demonstrates the adaptation of historic barn technology to "modern" agricultural practice.

The JCHLC nominates this property under Criteria C for inclusion on the list of registered county landmarks. Criteria C states that a site may be nominated if, in the opinion of the JCHLC, it embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or possess high artistic values. Owner, Gordon Hockman, has agreed to have the property listed as Jefferson County Historic Landmark.

**Nomination Action:**

The JCHLC voted unanimously to add **York Hill Barn**, under Criteria C, to the rolls of registered Jefferson County Historic Landmarks on December 18, 2013.

York Hill Bank Barn



**Landmark Nomination Report:**  
***Oak Tree Farm or V. Dust-Moler Farm***  
***11 Uvilla Rd. Harpers Ferry, WV 25425***  
Jefferson County Historic Landmarks Commission

**Physical Description**

The original eastern part of the historic house is a vernacular building of log construction dating to 1836. This earliest section has two rooms on the ground floor and two rooms above on the second floor with an outboard brick-topped stone chimney. The house was enlarged around 1892 and the exterior was refashioned with decorative shingles, 2-over-2 window sashes, interior brick chimneys, and German siding.

The west side of the house contains the larger Victorian staircase with turned spindles, newel post and decorative riser treatments. The wall under the stair is signed "Mr. Derr of Shepherdstown" and dated 1892, this date is also found in the attic in chimney masonry. The western ground floor level contains a double parlor divided by a pair of pine doors. One parlor contains a fireplace with a simple etched wood mantel. About 1940, a two-story porch was enclosed for a new modern kitchen and bathroom. The logs are exposed in the second story bedroom.

The house has changed through the years to keep pace with the times, but it has been carefully restored with period lighting. The log section contains a large stone and brick fireplace, which has been rebuilt where it was taken down. There is a winding stair leading to the second floor with original hardware on the board-and-batten doors. The upstairs bedroom floor has exceptional wide plank flooring. It is believed that the timber was sawed on Virginius Island in Harpers Ferry, which operated the only type of pit saw in the area capable of making the saw marks evident on the boards. The mill went out of business in 1836. The other mills converted to round circular saws.

Several historic outbuildings survive on the property. These agricultural structures include a large drive-through corn crib barn, a two-story smoke house, and a well house, which contains coolers for milk storage.

**Ownership History:**

The extant log house was built in 1836 for Valentine Dust - who never lived in the house. His will was probated on April 19, 1854, and it was written Sept. 25, 1850. He left the Cooke farm to be divided between his two daughters, Catharine Dust Snyder and Rebecca Dust Hoffman. Dust purchased the farm on June 15, 1833, for \$6,376.

The farm was divided on Sept. 20, 1856. Lot 1, containing the house and 83 acres, went to Catharine. This lot consisted of 66 acres of cleared land and 17 acres of woodland. Catharine was required to pay \$30 per year to her sister, Rebecca, during her life. At Rebecca's death, she was to pay her sister's heirs \$500. The 1860 tax list shows that Catherine Snyder had left Jefferson County and was living in Ohio. She was paying taxes on 84 acres, and the buildings were valued at \$300. The 1861 deed book has recorded a deed where Rezin A. Snyder and his wife Catharine; John M.L. Snyder and his wife Elizabeth; Daniel Hitchcock and his wife Ann

R.; Catharine B. Snyder; Frances E. Snyder; Emily E. Snyder; and Moses A. Snyder sold for \$5,030 the tract containing 83 acres, 3 roods and 31 perches to John Ruse of Jefferson County. Daniel H. Moler purchased the log house and farm in 1868 from Ruse. The farm then went to son Philip R. Moler, who had married Sarah Ann Moler on July 27, 1848. Philip left a will written Dec. 12, 1884, which was probated July 26, 1893. In his will, he stated that on April 1, 1884, he planned to rent his farm to son, Charles G. Moler. He wrote in his will that any one, two or three of his children could purchase his farm at a price that his children agreed upon.

On Dec. 1, 1894, the heirs sold the log house and farm to Charles G. Moler, Philip's son. Charles had married Daisy A. Moler. By his will in 1925, the house and lot of 4 acres where they were living went to Daisy and also \$5,250. The log house and farm were left to his daughter, Lelia Moler Jenkins. She lived there until her death on Nov. 10, 1936. In her will, she left everything to her husband, Norvel Jenkins. He was the last farming resident of the property. He and Lelia had a farming/egg/dairy business. After her death, Norvel then married Mary West and they continued farming and also had an egg business. Later, they ran a country store in Reedson, which is located next to the B&O Railroad line on W. Va. 230. The store was located about three-quarters of a mile south of the farm.

Eric S. Hendricks Jenkins, part owner of Spruce Gate, is descended from Philip and Sarah Moler. He and David S. Semmel of Arlington Va. purchased the house in November, 2009 and at that time began restoring it.

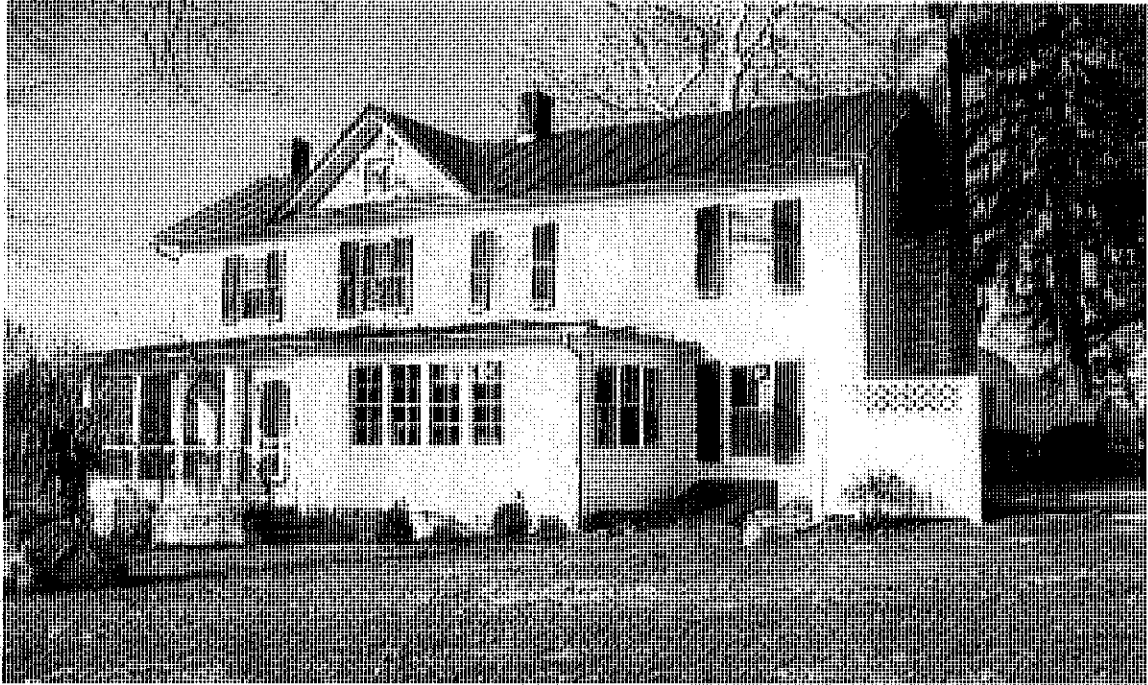
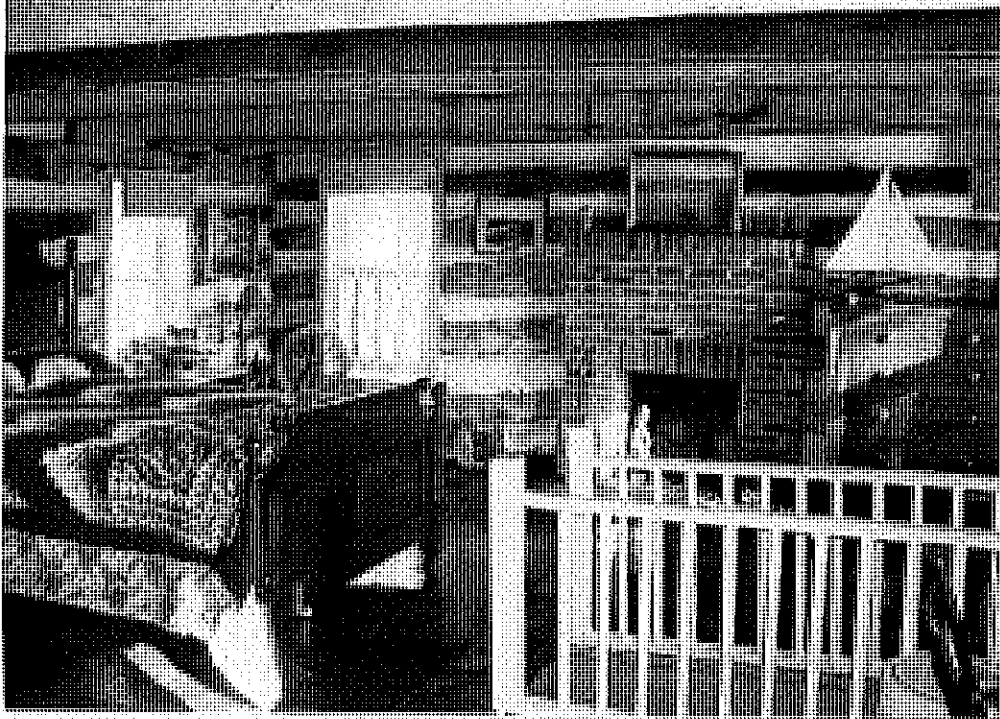
**Nomination Criteria:**

**Oak Tree Farm or V. Dust-Moler Farm** is significant under National Register Criterion C as an example of an early 19<sup>th</sup>-century vernacular Shenandoah Valley house, which was adapted to changing architectural customs. The prominent siting of the house at the intersection of the Shepherdstown Pike and Uvilla Road has made this structure a local landmark for more than 175 years.

The JCHLC nominates this property under Criteria C for inclusion on the list of registered county landmarks. Criteria C states that a site may be nominated if, in the opinion of the JCHLC, it embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or possess high artistic values. Owners, Eric Jenkins and David Semmel have agreed to have the property listed as Jefferson County Historic Landmark.

**Nomination Action:**

The JCHLC voted unanimously to add **Oak Tree Farm or V. Dust-Moler Farm**, under Criteria C, to the rolls of registered Jefferson County Historic Landmarks on December 18, 2013.





# Berkeley County Council

400 W. STEPHEN STREET, SUITE 201  
MARTINSBURG, WV 25401  
PHONE: (304) 264-1923



[www.berkeleywv.org](http://www.berkeleywv.org)

## THE COUNCIL

ANTHONY J. "TONY" PETRUCCI  
DOUGLAS E. COPENHAVER, JR.  
ELAINE C. MAUCK, M.A.  
JIM WHITACRE  
JAMES R. BARNHART

## MEMORANDUM

TO: Eastern Panhandle County Commissions  
Eastern Panhandle Legislative Delegation

FROM: Anthony J. Petrucci, President *AJP*  
Berkeley County Council

DATE: December 4, 2013

RE: Eastern Panhandle Legislative Summit

On behalf of the entire Berkeley County Council, I wish to thank you for your participation in the 2013 Eastern Panhandle Legislative Summit. We feel that a great deal of important discussion occurred and that views on all sides of multiple issues were expressed.

We have attached for your review a copy of the slides that were presented at the December 3<sup>rd</sup> Legislative Summit. We hope that you have gained an appreciation for the issues that have been identified by each Eastern Panhandle county and by the County Commission Association of West Virginia and the WV Association of Counties.

Again, thank you for your participation in this event and Merry Christmas and a Happy New Year to you and your families

Attachments: Legislative Summit Slides – December 3, 2013 Event

Doc: memls2013(2)

# **LEGISLATIVE SUMMIT**

## **Legislative Issues for 2014**

# INDEX – BERKELEY COUNTY ISSUES

- Funding for Regional Jail Costs
- State tax on Aviation Fuel
- Reformation of County Commissions
- Sale of County Property
- Final Plat Public Hearing for Planning Commissions
- 911/Central Dispatch Issues
- Stop Light and Speed Cameras for use in Construction and Congested Traffic Areas

# FUNDING FOR REGIONAL JAIL COSTS

- The counties are carrying an excessive financial burden which is impacting the funding on other areas in the county.

# FUNDING FOR REGIONAL JAIL COSTS (CONT)

- *Legislative options include:*
- *Retain the one third property transfer tax which currently goes to the state within the local county which generates the tax; and/or,*
- *Ensure that all governmental entities, including municipal governments pay their fair share of the regional jail costs through charging under municipal laws and ordinances and not state laws under which the county is responsible; and/or,*
- *Improve mechanisms to permit defendants to post bond through 24 hour availability of magistrates on call; and/or,*

# FUNDING FOR REGIONAL JAIL COST (CONT)

- *Ear mark funds through the Marcellus shale program to assist in the offset of regional jail costs by counties or direct funds from this severance fund to the partial jail reimbursement fund; and/or,*
- *Tax all beer, wine, and liquor sales of on-site consumption in a region and direct these monies toward the local regional jail.*
- *Increase certain fees collected for purposes of regional jail partial reimbursement fund in order to increase the reimbursement to the counties; and/or,*

*(See Cost Per Case Breakdown on next page)*

• **Cost Per Case Breakdown**

• **State:**

•	Regional Jail	\$ 40.00
•	Jail Operations	\$ 30.00
•	LET	\$ 2.00
•	CVC	\$ 10.00
•	CSF	\$ 5.00
•	CIF	\$ 5.00
•	CCA	<u>\$ 10.00</u>
•	<b>Subtotal:</b>	<b>\$102.00</b>

• **County:**

•		
•	Court Fund	\$ 10.00
•	Jail Per Diem	<u>\$ 48.25</u>
•	<b>Subtotal:</b>	<b>\$ 58.25</b>

• **Fine:** \$5.00 - \$500.00

• **Total State:** \$102.00

• **Total County:** \$ 58.25

• **Total Not including Fine \$160.50**  
• **(Plus an additional \$5.00 - \$500.00**  
• **depending on fine imposed)**

• **Ex: Total for County & State if fine were \$250.00**

•	<b>State:</b>	<b>\$102.00</b>
•	<b>County:</b>	<b>\$ 58.25</b>
•	<b>Fine:</b>	<b><u>\$250.00</u></b>
•	<b>Total:</b>	<b>\$410.25</b>

• **Other: Worthless Checks/Restitution**

## **STATE TAX ON AVIATION FUEL.**

- Amend 11-14C-5 – To lower the state tax on aviation fuel to enhance competition with surrounding states and enhance the economic productivity of WV airports

# REFORMATION OF COUNTY COMMISSIONS

- Amend 7-1-1(C) To permit County Commissions in West Virginia to reform to an expanded body without the need for a confusing and costly name change.

- SALE OF COUNTY OR DISTRICT PROPERTY

- Amend 7-3-3 – Sale of County or district property – To permit the use of alternate means of disposing of county property to include but not be limited to sale of items on internet sites.

# 911/CENTRAL DISPATCH ISSUES

- Berkeley County opposes all efforts to further reduce the wireless 911 fees distributed to counties for other public safety related state projects.
- Wireless phones continue to be a growing source of 911 fee revenue while the landline fees continue to reduce.
- Wireless usage increases the call volume given the fact that 911 centers are besieged by callers reporting the same incident which overwhelms 911 centers and staff busy responding to the initial call report.

## 911 CENTRAL DISPATCH ISSUES (CONT)

- Staffing, training, equipment and spatial needs must be paid for through the use of 911 fees and as landline fees continue to decline, the wireless fees will become a critical funding source to county 911 centers.
- Should the state wish to redirect wireless 911 fees to other state projects, we request the wireless 911 fees be increased for that purpose so that the funding levels to the counties remain untouched.

# 911 CENTRAL DISPATCH ISSUES (CONT)

- ***Legislative options include:***
  - *Require all state police dispatching be dispatched through the applicable county 911 Centers to eliminate duplicative services related to dispatching of emergency personnel. Regional state police dispatching centers may have limited county specific information available to assist with accurate dispatching of state police.*
  - *Modify WV state code 24-6-6b(d) to eliminate the 3% billing paid to providers for processing of the wireless enhanced 911 fee monies collected.*
  - *Convert quarterly wireless fee distribution by the public service commissions to monthly disbursements to the counties in order to provide more consistent and even cash flow to county 911 operations.*

# **PUBLIC HEARING FOR FINAL PLAT APPROVAL**

- Amend 8A-5-8 (c) (d) and (e) – Approval of major subdivision or land development plan and plats -

To eliminate the required public hearing for final plat approval by Planning Commissions.

# **PROPOSE THE USE OF SPEED CAMERAS IN CONSTRUCTION AND CONGESTED TRAFFIC AREAS**

Amend section 17C-6-7a to permit the use of speed cameras in  
construction zones and congested traffic areas

# JEFFERSON COUNTY LEGISLATIVE ISSUES

## – REGIONAL JAIL COST ISSUES

- RECAPTURE THE TRANSFER TAX PROCEEDS FORWARDED TO THE STATE AND RETURN TO THE COUNTY LEVEL TO ASSIST WITH REGIONAL JAIL COSTS
- REDUCTION OF REGIONAL JAIL COSTS TO REDUCE COSTS TO THE COUNTY

# **JEFFERSON COUNTY ISSUES (CONTINUED)**

## **REGIONAL IN PATIENT MENTAL HEALTH FACILITY**

- DEVELOPMENT OF A REGIONAL IN-PATIENT MENTAL HEALTH FACILITY TO SERVE COUNTY RESIDENTS IN THE EASTERN
- PANHANDLE AND REDUCE COSTS TO EACH COUNTY.

# JEFFERSON COUNTY ISSUES (CONTINUED)

## CONSTITUTIONAL OFFICER SALARY ISSUES

- SUPPORT OF 20% SALARY INCREASE FOR ELECTED OFFICIALS
  - *THERE IS A CONTINUED INCREASE IN THE LITIGIOUS ENVIRONMENT WHICH REQUIRES MORE WORK AND INVOLVEMENT FROM COUNTY COMMISSIONERS AND OTHER CONSTITUTIONAL OFFICERS.*
  - *THERE HAS NOT BEEN AN INCREASE IN THE SALARY OF CONSTITUTIONAL OFFICERS FOR THE PAST EIGHT YEARS.*

# JEFFERSON COUNTY ISSUES (CONTINUED) JOINT FIRE AND EMERGENCY AMBULANCE SERVICES

- ESTABLISHMENT OF A JOINT FIRE AND EMERGENCY AMBULANCE SERVICES AGENCY FEE THAT WOULD BE SIMILAR IN LEGISLATION TO THE CURRENT AMBULANCE FEE.
- THIS PROVISION WOULD BE APPLICABLE FOR COUNTIES THAT CURRENTLY HAVE AN EMERGENCY SERVICES AGENCY BOARD

# MORGAN COUNTY LEGISLATIVE ISSUES

- COMPREHENSIVE BROADBAND INFRASTRUCTURE
- ACHIEVING A COMPREHENSIVE BROADBAND INFRASTRUCTURE IN MORGAN COUNTY CONTINUES TO BE A TOP COUNTY COMMISSION AND ECONOMIC DEVELOPMENT GOAL.

# **MORGAN COUNTY ISSUES (CONTINUED)**

## **COMPREHENSIVE BROADBAND**

- *WE ARE FAR BEHIND URBAN AMERICA AND OUR BROADBAND SERVICE IS WOEFULLY INADEQUATE FOR OUR ECONOMIC, SOCIAL AND EDUCATIONAL NEEDS.*

# **MORGAN COUNTY ISSUES (CONTINUED)**

## **COMPRENHENSIVE BROADBAND**

ONLY 27% OF MORGAN COUNTY HAS ACCESS TO  
BROADBAND AS DEFINED BY THE FEDERAL  
COMMUNICATIONS COMMISSION  
(4 MBS/1MBS UP)

# **MORGAN COUNTY ISSUES (CONTINUED)**

## **COMPREHENSIVE BROADBAND**

- *MORGAN COUNTY ALSO HAS INADEQUATE 3G AND 4G CELL SERVICE. WE EXPERIENCE SPOTTY UNRELIABLE SERVICE OR NO SERVICE AT ALL. IN THE WESTERN PART OF OUR COUNTY THEY HAVE VIRTUALLY NO SERVICE AT ALL.*

# MORGAN COUNTY ISSUES (CONTINUED)

## COMPREHENSIVE BROADBAND

- WE NEED TO MAKE A CONCERTED EFFORT TO IMPROVE BROADBAND THROUGH OVERSIGHT AND POLITICAL ATTENTION.

# MORGAN COUNTY ISSUES (CONTINUED)

## COMPREHENSIVE BROADBAND

- FIRST, OBTAIN AN ACCOUNTING OF HOW FEDERAL STIMULUS FUNDS HAVE BEEN SPENT AND IF THERE IS ANY REMAINING FUNDING, DIRECT THAT FUNDING BE SPENT ON MEETING THE NEEDS OF UNDERSERVED AREAS SUCH AS MORGAN COUNTY.

## **MORGAN COUNTY ISSUES (CONTINUED)**

### **COMPREHENSIVE BROADBAND**

- SECOND, URGE PROVIDERS WHO HAVE ACCESS TO UNIVERSAL SERVICE FUNDS (COLLECTED FROM SUBSCRIBERS AND AVAILABLE FOR BROADBAND UPGRADES) TO REVEAL PLANS AND TIMETABLES FOR UPGRADES IN OUR COUNTY. THIS ALONE COULD RAISE THE NUMBER OF RESIDENTS AND BUSINESSES RECEIVING 4MBS SERVICES.

# **MORGAN COUNTY ISSUES (CONTINUED)**

## **COMPREHENSIVE BROADBAND**

- THIRD, ASSIST REGION 9 TO FUND ITS DEVELOPMENT PLAN AS STATED IN ITS 2013 STRATEGIC PLAN TO HIRE A STAFF PERSON DEDICATED TO WORKING WITH CITIZENS, LOCAL GOVERNMENTS, AND PROVIDERS TO IMPROVE OUR BROADBAND INFRASTRUCTURE.

# Ethics Reporter

## This is the Last Reporter

Following this edition, the West Virginia Ethics Reporter will cease publication—ending a run that began with the first meetings of the West Virginia Ethics Commission and its issuance of Advisory Opinions in 1990. We have been proud chroniclers and analyzers of the actions of the Legislature and the Ethics Commission for the past 23 years, but the time has come to recognize that all information relevant to our subscribers is now published online by the Commission on its website:

<http://www.ethics.wv.gov/Pages/default.aspx>

While we provided an important service to subscribers for many years (and still do), the

fact is that it is a difficult value proposition to continue to try and maintain paid subscriptions in an environment where the information is available without charge directly from the Ethics Commission.

We are extremely proud that our 2013 subscription price of \$189 is the same price that we introduced the publication at in 1990. That is an accomplishment that may never be exceeded by a business—23 years without a price increase.

Our goal was to educate and stimulate interest in an important topic and responsibility of state government and we think we did that and also made it affordable for government agencies to subscribe. We thank you for your support and commitment over the years.

So farewell from the West Virginia Ethics Reporter.

One final note—if you are one of the few subscribers that is on a non-calendar year basis, we have enclosed a refund check that is calculated on a pro rata basis depending on how many months are remaining in your current subscription.

### ADVISORY OPINION REPORT

As you can read in the news article appended below, there were no Advisory Opinions issued by the West Virginia Ethics Commission at its December 12 meeting. It appears that the Commission will not meet again until February and will take action on its opinions at that time.

**December, 2013**  
**Page Two**

*From Charleston Daily  
Mail—December 13, 2013*

**Panel violates laws it enforces**

By DAVE BOUCHER

DAILY MAIL CAPITOL  
REPORTER

West Virginia's arbiter of government ethics twice violated the laws it is supposed to enforce Thursday. The state Ethics Commission failed to send the required notice of two Thursday meetings — one of which was devoted entirely to open meetings laws — to the Secretary of State's Office.

Notice of public meetings must be approved and listed online for five business days to be legal, according to state code.

"We screwed up," Commission Executive Director Joan Parker said Thursday afternoon.

The commission's Committee on Open Governmental Meetings actually addressed what

a public body should do if it violates the Open Meetings Act — even as it violated the act.

In an advisory opinion for the Huntington City Council, the committee said a governing body must give reasonable advance notice of any meeting where any official actions will be taken or discussed.

"Any violation of the Act, even an inadvertent failure to issue an agenda for a regularly scheduled meeting, may generate a legal action requiring rescission of official action taken by the governing body," the advisory opinion states.

That means any business done at a meeting that violates the act can be invalidated if someone files a petition with the local circuit court.

A member of a public body who "willfully and knowingly" violates the provision is guilty of a misdemeanor and could face a fine of up to \$500, the opinion states.

If convicted, the person can also be required to pay the legal fees for anyone who brings any

legal action concerning the violation, the opinion states.

The law doesn't say how the government body can cure an unintentional violation. The opinion said the committee hasn't addressed that issue.

Instead, the opinion outlines three actions a public entity must take in order to rectify an inadvertent violation.

The agency must give three days' notice of the new meeting where all of the matters covered at the illegal meeting will be reconsidered. There must be the chance for a full discussion of the matters again, including time for public comment. The agency must also make an audio recording and keep it as a public record for six months.

Parker said the commission would take the necessary steps to rectify the mistake as soon as possible. The next scheduled ethics commission meeting is in February.

The open government committee issued the one advisory for the

December, 2013  
Page Three

Huntington City Council during its meeting, according to an email from Parker. The ethics commission issued seven other advisory opinions and proposed one piece of potential legislation.

The advisory opinions cover a wide array of issues. The opinions are typically posted on the ethics commission website.

The potential legislation addressed the membership of the commission, suggesting the Legislature relax the eligibility rules for serving on the commission.

The commission hadn't had a full complement of 12 members in the eight years Parker has worked with the agency. She said four new members were recently appointed, filling all remaining commission positions.

Parker said the new commission members are former West Virginia Secretary of State and GOP gubernatorial candidate Betty Ireland,

former state Sen. Marie Redd, Suzan Singleton and Michael Greer.

Contact writer Dave Boucher at 304-348-4843 or [dave.boucher@dailymail.wv.com](mailto:dave.boucher@dailymail.wv.com). Follow him at [www.twitter.com/DaveBoucher1](http://www.twitter.com/DaveBoucher1).

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**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

<b>Week Ending Date</b>	<b>Week Ending</b>
	December 14, 2013
	FY14
<b>To be Deposited on:</b>	December 20, 2013
Amount Played	36,292,031.33
Amount Won	32,806,204.89
Amount Promo	101,137.00
MWAP Contribution	<u>1,700.85</u>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>3,382,988.59</u></b>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>135,319.53</u>
<b>Net Terminal Revenue</b>	<b><u>3,247,669.06</u></b>
Surcharge @ 10%	324,766.92
State Share Excess @ 58%	188,364.81
Track Share of Capital Reinvestment @ 42%	136,402.11
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	<i>130946.03</i>
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	<i>5458.08</i>
<b>Adjusted Net Terminal Revenue</b>	<b><u>2,922,902.14</u></b>
Racetrack @ 46.50% / 42%	1,227,618.90
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	1,198,389.89
Race Track Purses @ 7% / 14% / 8%	233,832.17
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	14,614.51
Greyhound Development @ .75%	21,921.77
Thoroughbred Development @ .75%	21,921.77
Racing Commission @ 1%	29,229.02
County/Municipality @ 2%	58,458.04
<b>3% Funds:</b>	
Tourism Promotion Fund @ 1.375%	40,189.90
Development Office Promotion Fund @ .375%	10,960.88
Research Challenge Fund @ .5%	14,614.51
Capitol Renovation and Improvement Fund @ .6875%	20,094.95
2004 Capitol Complex Parking Garage Fund @ .0625%	1,826.81
<b>1% Funds:</b>	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	14,614.51
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>14,614.51</u>
	<b><u>2,922,902.14</u></b>

WEST VIRGINIA LOTTERY

First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2014

Charles Town  
1999 Net Terminal Revenue \$ 45,603,174  
Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
6 days ending: 07/06/13	\$ 123,196.88	\$ 123,196.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/13/13	\$ 128,060.40	\$ 128,060.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/20/13	\$ 115,128.84	\$ 115,128.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/27/13	\$ 123,049.56	\$ 123,049.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/03/13	\$ 116,180.80	\$ 116,180.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/10/13	\$ 120,078.64	\$ 120,078.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/17/13	\$ 124,888.56	\$ 124,888.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/24/13	\$ 118,284.44	\$ 89,882.12	\$ 28,402.32	\$ 2,252.30	\$ 11,332.53	\$ 616.33	\$ 9,565.90	\$ 4,635.26
08/31/13	\$ 117,826.36	\$ 58,913.18	\$ 58,913.18	\$ 4,671.81	\$ 23,506.36	\$ 1,278.42	\$ 19,841.96	\$ 9,614.63
09/07/13	\$ 135,517.48	\$ 67,758.74	\$ 67,758.74	\$ 5,373.27	\$ 27,035.74	\$ 1,470.36	\$ 22,821.14	\$ 11,058.23
09/14/13	\$ 106,748.44	\$ 53,374.22	\$ 53,374.22	\$ 4,232.58	\$ 21,296.31	\$ 1,158.22	\$ 17,976.44	\$ 8,710.67
09/21/13	\$ 108,555.88	\$ 54,277.94	\$ 54,277.94	\$ 4,304.24	\$ 21,656.90	\$ 1,177.83	\$ 18,280.81	\$ 8,858.16
09/28/13	\$ 109,763.00	\$ 54,881.50	\$ 54,881.50	\$ 4,352.10	\$ 21,897.72	\$ 1,190.93	\$ 18,484.09	\$ 8,956.66
10/05/13	\$ 111,901.48	\$ 55,950.74	\$ 55,950.74	\$ 4,436.89	\$ 22,324.35	\$ 1,214.13	\$ 18,844.21	\$ 9,131.16
10/12/13	\$ 111,675.84	\$ 55,837.92	\$ 55,837.92	\$ 4,427.95	\$ 22,279.33	\$ 1,211.68	\$ 18,806.21	\$ 9,112.75
10/19/13	\$ 122,654.40	\$ 61,327.20	\$ 61,327.20	\$ 4,863.25	\$ 24,469.55	\$ 1,330.80	\$ 20,655.00	\$ 10,008.60
10/26/13	\$ 105,708.12	\$ 52,854.06	\$ 52,854.06	\$ 4,191.33	\$ 21,088.77	\$ 1,146.93	\$ 17,801.25	\$ 8,825.78
11/02/13	\$ 115,087.08	\$ 57,543.54	\$ 57,543.54	\$ 4,563.20	\$ 22,959.87	\$ 1,248.70	\$ 19,380.66	\$ 9,391.11
11/09/13	\$ 109,333.52	\$ 54,666.76	\$ 54,666.76	\$ 4,335.07	\$ 21,812.04	\$ 1,186.27	\$ 18,411.76	\$ 8,921.62
11/16/13	\$ 112,991.92	\$ 56,495.96	\$ 56,495.96	\$ 4,480.13	\$ 22,541.89	\$ 1,225.96	\$ 19,027.84	\$ 9,220.14
11/23/13	\$ 97,257.24	\$ 48,828.62	\$ 48,828.62	\$ 3,856.25	\$ 19,402.82	\$ 1,055.24	\$ 16,378.12	\$ 7,936.19
11/30/13	\$ 119,291.32	\$ 59,645.66	\$ 59,645.66	\$ 4,729.90	\$ 23,798.62	\$ 1,294.31	\$ 20,088.66	\$ 9,734.17
12/07/13	\$ 94,812.48	\$ 47,306.24	\$ 47,306.24	\$ 3,751.38	\$ 18,875.19	\$ 1,026.55	\$ 15,932.74	\$ 7,720.38
12/14/13	\$ 58,458.04	\$ 29,229.02	\$ 29,229.02	\$ 2,317.86	\$ 11,662.38	\$ 634.27	\$ 8,844.33	\$ 4,770.18
Subtotal	\$ 2,706,250.72	\$ 1,809,157.10	\$ 897,093.62	\$ 71,139.51	\$ 357,940.37	\$ 19,466.93	\$ 302,141.12	\$ 146,405.69

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**VIDEO LOTTERY REPORT**

FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
07/04/2009 *	128,262.42	07/03/2010	115,402.58	7/1-2/2011	69,824.12	07/07/2012	161,637.92	07/06/2013	123,196.88
07/11/2009	168,815.08	07/10/2010	205,731.64	07/09/2011	171,717.28	07/14/2012	129,458.04	07/13/2013	128,060.40
07/18/2009	160,652.98	07/17/2010	161,386.76	07/16/2011	143,019.52	07/21/2012	130,037.00	07/20/2013	115,128.84
07/25/2009	158,869.08	07/24/2010	160,368.28	07/23/2011	146,508.00	07/28/2012	137,164.44	07/27/2013	123,049.56
08/01/2009	174,493.08	07/31/2010	157,802.08	07/30/2011	144,510.28	08/04/2012	132,931.16	08/03/2013	116,180.80
08/08/2009	138,408.80	08/07/2010	136,494.98	08/06/2011	151,495.28	08/11/2012	134,212.88	08/10/2013	120,078.64
08/15/2009	81,222.14	08/14/2010	78,376.68	08/13/2011	117,350.38	08/18/2012	110,241.90	08/17/2013	124,888.56
08/22/2009	76,260.31	08/21/2010	76,199.02	08/20/2011	71,614.12	08/25/2012	66,209.90	08/24/2013	89,882.12
08/29/2009	80,472.92	08/28/2010	72,460.03	08/27/2011	63,432.14	09/01/2012	67,133.42	08/31/2013	58,913.18
09/05/2009	80,798.15	09/04/2010	76,362.84	09/03/2011	80,837.76	09/08/2012	74,029.40	09/07/2013	67,758.74
09/12/2009	86,286.92	09/11/2010	82,969.36	09/10/2011	84,845.80	09/15/2012	61,838.04	09/14/2013	53,374.22
09/19/2009	70,010.15	09/18/2010	67,638.78	09/17/2011	66,748.62	09/22/2012	56,996.90	09/21/2013	54,277.94
09/26/2009	69,316.87	09/25/2010	70,435.06	09/24/2011	68,929.80	09/29/2012	61,611.40	09/28/2013	54,881.50
10/03/2009	72,286.04	10/02/2010	71,013.86	10/01/2011	68,871.64	10/06/2012	62,715.20	10/05/2013	55,950.74
10/10/2009	69,650.63	10/09/2010	69,311.50	10/08/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92
10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20
10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72	10/27/2012	58,073.54	10/26/2013	52,854.06
10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98	11/03/2012	56,545.30	11/02/2013	57,543.54
11/07/2009	63,741.59	11/06/2010	61,337.62	11/05/2011	70,673.88	11/10/2012	56,110.96	11/09/2013	54,666.76
11/14/2009	65,959.64	11/13/2010	64,595.28	11/12/2011	67,627.10	11/17/2012	57,432.36	11/16/2013	56,495.96
11/21/2009	59,547.05	11/20/2010	56,010.08	11/19/2011	60,690.60	11/24/2012	65,888.86	11/23/2013	48,628.62
11/28/2009	72,399.98	11/27/2010	71,170.90	11/26/2011	74,140.54	12/01/2012	50,243.34	11/30/2013	59,645.66
12/05/2009	51,006.51	12/04/2010	53,215.08	12/03/2011	59,429.94	12/08/2012	50,770.96	12/07/2013	47,306.24
12/12/2009	52,460.58	12/11/2010	46,944.00	12/10/2011	51,395.44	12/15/2012	47,022.38	12/14/2013	29,229.02
12/19/2009	32,834.39	12/18/2010	42,076.76	12/17/2011	55,981.32	12/22/2012	46,838.96		
12/26/2009	53,406.34	12/25/2010	50,450.28	12/24/2011	54,248.62	12/29/2012	59,697.22		
01/02/2010	92,980.40	01/01/2011	85,152.12	12/31/2011	94,661.00	01/05/2013	71,673.52		
01/09/2010	55,020.46	01/08/2011	54,301.30	01/07/2012	74,863.40	01/12/2013	50,416.30		
01/16/2010	60,551.28	01/15/2011	54,005.90	01/14/2012	58,901.92	01/19/2013	51,211.88		
01/23/2010	69,943.53	01/22/2011	60,924.74	01/21/2012	61,819.92	01/26/2013	46,966.26		
01/30/2010	48,527.75	01/29/2011	48,036.94	01/28/2012	62,898.78	02/02/2013	52,067.92		
02/06/2010	37,155.14	02/05/2011	60,777.44	02/04/2012	72,154.66	02/09/2013	52,222.20		
02/13/2010	44,334.00	02/12/2011	67,471.84	02/11/2012	66,429.04	02/16/2013	64,243.52		
02/20/2010	76,946.12	02/19/2011	72,018.54	02/18/2012	77,455.88	02/23/2013	64,115.70		
02/27/2010	72,024.40	02/26/2011	75,544.02	02/25/2012	77,611.78	03/02/2013	62,602.74		
03/06/2010	76,936.85	03/05/2011	74,535.34	03/03/2012	75,963.86	03/09/2013	59,213.26		

03/13/2010	71,007.37	03/12/2011	66,979.48	03/10/2012	76,808.62	03/16/2013	62,366.36
03/20/2010	74,335.38	03/19/2011	73,113.26	03/17/2012	76,883.92	03/23/2013	59,841.02
03/27/2010	69,941.88	03/26/2011	68,490.80	03/24/2012	72,108.36	03/30/2013	57,567.98
04/03/2010	70,636.28	04/02/2011	70,846.58	03/31/2012	74,244.22	04/06/2013	63,108.84
04/10/2010	69,692.79	04/09/2011	67,076.78	04/07/2012	75,382.98	04/13/2013	56,849.30
04/17/2010	69,335.92	04/16/2011	64,698.56	04/14/2012	71,065.34	04/20/2013	55,432.12
04/24/2010	68,714.11	04/23/2011	67,674.14	04/21/2012	68,055.08	04/27/2013	58,612.74
05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66	05/04/2013	61,102.92
05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30	05/11/2013	57,428.70
05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92	05/18/2013	61,172.80
05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36	05/25/2013	57,131.24
05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66
06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74
06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52
06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12	06/22/2013	54,690.28
06/26/2010	63,950.29	06/25/2011	65,470.44	06/23/2012	55,921.30	06/29/2013	55,991.38
06/30/2010	29,667.19	06/30/2011	34,351.16	06/30/2012	58,207.40	06/30/2013	11,509.54

<b>TOTALS</b>	<b>4041141.56</b>	<b>4016541.01</b>	<b>4124906.8</b>	<b>3580645.18</b>	<b>1,809,157.10</b>
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## Table Game Revenue

Date	Amount	Date	Amount	Date	Amount	Date	Amount
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	99,274.36
September, 2010	94,247.84	August, 2011	137,473.92	August, 2012	133,245.83	August, 2013	111,427.75
October, 2010	105,903.60	September, 2011	110,375.25	September, 2012	127,532.40	September, 2013	80,857.74
November, 2010	108,717.67	October, 2011	124,273.94	October, 2012	126,482.02	October, 2013	81,066.09
December, 2010	118,721.11	November, 2011	121,118.87	November, 2012	134,443.93	November, 2013	79,853.94
January, 2011	106,189.21	December, 2011	140,509.93	December, 2012	146,677.92		
February, 2011	105,776.45	January, 2012	137,812.68	January, 2013	132,650.35		
March, 2011	120,927.10	February, 2012	142,770.01	February, 2013	121,636.62		
April, 2011	130,654.61	March, 2012	151,845.46	March, 2013	149,033.62		
May, 2011	130,492.02	April, 2012	127,862.26	April, 2013	105,545.23		
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38		
		June, 2012	129,235.38	June, 2013	104,803.37		
<b>Total 2010-2011</b>	<b>1297391.7</b>	<b>Total 2011-2012</b>	<b>1602900.84</b>	<b>Total 2012-2013</b>	<b>1530462.31</b>	<b>Total 2013-2014</b>	<b>452479.88</b>

**Table Game Revenue Distribution - Jefferson County School Board**

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25
September, 2011	331,125.75	September, 2012	382,597.20	September, 2013	242,573.22
October, 2011	372,821.82	October, 2012	379,446.06	October, 2013	243,198.27
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82
December, 2011	421,529.79	December, 2012	440,033.75		
January, 2012	413,438.04	January, 2013	397,951.05		
February, 2012	428,310.03	February, 2013	381,857.07		
March, 2012	455,536.38	March, 2013	447,100.86		
April, 2012	383,586.78	April, 2013	316,635.69		
May, 2012	413,715.39	May, 2013	329,242.14		
June, 2012	387,706.12	June, 2013	314,410.11		
<b>Total 2011-2012</b>	<b>4,808,702.50</b>	<b>Total 2012-2013</b>	<b>4,608,334.13</b>	<b>Total 2013-2014</b>	<b>1,357,439.64</b>

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending
	December 21, 2013
	FY14
To be Deposited on:	December 30, 2013
Amount Played	51,549,559.72
Amount Won	46,234,461.34
Amount Promo	152,761.00
MWAP Contribution	<u>2,497.74</u>
Adjusted Gross Terminal Revenue	<u>5,159,839.64</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>206,393.59</u>
Net Terminal Revenue	<u>4,953,446.05</u>
Surcharge @ 10%	495,344.60
State Share Excess @ 58%	287,299.87
Track Share of Capital Reinvestment @ 42%	208,044.73
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	199722.94
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	8321.79
Adjusted Net Terminal Revenue	<u>4,458,101.45</u>
Racetrack @ 46.50% / 42%	1,872,402.61
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	1,827,821.57
Race Track Purses @ 7% / 14% / 8%	356,648.12
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	22,290.51
Greyhound Development @ .75%	33,435.76
Thoroughbred Development @ .75%	33,435.76
Racing Commission @ 1%	44,581.02
County/Municipality @ 2%	89,162.04
3% Funds:	
Tourism Promotion Fund @ 1.375%	61,298.89
Development Office Promotion Fund @ .375%	16,717.88
Research Challenge Fund @ .5%	22,290.51
Capitol Renovation and Improvement Fund @ .6875%	30,649.45
2004 Capitol Complex Parking Garage Fund @ .0625%	2,786.31
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	22,290.51
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>22,290.51</u>
	<u>4,458,101.45</u>

WEST VIRGINIA LOTTERY

First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2014

Charles Town  
1999 Net Terminal Revenue \$ 45,603,174  
Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
6 days ending: 07/06/13	\$ 123,196.88	\$ 123,196.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/13/13	\$ 128,060.40	\$ 128,060.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/20/13	\$ 115,128.84	\$ 115,128.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/27/13	\$ 123,049.56	\$ 123,049.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/03/13	\$ 116,180.80	\$ 116,180.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/10/13	\$ 120,078.64	\$ 120,078.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/17/13	\$ 124,888.56	\$ 124,888.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/24/13	\$ 118,284.44	\$ 89,882.12	\$ 28,402.32	\$ 2,252.30	\$ 11,332.53	\$ 616.33	\$ 9,565.90	\$ 4,635.26
08/31/13	\$ 117,826.36	\$ 58,913.18	\$ 58,913.18	\$ 4,671.81	\$ 23,508.36	\$ 1,278.42	\$ 19,841.98	\$ 9,614.63
09/07/13	\$ 135,517.48	\$ 67,758.74	\$ 67,758.74	\$ 5,373.27	\$ 27,035.74	\$ 1,470.36	\$ 22,821.14	\$ 11,058.23
09/14/13	\$ 106,748.44	\$ 53,374.22	\$ 53,374.22	\$ 4,232.58	\$ 21,296.31	\$ 1,158.22	\$ 17,976.44	\$ 8,710.67
09/21/13	\$ 108,555.88	\$ 54,277.94	\$ 54,277.94	\$ 4,304.24	\$ 21,656.90	\$ 1,177.83	\$ 18,280.81	\$ 8,858.16
09/28/13	\$ 109,763.00	\$ 54,881.50	\$ 54,881.50	\$ 4,352.10	\$ 21,897.72	\$ 1,190.93	\$ 18,484.09	\$ 8,956.66
10/05/13	\$ 111,901.48	\$ 55,950.74	\$ 55,950.74	\$ 4,436.89	\$ 22,324.35	\$ 1,214.13	\$ 18,844.21	\$ 9,131.16
10/12/13	\$ 111,675.84	\$ 55,837.92	\$ 55,837.92	\$ 4,427.95	\$ 22,279.33	\$ 1,211.68	\$ 18,806.21	\$ 9,112.75
10/19/13	\$ 122,654.40	\$ 61,327.20	\$ 61,327.20	\$ 4,883.25	\$ 24,489.55	\$ 1,330.80	\$ 20,655.00	\$ 10,008.60
10/26/13	\$ 105,708.12	\$ 52,854.06	\$ 52,854.06	\$ 4,191.33	\$ 21,088.77	\$ 1,146.93	\$ 17,801.25	\$ 8,625.78
11/02/13	\$ 115,087.08	\$ 57,543.54	\$ 57,543.54	\$ 4,563.20	\$ 22,959.87	\$ 1,248.70	\$ 19,380.66	\$ 9,391.11
11/09/13	\$ 109,333.52	\$ 54,666.78	\$ 54,666.78	\$ 4,335.07	\$ 21,812.04	\$ 1,186.27	\$ 18,411.76	\$ 8,921.62
11/16/13	\$ 112,991.92	\$ 56,495.96	\$ 56,495.96	\$ 4,480.13	\$ 22,541.89	\$ 1,225.98	\$ 19,027.84	\$ 9,220.14
11/23/13	\$ 97,257.24	\$ 48,628.62	\$ 48,628.62	\$ 3,856.25	\$ 19,402.82	\$ 1,055.24	\$ 16,378.12	\$ 7,938.19
11/30/13	\$ 119,291.32	\$ 59,645.66	\$ 59,645.66	\$ 4,729.90	\$ 23,798.62	\$ 1,294.31	\$ 20,088.66	\$ 9,734.17
12/07/13	\$ 94,612.48	\$ 47,306.24	\$ 47,306.24	\$ 3,751.38	\$ 18,875.19	\$ 1,026.55	\$ 15,932.74	\$ 7,720.38
12/14/13	\$ 58,458.04	\$ 29,229.02	\$ 29,229.02	\$ 2,317.86	\$ 11,662.38	\$ 634.27	\$ 9,844.33	\$ 4,770.18
12/21/13	\$ 89,162.04	\$ 44,581.02	\$ 44,581.02	\$ 3,535.27	\$ 17,787.83	\$ 987.41	\$ 15,014.89	\$ 7,275.62
Subtotal	\$ 2,795,412.76	\$ 1,853,738.12	\$ 941,674.64	\$ 74,674.78	\$ 375,728.20	\$ 20,434.34	\$ 317,156.01	\$ 153,681.31

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**VIDEO LOTTERY REPORT**

FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
07/04/2009 *	128,262.42	07/03/2010	115,402.58	7/1-2/2011	69,824.12	07/07/2012	161,637.92	07/06/2013	123,196.88
07/11/2009	168,815.08	07/10/2010	205,731.64	07/09/2011	171,717.28	07/14/2012	129,458.04	07/13/2013	128,060.40
07/18/2009	160,652.98	07/17/2010	161,386.76	07/16/2011	143,019.52	07/21/2012	130,037.00	07/20/2013	115,128.84
07/25/2009	158,869.08	07/24/2010	160,368.28	07/23/2011	146,508.00	07/28/2012	137,164.44	07/27/2013	123,049.56
08/01/2009	174,493.08	07/31/2010	157,802.08	07/30/2011	144,510.28	08/04/2012	132,931.16	08/03/2013	116,180.80
08/08/2009	138,408.80	08/07/2010	136,494.98	08/06/2011	151,495.28	08/11/2012	134,212.88	08/10/2013	120,078.64
08/15/2009	81,222.14	08/14/2010	78,376.68	08/13/2011	117,350.38	08/18/2012	110,241.90	08/17/2013	124,888.56
08/22/2009	76,260.31	08/21/2010	76,199.02	08/20/2011	71,614.12	08/25/2012	66,209.90	08/24/2013	89,882.12
08/29/2009	80,472.92	08/28/2010	72,460.03	08/27/2011	63,432.14	09/01/2012	67,133.42	08/31/2013	58,913.18
09/05/2009	80,798.15	09/04/2010	76,362.84	09/03/2011	80,837.76	09/08/2012	74,029.40	09/07/2013	67,758.74
09/12/2009	86,286.92	09/11/2010	82,969.36	09/10/2011	84,845.80	09/15/2012	61,838.04	09/14/2013	53,374.22
09/19/2009	70,010.15	09/18/2010	67,638.78	09/17/2011	66,748.62	09/22/2012	56,996.90	09/21/2013	54,277.94
09/26/2009	69,316.87	09/25/2010	70,435.06	09/24/2011	68,929.80	09/29/2012	61,611.40	09/28/2013	54,881.50
10/03/2009	72,286.04	10/02/2010	71,013.86	10/01/2011	68,871.64	10/06/2012	62,715.20	10/05/2013	55,950.74
10/10/2009	69,650.63	10/09/2010	69,311.50	10/08/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92
10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20
10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72	10/27/2012	58,073.54	10/26/2013	52,854.06
10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98	11/03/2012	56,545.30	11/02/2013	57,543.54
11/07/2009	63,741.59	11/06/2010	61,337.62	11/05/2011	70,673.88	11/10/2012	56,110.96	11/09/2013	54,666.76
11/14/2009	65,959.64	11/13/2010	64,595.28	11/12/2011	67,627.10	11/17/2012	57,432.36	11/16/2013	56,495.96
11/21/2009	59,547.05	11/20/2010	56,010.08	11/19/2011	60,690.60	11/24/2012	65,888.86	11/23/2013	48,628.62
11/28/2009	72,399.98	11/27/2010	71,170.90	11/26/2011	74,140.54	12/01/2012	50,243.34	11/30/2013	59,645.66
12/05/2009	51,006.51	12/04/2010	53,215.08	12/03/2011	59,429.94	12/08/2012	50,770.96	12/07/2013	47,306.24
12/12/2009	52,460.58	12/11/2010	46,944.00	12/10/2011	51,395.44	12/15/2012	47,022.38	12/14/2013	29,229.02
12/19/2009	32,834.39	12/18/2010	42,076.76	12/17/2011	55,981.32	12/22/2012	46,838.96	12/21/2013	44,581.02
12/26/2009	53,406.34	12/25/2010	50,450.28	12/24/2011	54,248.62	12/29/2012	59,697.22		
01/02/2010	92,980.40	01/01/2011	85,152.12	12/31/2011	94,661.00	01/05/2013	71,673.52		
01/09/2010	55,020.46	01/08/2011	54,301.30	01/07/2012	74,863.40	01/12/2013	50,416.30		
01/16/2010	60,551.28	01/15/2011	54,005.90	01/14/2012	58,901.92	01/19/2013	51,211.88		
01/23/2010	69,943.53	01/22/2011	60,924.74	01/21/2012	61,819.92	01/26/2013	46,966.26		
01/30/2010	48,527.75	01/29/2011	48,036.94	01/28/2012	62,898.78	02/02/2013	52,067.92		
02/06/2010	37,155.14	02/05/2011	60,777.44	02/04/2012	72,154.66	02/09/2013	52,222.20		
02/13/2010	44,334.00	02/12/2011	67,471.84	02/11/2012	66,429.04	02/16/2013	64,243.52		
02/20/2010	76,946.12	02/19/2011	72,018.54	02/18/2012	77,455.88	02/23/2013	64,115.70		
02/27/2010	72,024.40	02/26/2011	75,544.02	02/25/2012	77,611.78	03/02/2013	62,602.74		
03/06/2010	76,936.85	03/05/2011	74,535.34	03/03/2012	75,963.86	03/09/2013	59,213.26		

03/13/2010	71,007.37	03/12/2011	66,979.48	03/10/2012	76,808.62	03/16/2013	62,366.36
03/20/2010	74,335.38	03/19/2011	73,113.26	03/17/2012	76,883.92	03/23/2013	59,841.02
03/27/2010	69,941.88	03/26/2011	68,490.80	03/24/2012	72,108.36	03/30/2013	57,567.98
04/03/2010	70,636.28	04/02/2011	70,846.58	03/31/2012	74,244.22	04/06/2013	63,108.84
04/10/2010	69,692.79	04/09/2011	67,076.78	04/07/2012	75,382.98	04/13/2013	56,849.30
04/17/2010	69,335.92	04/16/2011	64,698.56	04/14/2012	71,065.34	04/20/2013	55,432.12
04/24/2010	68,714.11	04/23/2011	67,674.14	04/21/2012	68,055.08	04/27/2013	58,612.74
05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66	05/04/2013	61,102.92
05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30	05/11/2013	57,428.70
05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92	05/18/2013	61,172.80
05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36	05/25/2013	57,131.24
05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66
06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74
06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52
06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12	06/22/2013	54,690.28
06/26/2010	63,950.29	06/25/2011	65,470.44	06/23/2012	55,921.30	06/29/2013	55,991.38
06/30/2010	29,667.19	06/30/2011	34,351.16	06/30/2012	58,207.40	06/30/2013	11,509.54

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<b>TOTALS</b>	<b>4041141.56</b>	<b>4016541.01</b>	<b>4124906.8</b>	<b>3580645.18</b>	<b>1,853,738.12</b>
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**Table Game Revenue**

<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	99,274.36
September, 2010	94,247.84	August, 2011	137,473.92	August, 2012	133,245.83	August, 2013	111,427.75
October, 2010	105,903.60	September, 2011	110,375.25	September, 2012	127,532.40	September, 2013	80,857.74
November, 2010	108,717.67	October, 2011	124,273.94	October, 2012	126,482.02	October, 2013	81,066.09
December, 2010	118,721.11	November, 2011	121,118.87	November, 2012	134,443.93	November, 2013	79,853.94
January, 2011	106,189.21	December, 2011	140,509.93	December, 2012	146,677.92		
February, 2011	105,776.45	January, 2012	137,812.68	January, 2013	132,650.35		
March, 2011	120,927.10	February, 2012	142,770.01	February, 2013	121,636.62		
April, 2011	130,654.61	March, 2012	151,845.46	March, 2013	149,033.62		
May, 2011	130,492.02	April, 2012	127,862.26	April, 2013	105,545.23		
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38		
		June, 2012	129,235.38	June, 2013	104,803.37		
<b>Total 2010-2011</b>	<b>1297391.7</b>	<b>Total 2011-2012</b>	<b>1602900.84</b>	<b>Total 2012-2013</b>	<b>1530462.31</b>	<b>Total 2013-2014</b>	<b>452479.88</b>

**Table Game Revenue Distribution - Jefferson County School Board**

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25
September, 2011	331,125.75	September, 2012	382,597.20	September, 2013	242,573.22
October, 2011	372,821.82	October, 2012	379,446.06	October, 2013	243,198.27
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82
December, 2011	421,529.79	December, 2012	440,033.75		
January, 2012	413,438.04	January, 2013	397,951.05		
February, 2012	428,310.03	February, 2013	381,857.07		
March, 2012	455,536.38	March, 2013	447,100.86		
April, 2012	383,586.78	April, 2013	316,635.69		
May, 2012	413,715.39	May, 2013	329,242.14		
June, 2012	387,706.12	June, 2013	314,410.11		
<b>Total 2011-2012</b>	<b>4,808,702.50</b>	<b>Total 2012-2013</b>	<b>4,608,334.13</b>	<b>Total 2013-2014</b>	<b>1,357,439.64</b>