

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, FEBRUARY 6, 2014
9:30 A.M.
County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- January 30, 2014

APPROVAL OF PURCHASE ORDERS

- February 6, 2014

APPROVAL OF ACCOUNTS PAYABLE

- February 6, 2014

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. John Reisenweber, Executive Director of the Jefferson County Development Authority
- Funding request for Natural Gas Study - Discussion/Action
2. 10:00 a.m. Interviews and Appointments to the Jefferson County Water Advisory Committee - Four 3-year terms ending January 31, 2017 - Discussion/Action
3. 10:15 a.m. F. Samuel Byrer, Attorney
- Request for reduction of rezoning fee for 1,268 acres - Millville Quarry - Discussion/Action
4. 10:30 a.m. BREAK

5. 10:45 a.m. Jefferson County Emergency Services Agency
Pete Dougherty, Sheriff
Teresa Hendricks, Chief Tax Deputy
Angie Banks, Assessor
- Discuss Ambulance Fee Implementation and the possible process for the collection of the Ambulance Fee - Discussion/Action
6. 11:45 p.m. - Follow up Workshop - 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/Action

UNFINISHED BUSINESS:

7. Request lobbyist to defend against Governor Tomblin's SB385 which would cut 15% of the County's Lottery appropriations for the next two years and discuss the involvement of the municipalities in this request - Discussion/Action (DM)

NEW BUSINESS:

8. Legislative Updates
9. Approval of Resolution and Grant Application for the Sheriff's Department Deputy Reserves - Purchase of Equipment - Discussion/Action

FINANCIAL DIRECTOR REPORTS

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

10. 12:30 p.m. Break for Lunch

~~~~~ AFTERNOON SESSION ~~~~~

11. 1:30 p.m. Board of Review and Equalization  
Location: Jefferson County Courthouse  
100 East Washington Street, Charles Town, WV
12. ADJOURN

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

- Jefferson County Health Department

**CORRESPONDENCE/INFORMATION:**

Notice of the Jefferson County Commission Board of Review and Equalization Date Addition.

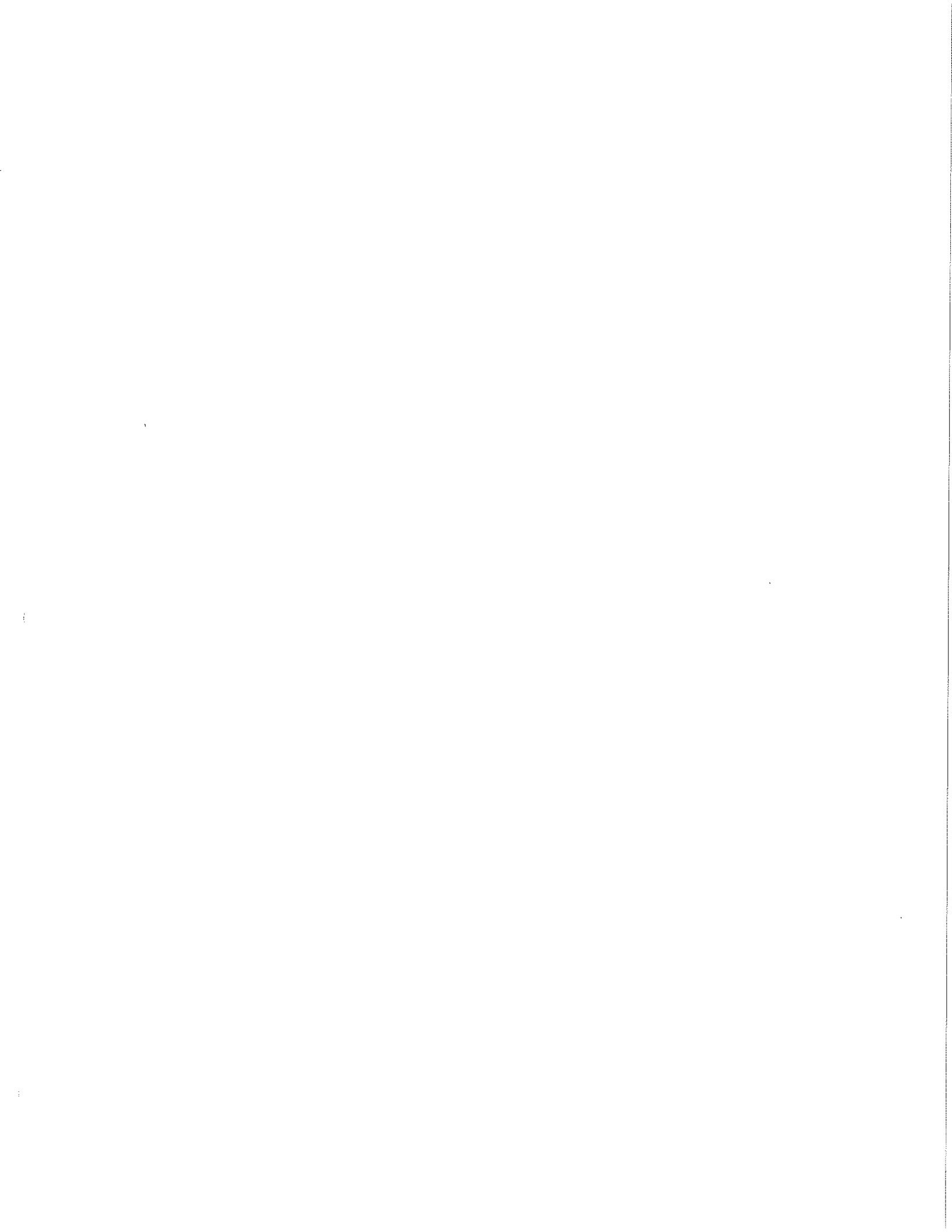
Notice of the Jefferson County Commission Board of Review and Equalization Date Cancellation.

Notice of Envision Jefferson 2035 Future Land Use Map Public Participation Open House on Monday, February 10, 2014 6:30 - 8:30 p.m. at the Page Jackson Elementary School.

Jefferson County Commission Notice of Intent to Appoint to the Jefferson County Property Safety Enforcement Agency on February 20, 2014.

West Virginia Lottery Weekly Settlement for Charles Town week ending January 25, 2014.

*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, January 30, 2014

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A meeting of the Jefferson County Commission was held on Thursday, January 30, 2014 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, January 30, 2014 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

**Motion by Ms. Tabb to approve the Regular Meeting Minutes of January 16, 2014. Motion seconded and unanimously approved.**

**Motion by Mr. Manuel to approve the Regular Meeting Minutes of January 23, 2014 with noted correction. Motion seconded and unanimously approved.**

**Motion by Ms. Noland to approve the Public Hearing Minutes of January 23, 2014. Motion seconded and unanimously approved.**

#### APPROVAL OF PURCHASE ORDERS

**Motion by Mr. Manuel to approve Purchase Orders in the amount of \$13,851.70 to include P.O. Nos. 51820, 52205, 50245, 50003, 52011, 52012, 52013, 52014, 52202, 52203, and 52206. Motion seconded and unanimously approved.**

#### APPROVAL OF ACCOUNTS PAYABLE

| CHCKNO | DEPT    | VENDOR                   | PONUM | POAMT     | NOAMT       | CHECK AMOUNT |
|--------|---------|--------------------------|-------|-----------|-------------|--------------|
| 071522 | PAYROLL | AMERICAN FAMILY LIFE ICU |       | \$ -      | \$ 6,451.92 | \$ 6,451.92  |
| 071523 | 402     | ACS GOVERNMENT SYSTEMS   | 51813 | \$ 200.00 | \$ -        | \$ 200.00    |

|        |         |                           |       |           |             |             |
|--------|---------|---------------------------|-------|-----------|-------------|-------------|
| 071524 | 412     | COMCAST                   |       | \$ -      | \$ 80.50    | \$ 80.50    |
| 071524 | 425     | COMCAST                   |       | \$ -      | \$ 448.03   | \$ 448.03   |
| 071525 | 712     | AT&T/GA                   |       | \$ -      | \$ 64.88    | \$ 64.88    |
| 071526 | 413     | APPLE VALLEY OFF.PRODUCT  | 51630 | \$ 43.00  | \$ -        | \$ 43.00    |
| 071527 | 406     | ANGELA L BANKS            |       | \$ -      | \$ 68.00    | \$ 68.00    |
| 071528 | 425     | B-K OFFICE SUPPLY INC     | 52200 | \$ 253.70 | \$ -        | \$ 253.70   |
| 071529 | PAYROLL | BUREAU F/CHILD SUPPORT    |       | \$ -      | \$ 49.85    | \$ 49.85    |
| 071530 | PAYROLL | BUREAU FOR CHILD SUPPORT  |       | \$ -      | \$ 28.85    | \$ 28.85    |
| 071531 | PAYROLL | BUREAU F/CHILD SPRT ENF   |       | \$ -      | \$ 212.31   | \$ 212.31   |
| 071532 | PAYROLL | BUREAU OF CHILD SUPPORT   |       | \$ -      | \$ 461.54   | \$ 461.54   |
| 071533 | 401     | 201 N. GEORGE ST LLC      |       | \$ -      | \$ 9,638.92 | \$ 9,638.92 |
| 071534 | PAYROLL | BUREAU OF CHILD SUPPORT   |       | \$ -      | \$ 119.54   | \$ 119.54   |
| 071535 | PAYROLL | BUREAU OF CHILD SUPPORT   |       | \$ -      | \$ 530.77   | \$ 530.77   |
| 071536 | 403     | CASTO & HARRIS INC        | 51461 | \$ 889.68 | \$ -        | \$ 889.68   |
| 071537 | 712     | FRONTIER WV, INC          |       | \$ -      | \$ 380.00   | \$ 380.00   |
| 071538 | 717     | CREAMERS WRECKER SVC      | 52204 | \$ 85.00  | \$ -        | \$ 85.00    |
| 071539 | PAYROLL | CHILD SUPPORT ENFORCE AG  |       | \$ -      | \$ 27.69    | \$ 27.69    |
| 071540 | PAYROLL | COLONIAL LIFE             |       | \$ -      | \$ 731.19   | \$ 731.19   |
| 071541 | 425     | DEHAVEN BERKELEY SPRINGS5 |       | \$ -      | \$ 51.75    | \$ 51.75    |
| 071542 | PAYROLL | DIVERSIFIED COLLECTION    |       | \$ -      | \$ 154.83   | \$ 154.83   |
| 071543 | 425     | GRAINGER, INC             | 52201 | \$ 154.62 | \$ -        | \$ 154.62   |
| 071544 | PAYROLL | ING NATIONAL TRUST        |       | \$ -      | \$ 2,960.00 | \$ 2,960.00 |
| 071545 | 401     | INSIGHT A/V SERVICES      | 52298 | \$ 62.49  | \$ -        | \$ 62.49    |
| 071546 | 712     | ROBERT E. JONES III       |       | \$ -      | \$ 1,000.00 | \$ 1,000.00 |
| 071547 | PAYROLL | JEFFERSON SECURITY BANK   |       | \$ -      | \$ 40.00    | \$ 40.00    |
| 071547 | PAYROLL | JEFFERSON SECURITY BANK   |       | \$ -      | \$ 5,328.00 | \$ 5,328.00 |
| 071548 | 405     | MATTHEW BENDER & CO       | 51839 | \$ 492.74 | \$ -        | \$ 492.74   |
| 071549 | PAYROLL | COMPTROLLER OF MARYLAND   |       | \$ -      | \$ 841.63   | \$ 841.63   |
| 071550 | 412     | SHAY MCNEIL               |       | \$ -      | \$ 75.54    | \$ 75.54    |
| 071550 | 412     | SHAY MCNEIL               |       | \$ -      | \$ 50.00    | \$ 50.00    |
| 071551 | PAYROLL | HELEN M. MORRIS, TRUSTEE  |       | \$ -      | \$ 150.00   | \$ 150.00   |
| 071552 | PAYROLL | NATIONWIDE RETIREMENT     |       | \$ -      | \$ 749.00   | \$ 749.00   |
| 071553 | 402     | PIFER OFFICE SUPPLY, INC  | 51819 | \$ 224.45 | \$ -        | \$ 224.45   |
| 071554 | 405     | PAMELA PATTERSON          | 51838 | \$ 257.95 | \$ -        | \$ 257.95   |
| 071555 | 425     | RCS SECURITY              |       | \$ -      | \$ 414.00   | \$ 414.00   |
| 071556 | 401     | RETIREE HLTH BENEFIT TRS  |       | \$ -      | \$ 6,668.00 | \$ 6,668.00 |
| 071557 | 401     | RICOH USA, INC./GA        |       | \$ -      | \$ 252.73   | \$ 252.73   |
| 071557 | 403     | RICOH USA, INC./GA        |       | \$ -      | \$ 287.58   | \$ 287.58   |
| 071557 | 404     | RICOH USA, INC./GA        |       | \$ -      | \$ 123.90   | \$ 123.90   |
| 071557 | 405     | RICOH USA, INC./GA        |       | \$ -      | \$ 423.90   | \$ 423.90   |

|              |         |                          |       |                    |                      |                      |
|--------------|---------|--------------------------|-------|--------------------|----------------------|----------------------|
| 071557       | 406     | RICOH USA, INC./GA       |       | \$ -               | \$ 123.90            | \$ 123.90            |
| 071557       | 425     | RICOH USA, INC./GA       |       | \$ -               | \$ 48.10             | \$ 48.10             |
| 071557       | 433     | RICOH USA, INC./GA       |       | \$ -               | \$ 197.41            | \$ 197.41            |
| 071557       | 440     | RICOH USA, INC./GA       |       | \$ -               | \$ 197.41            | \$ 197.41            |
| 071557       | 700     | RICOH USA, INC./GA       |       | \$ -               | \$ 295.90            | \$ 295.90            |
| 071557       | 712     | RICOH USA, INC./GA       |       | \$ -               | \$ 267.08            | \$ 267.08            |
| 071558       | 403     | SOFTWARE SYSTEMS, INC    | 51439 | \$ 394.88          | \$ -                 | \$ 394.88            |
| 071558       | 424     | SOFTWARE SYSTEMS, INC    | 51439 | \$ 450.00          | \$ -                 | \$ 450.00            |
| 071559       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 47,783.04         | \$ 47,783.04         |
| 071559       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 11,175.18         | \$ 11,175.18         |
| 071559       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 136.28            | \$ 136.28            |
| 071559       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 31.88             | \$ 31.88             |
| 071559       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 159.42            | \$ 159.42            |
| 071559       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 47,420.07         | \$ 47,420.07         |
| 071560       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 165.19            | \$ 165.19            |
| 071560       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 2.52              | \$ 2.52              |
| 071560       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -               | \$ 48,745.75         | \$ 48,745.75         |
| 071561       | PAYROLL | WV DEPUTY SHRF RETIREMEN |       | \$ -               | \$ 18,198.55         | \$ 18,198.55         |
| 071561       | PAYROLL | WV DEPUTY SHRF RETIREMEN |       | \$ -               | \$ 27,833.09         | \$ 27,833.09         |
| 071562       | 425     | THOMPSON GAS             |       | \$ -               | \$ 309.09            | \$ 309.09            |
| 071563       | 413     | UPS                      |       | \$ -               | \$ 14.73             | \$ 14.73             |
| 071564       | 405     | THOMSON REUTER - WEST    | 51638 | \$ 1,167.75        | \$ -                 | \$ 1,167.75          |
| 071565       | PAYROLL | WV PUB EMP RETIRE SYS    |       | \$ -               | \$ 8.29              | \$ 8.29              |
| 071565       | PAYROLL | WV PUB EMP RETIRE SYS    |       | \$ -               | \$ 2.57              | \$ 2.57              |
| 071565       | PAYROLL | WV PUB EMP RETIRE SYS    |       | \$ -               | \$ 39,244.30         | \$ 39,244.30         |
| 071565       | PAYROLL | WV PUB EMP RETIRE SYS    |       | \$ -               | \$ 126,453.16        | \$ 126,453.16        |
| 071566       | PAYROLL | WV CPRB/LOAN DIVISION    |       | \$ -               | \$ 249.75            | \$ 249.75            |
|              |         |                          |       |                    |                      |                      |
| <b>TOTAL</b> |         |                          |       |                    |                      | <b>\$ 412,603.77</b> |
| <b>TOTAL</b> |         |                          |       | <b>\$ 4,676.26</b> | <b>\$ 407,927.51</b> | <b>\$ 412,603.77</b> |

**Motion by Ms. Widmyer to approve the Accounts Payable for January 30, 2014 in the amount of \$412,603.77. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Randy Funkhouser, President of the Horseman's Benevolent and Protective Association – spoke regarding Senate Bill 385 and the devastation it would bring to the horse racing industry and the County if passed.

## PRESENTATIONS

1. Pete Dougherty, Sheriff - requested the approval to appoint additional bailiffs to be able to reduce or eliminate the possibility of overtime being paid to existing bailiffs.
  - **Motion by Ms. Noland to approve the appointments of Arthur Cridler, Charles Pickett, and Kerry Scott as additional bailiffs for the Sheriff's Department. Motion seconded and unanimously approved.**
2. Laura Storm, Circuit Clerk - spoke with the Commission regarding Adult Drug Court and the limited costs to the County.
3. Ronda Eddy, Executive of the Berkeley/Jefferson Day Report Center – provided the Commission with a status update and discussion of an upcoming grant application for Community Corrections funding for FY15 and information on current Criminal Justice Board membership requirements.
4. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.
5. Lynn Fields, Deputy Probate Clerk – requested the Commission schedule hearing dates and times for the following probate issues:
  - a. Estate of Blanche V. Nelson; Re-Examine the Petition to Remove Executor Larry Slaughter.
    - It was the consensus of the Commission to hold a public hearing on this matter on Thursday, February 20, 2014.
  - b. Estate of Gayle Botts Duncan; Verified Petition to Compel Amended Appraisal; Accounting; And to Remove The Executor, Daniel D. Duncan
    - It was the consensus of the Commission to hold a public hearing on this matter on Thursday, February 20, 2014.
  - c. Estate of Charles Francis Printz, and Estate of Bethel H. Printz; Motion to Dismiss Amended Petition to Remove Executor and Appoint Curator.
    - It was the consensus of the Commission to hold a public hearing on this matter on Thursday, March 6, 2014.
6. Tom Reilly, IT Consultant, Accurate Systems – gave a presentation to the Commission to discuss the County's current and future IT needs. Mr. Reilly also spoke about the accomplishments and improvements that have been made within the County's IT Department since September and outlined the projects the IT

department would be completing over the course of 2014. Mr. Riley also provided the Commission with a cost analysis of in-house IT services versus contracted IT services and presented his opinion that it's most cost-effective for the County to have both in-house and contracted IT services.

7. Stephanie Grove, Assistant Prosecuting Attorney – requested by the Commission to provide a litigation update.
  - **Motion by Ms. Noland to enter into Executive Session, citing §6-9A-4. Motion seconded and unanimously approved.**

### **NEW BUSINESS**

8. Commissioner Dale Manuel – requested the Commission approve the hiring of a lobbyist to defend against Governor Tomblin's Senate Bill 385 which would cut 15% of the County's Lottery and Table Games appropriations for the next two years. Commissioner Manuel also stated it was essential to involve the municipalities in this request, as the Bill would have direct consequences for many of the citizens of the County.
  - **Motion by Mr. Manuel to hire a lobbyist at a future date to defend against Senate Bill 385, not to exceed \$10,000. Motion seconded and unanimously approved.**
9. Dannie Wall, League of Women Voters – requested the approval of the use of the Commission Meeting Room at the Old Charles Town Library for two League of Women Voters events taking place on the evenings of March 3<sup>rd</sup> and March 24<sup>th</sup>.
  - **Motion by Ms. Widmyer to approve the use of the Commission Meeting Room by the League of Women Voters on March 3<sup>rd</sup> and March 24<sup>th</sup>. Motion seconded and unanimously approved.**

### 10. Legislative Updates

- Senate Bill 373 – initiated by Senator Unger, this water distribution systems bill would regulate water standards and ensure all West Virginians have access to clean drinking water.
- Classification/Compensation Bill – 18 counties in West Virginia, including Jefferson, Berkeley, and Morgan, are not eligible this first year because these counties do not have any new revenue identifiable by the Auditor's office.

- o MARC Surcharge – no money in the Governor’s budget to provide to the MARC system, which will result in an average increase of \$460 annually per commuter.

11. The Commission recessed for lunch at 12:30 pm.

The Commission reconvened at 1:30 pm for the Board of Review and Equalization at the Jefferson County Courthouse located at 100 East Washington Street, Charles Town West Virginia, 25414.

14. Roundtable Discussion – Brainstorming/Suggestions for Budget Cuts, including Elected Officials, Department Managers, and Contingency Agencies Tim Stanton, Finance Director, began the discussion by providing the attendees with a recap of the County’s current financial situation. At the time of the meeting, the County still need to find \$900,000 to balance the FY14 budget. Mr. Stanton also stated it was important for the County to build its reserves by generating new sources of revenue. Many of the County’s employees provided their suggestions on ways to improve the budget and emphasized the need for cooperation and teamwork among the departments and elected officials.

The Commission meeting was adjourned at 4:05 pm on a motion by Mr. Manuel. Motion was seconded and unanimously approved.

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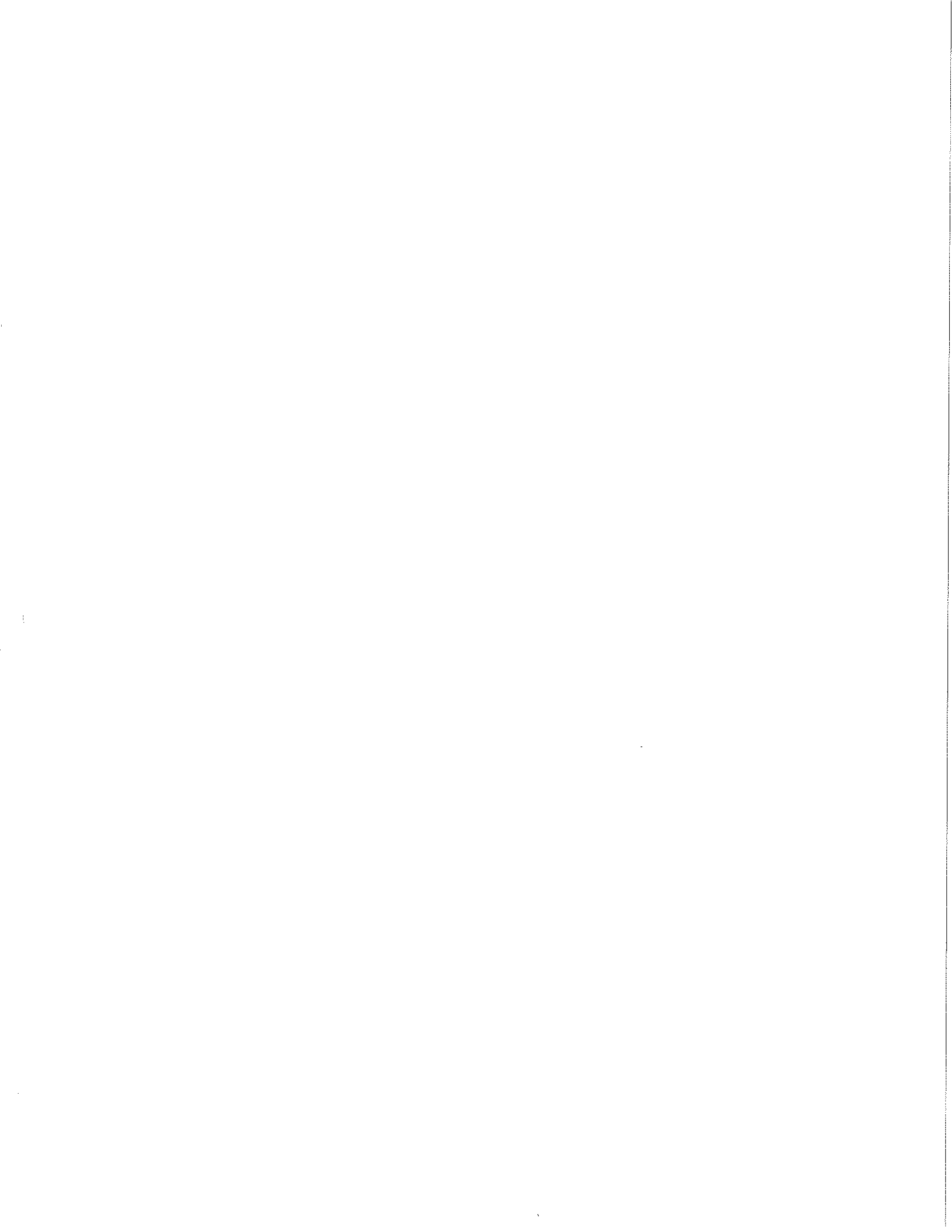
WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant

**PURCHASE ORDERS TO BE APPROVED**

**February 6, 2014**

| DEPARTMENT           | PURCHASE ORDER | AMOUNT              | VENDOR                     | DESCRIPTION                                 |
|----------------------|----------------|---------------------|----------------------------|---------------------------------------------|
| ASSESSOR             | 51427          | \$ 1,034.10         | Casto-Harris               | Assessor Binders/Auditor Storage Binders    |
| CIRCUIT CLERK        | 51460          | \$ 338.94           | SSI                        | HP Laser Jet Pro Printer                    |
| COMMUNICATIONS       | 51684          | \$ 190.00           | APCO Institute             | Telecommunicator Instructor Recertification |
|                      | 52232          | \$ 460.00           | Teltronic                  | Service Ticket                              |
| COUNTY CLERK         | 51822          | \$ 473.85           | Pifer Office Supply        | Expandable Hanging Folders                  |
| COURTHOUSE           | 52271          | \$ 10,363.49        | Trenary Service            | Materials & Service for HVAC Repair         |
|                      | 52272          | \$ 1,178.92         | Winchester Equipment Co.   | Repairs to Ford 3930 Tractor                |
| ENGINEERING          | 50246          | \$ 120.00           | WV Code Officials Assoc.   | Membership Dues                             |
|                      | 50247          | \$ 150.00           | WV Code Officials Assoc.   | WVCOA Spring Mtg. Registration              |
|                      | 50248          | \$ 662.00           | International Code Council | "Approved" Stickers                         |
| GIS/ADDRESSING       | 51377          | \$ 7,100.00         | ESRI, Inc.                 | Software Maintenance                        |
| OTHER BUILDINGS      | 52270          | \$ 673.79           | Dell                       | Replacement Computer for Security           |
|                      | 52273          | \$ 211.50           | Battery Mart               | Batteries                                   |
| PROSECUTING ATTORNEY | 51830          | \$ 120.00           | Progressive Printing       | Business Cards                              |
| <b>GRAND TOTAL</b>   |                | <b>\$ 22,071.30</b> |                            |                                             |



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: John Reisenweber

Department or Organization: **Jefferson County Development Authority**

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1<sup>st</sup> Choice: **February 6, 2014**

*If a specific date is needed, please provide reason for specific date: **Urgency of project***

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **Funding request for Natural Gas Study**

Please provide the County Commission with a description of your request or presentation, including any background information:  
Click here to enter text.

Is this a funding request? Y/N Yes **20,000**  
If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Click here to enter text.

Attach supporting documents for request, or request may be denied.  
If not attached, explain: Click here to enter text.

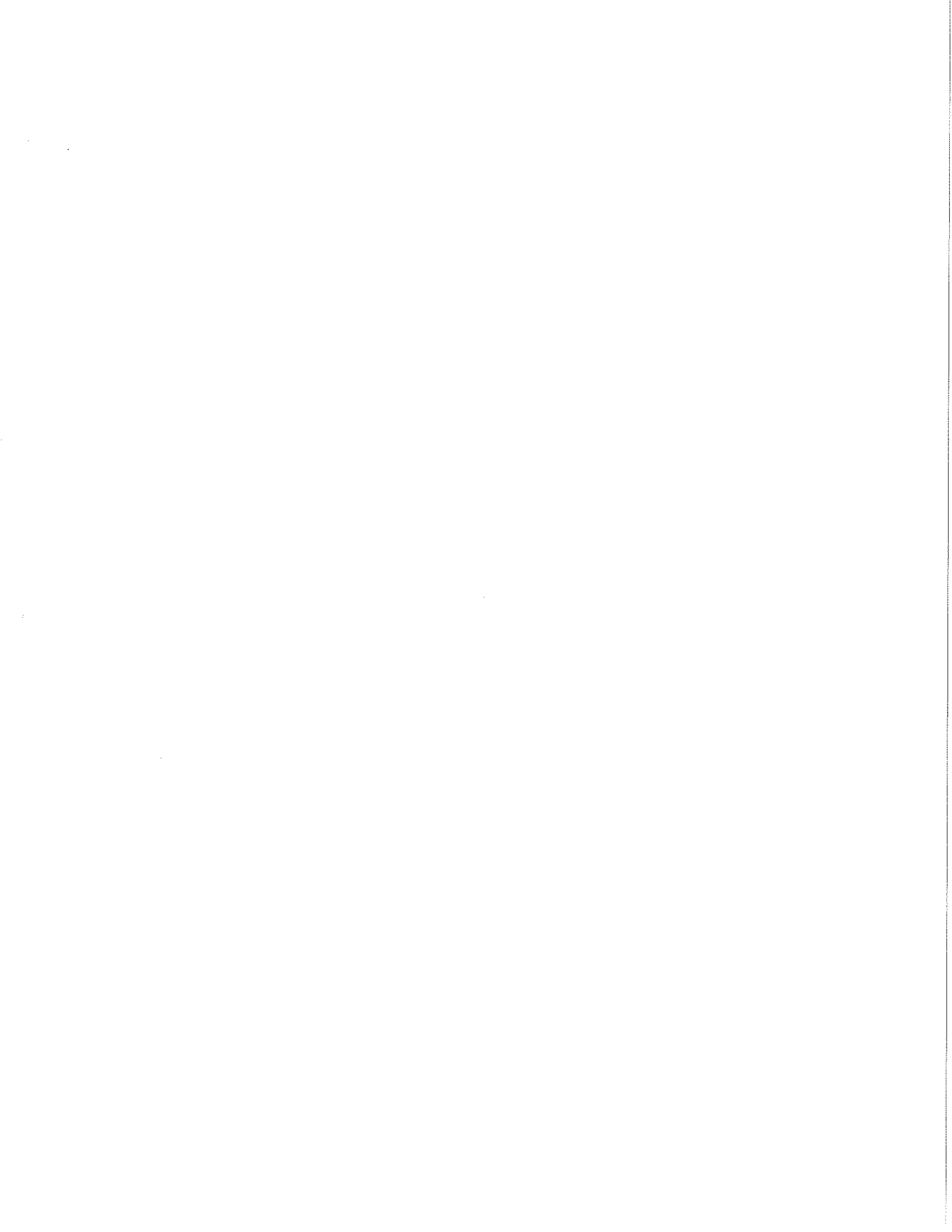
Is equipment needed? Projector Y/N No Internet/Wi Fi Y/N No Telephone for conference call Y/N No

Contact information: John Reisenweber/Jane Jones

Email address: [John@jcda.net](mailto:John@jcda.net) or [JaneJones@jcda.net](mailto:JaneJones@jcda.net) Phone Number: 304-728-3255

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

Click here to enter text.



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: February 6, 2014

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

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

Subject (*Wording to be placed on agenda*): Interviews and Appointments to the Jefferson County Water Advisory Committee - four (4) three-year terms ending January 31, 2017

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

Is this a funding request? Y/N

If so, how much? \$

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

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

If not attached, explain:

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

Contact information:

Email address: Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

Click here to enter text.

# WATER ADVISORY COMMITTEE | 2014

## Members currently serving

| <u>Name</u>           | <u>Expiration</u> | <u>Intention</u>         |
|-----------------------|-------------------|--------------------------|
| Roger Ethier          | 1/31/2015         |                          |
| Willis E. Nowell, Jr. | 1/31/2015         |                          |
| Jane Arnett           | 1/31/2015         |                          |
| Larry Johnson         | 1/31/2016         |                          |
| Dick Latterell        | 1/31/2016         |                          |
| Susan Staehle         | 1/31/2016         |                          |
| Mark Shields          | 1/31/2014         | no response              |
| Victoria Eckert       | 1/31/2014         | wishes to be reappointed |
| Mary T. Sell (CHAIR)  | 1/31/2014         | wishes to be reappointed |
| Robert K. Denton, Jr. | 1/31/2014         | wishes to be reappointed |

## INTERESTED APPLICANTS

| <u>NAME</u> | <u>ATTENDING</u> | <u>CONTACTED</u> |
|-------------|------------------|------------------|
|             |                  |                  |
|             |                  |                  |
|             |                  |                  |
|             |                  |                  |
|             |                  |                  |

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, **February 6, 2014**, or as soon thereafter as the Commission may decide:

**Water Advisory Committee - four (4) three-year terms ending January 31, 2017**

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:**

**January 15th, 22nd, 29<sup>th</sup> 2014**

**February 5<sup>th</sup> 2014**

**THANKS - JEFFERSON COUNTY COMMISSION**

Victoria Eckert  
175 Cheney Ave  
Harpers Ferry, WV 25425  
304-279-6697

Jefferson County Commission  
Attn: Jessica Carroll  
124 E. Washington Street  
Charles Town, WV 25414

Re: February 6, 2014 Water Advisory Committee Appointment

Dear Ms. Carroll,

In response to your letter, I am writing to indicate my interest in reappointment, for a second three year term ending January 31, 2017, to the Jefferson County Commission's Water Advisory Committee.

I have greatly enjoyed working with the Jefferson County Commissioners, Jefferson County Commission staff, my fellow Water Advisory Committee members, Jefferson County residents and West Virginia agencies to educate and to promote interest in water related issues that affect Jefferson County.

Thank you for your consideration of my interest in reappointment to the Jefferson County Commission's Water Advisory Committee.

Yours truly,

  
Victoria Eckert

Mary Thekla Sell  
P.O. Box 895  
Charles Town, WV 25414  
202-215-0270

Jefferson County Commission  
Attn: Jessica Carroll  
124 E. Washington Street  
Charles Town, WV 25414

Re: February 6, 2014 Water Advisory Committee Appointment

Dear Ms. Carroll,

In response to your letter, I am writing to indicate my interest in reappointment, for a second three year term ending January 31, 2017, to the Jefferson County Commission's Water Advisory Committee.

I have greatly enjoyed working with the Jefferson County Commissioners, Jefferson County Commission staff, my fellow Water Advisory Committee members, Jefferson County residents and West Virginia agencies to educate and to promote interest in water related issues that affect Jefferson County.

Thank you for your consideration of my interest in reappointment to the Jefferson County Commission's Water Advisory Committee.

Yours truly,

  
Mary Thekla Sell

## Jessica Carroll

---

**From:** Robert Denton [RDenton@GeoConcepts-Eng.Com]  
**Sent:** Monday, January 27, 2014 9:39 AM  
**To:** jcarroll@jeffersoncountywv.org  
**Subject:** Renewal of Term on JCWAC

Dear Jessica,

In response to your letter dated December 3, 2013 regarding my reappointment to the JCWAC. Yes, I would be honored to serve another term on the Water Advisory Committee.

With regards,

**Robert K. Denton Jr., CPG, LPSS**  
Certified Professional Geologist  
Licensed Professional Soil Scientist

**GeoConcepts Engineering, Inc.**  
19955 Highland Vista Drive, Suite 170  
Ashburn, Virginia 20147  
Phone: (703) 726-8030  
Fax: (703) 726-8032

[www.geoconcepts-eng.com](http://www.geoconcepts-eng.com)

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**AGENDA REQUEST FORM**

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



Name: F. Samuel Byrer

Department or Organization: Attorney for Millville Quarry, Inc.

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1<sup>st</sup> Choice: February 6, 2014

Date Requested – 2<sup>nd</sup> Choice: February 13, 2014

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

Subject (Wording to be placed on agenda): Request for reduction of rezoning fee for 1,268 acres

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):  
Millville Quarry moves the Commission to reduce the fee for rezoning application from \$1,000 plus \$50.00 per acre to \$2,580.

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: fsamuelbyrer@frontiernet.net

Phone number: 304-724-7228

**BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA**

Request of Millville Quarry, Inc. for Reduction of Rezoning Fee

Comes now Millville Quarry, Inc. and respectfully petitions the County Commission of Jefferson County, West Virginia for a reduction of the rezoning application fee. In support of its Petition Millville Quarry, Inc., respectfully submits as follows:

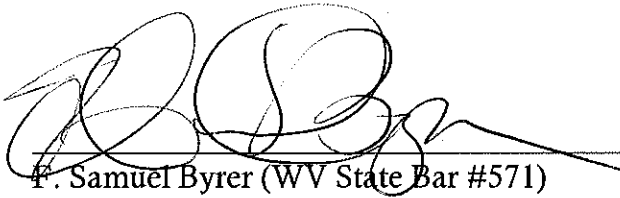
1. Millville Quarry, Inc. is a corporation owned by Aggregate Industries Land Company, Inc., 6401 Golden Triangle Drive, Suite 400, Greenbelt, MD 20770.
2. Millville Quarry, Inc. owns one thousand six hundred fifty eight (1658) acres, more or less in Jefferson County, West Virginia. Attached hereto is a drawing by Alpha Associates titled Millville Quarry Parcel Designation (Exhibit 1). Attached as Exhibit 2 is the 1988 zoning map also showing the property.
3. Millville Quarry, Inc. desires and intends to apply to have 1268 acres of the property rezoned from rural agricultural district to heavy industrial-commercial, a use consistent with its historical and planned usage. Since at least 1944, the property has been used for quarrying and related commercial activity.
4. The current zoning fee schedule in Jefferson County, West Virginia calls for a fee for rezoning of \$1,000.00 plus \$50.00 per acre (See Zoning Fee Schedule attached as Exhibit 3).
5. Most local rezoning applications involve significantly smaller parcels of land and, the resulting fees are not excessive. For example, the fee for applying to rezone a two acre parcel would be \$1,000.00 plus \$50.00 per acre for a total of \$1,100.00. The last five (5) applications for rezoning involved rezoning fees of \$2,580.00 on average.

6. In this case, the rezoning application fee is unreasonable, arbitrary, capricious, and confiscatory. There is not significantly more administration work on an application simply because it involves a larger tract of land and the fee is not justifiable and is unreasonable.

7. The fee called for in the Jefferson County, West Virginia schedule of zoning fees violates Petitioner's constitutional right to petition the government and seek relief. The fee is so large (over \$64,400.00) as to preclude applicants seeking rezoning for large parcels.

WHEREFORE, Millville Quarry, Inc. prays that the County Commission place this matter on its agenda and that the rezoning fee be reduced to two thousand five hundred eighty dollars (\$2,580.00).

Millville Quarry, Inc.  
By Counsel



F. Samuel Byrer (WV State Bar #571)  
Peter A. Pentony (WV State Bar #7769)  
Law Office of F. Samuel Byrer, PLLC  
P.O. Box 597  
202 West Liberty Street  
Charles Town, West Virginia 25414  
Telephone (304) 724-7228  
Facsimile (304) 724-7278



| TRACT | DISTRICT | TAX MAP | PARCEL | ACREAGE    |
|-------|----------|---------|--------|------------|
| A     | 4        | 11      | 14     | 119.56 AC  |
| B     | 4        | 11      | 15     | 92.17 AC   |
| C     | 4        | 11      | 16     | 46.88 AC   |
| D     | 4        | 11      | 18     | 0.50 AC    |
| E     | 4        | 11      | 19     | 0.50 AC    |
| F     | 4        | 11      | 20     | 50.00 AC   |
| G     | 4        | 11      | 35     | 28.42 AC   |
| H     | 4        | 14      | 01     | 275.75 AC  |
| I     | 4        | 14      | 02     | 6.80 AC    |
| J     | 4        | 14      | 03     | 198.99 AC  |
| K     | 4        | 14      | 05     | 92.85 AC   |
| L     | 4        | 14      | 06     | 320.71 AC  |
| M     | 2        | 18      | 12     | 34.6 AC    |
| TOTAL |          |         |        | 1267.73 AC |

\*\* NORTHERN PORTION ONLY  
\*\* NORTHERN PORTION ONLY

1208093.00

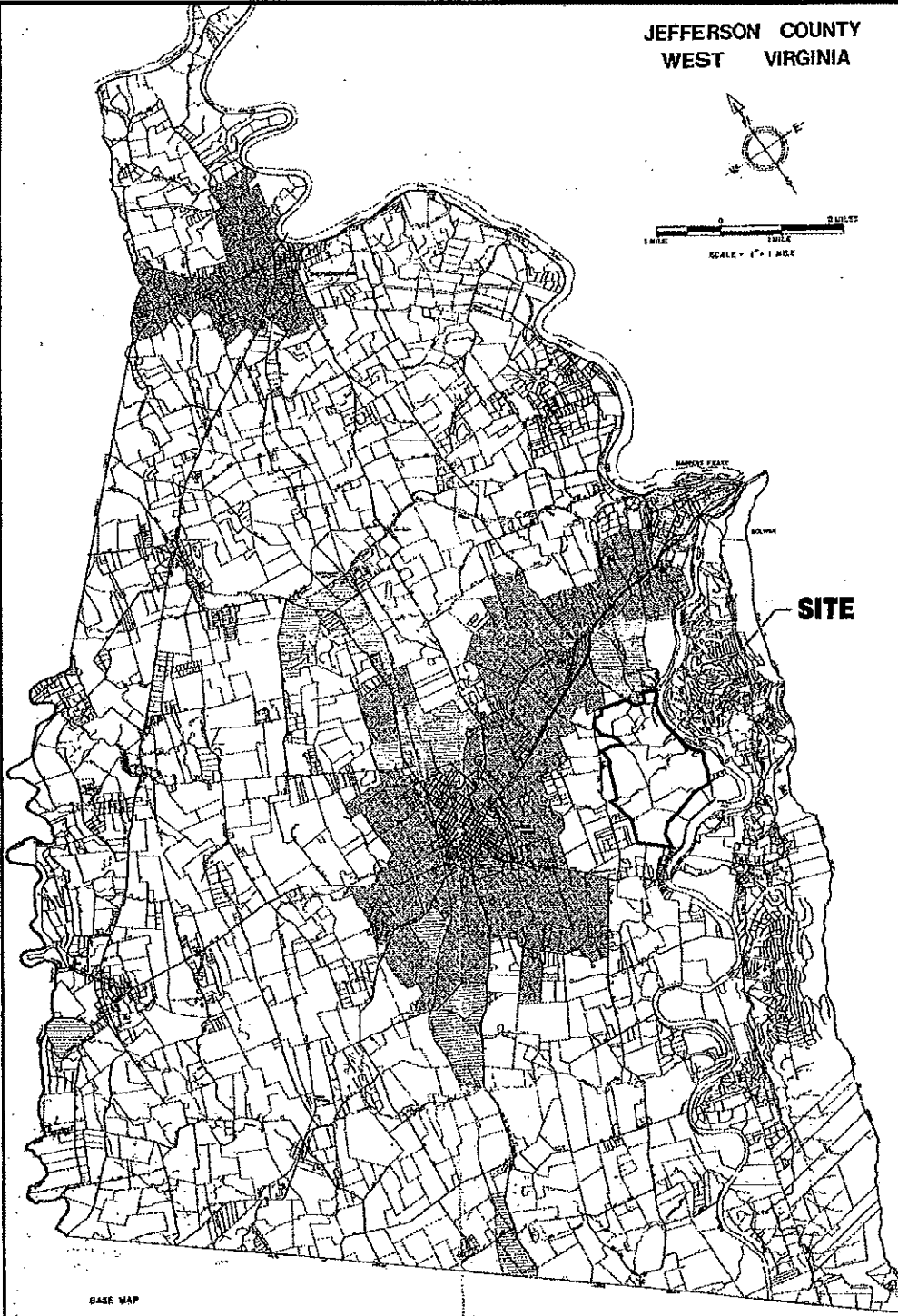
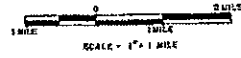
THIS DRAWING NOT TO SCALE

**Alpha**  
ARCHITECTS ENGINEERS

ALPHA ASSOCIATES, INC.  
535 W. KING STREET  
MARTINSBURG, WV 25401  
PHONE/FAX: 304-264-0051 / 304-264-0707  
TOLLFREE: 877-264-0051  
JOB NUMBER: 1208093.00  
www.fhmkALPHAfirm.com

**MILLVILLE QUARRY  
PARCEL DESIGNATION**

JEFFERSON COUNTY  
WEST VIRGINIA



BASE MAP

Prepared by  
**ALPHA ASSOCIATES, INC.**  
for the  
JEFFERSON COUNTY PLANNING COMMISSION

This production of the map was prepared in part  
from the 1988 Jefferson County Zoning Commission  
Boundary Map and other data. The map is not  
guaranteed to be accurate. It is the user's  
responsibility to verify the accuracy of the data.  
This map was prepared under a contract with the  
Jefferson County Planning Commission.

LEGEND

- RESIDENTIAL - GROWTH DISTRICT
- INDUSTRIAL - COMMERCIAL DISTRICT
- RURAL - AGRICULTURAL DISTRICT
- INCORPORATED TOWNS



APPROVED AND ADOPTED BY THE  
JEFFERSON COUNTY COMMISSION

*Garland H. Moore, Jr.*  
GARLAND H. MOORE, JR., PRESIDENT

THIS DRAWING NOT TO SCALE



ALPHA ASSOCIATES, INC.  
535 W. KING STREET  
MARTINSBURG, WV 25401  
PHONE/FAX: 304-264-0051 / 304-264-0707  
TOLLFREE: 877-264-0051  
JOB NUMBER: 1208093.00  
www.thinkALPHA.com

MILLVILLE QUARRY  
1988 ZONING MAP

JEFFERSON COUNTY, WEST VIRGINIA  
ZONING FEES



Effective October 6, 1988  
Revised July 5, 1990, July 1, 1994, January 1, 2001

Conditional Use Permit

Not more than:

\$250.00 plus \$50.00 per acre  
50% return if the project fails LESA  
0% return if the project fails LESA and loses an appeal to the Board of Zoning Appeals

Modification of existing Conditional Use Permit requiring Planning Commission Action.

\$250.00 plus \$25.00 per acre

Appeal of the Conditional Use Permit once issued by the Planning Commission

\$250.00 per appeal filed

Rezoning

\$1000.00 plus \$50.00 per acre

Change in Nonconforming Use

\$100.00 per change in nonconforming use

Variance Request from the Zoning & Development Review Ordinance

\$100.00 per variance request or,  
\$150.00 if construction has already started or finished

Appeal of an Administrative Decision

\$100.00 per appeal (Each issue appealed constitutes a separate appeal)  
\$100.00 returned if Board reverses or modifies decision in any way favorable to the appellant

Floodplain Studies

\$10.00 per study

Miscellaneous Fees

|                             |       |
|-----------------------------|-------|
| Aerial Photograph           | \$15  |
| Appeals                     | \$100 |
| Comprehensive Plan          | \$12  |
| Deeds                       | \$100 |
| Delineation Request         | \$10  |
| Jefferson County Ordinances | \$25  |
| Minor Plat Change           | \$150 |
| Multi-Use Variance          | \$200 |
| Standard Detail             | \$15  |
| Zoning Map Large            | \$20  |
| Zoning Map Small            | \$5   |
| Zoning Variance (New)       | \$100 |
| Zoning Variance (Existing)  | \$150 |

\*Variance fees to correct an improperly issued Improvement Location Permit (by staff) shall be waived.\*

**JEFFERSON COUNTY, WEST VIRGINIA  
SUBDIVISION PROCESSING FEES**

Effective September 1, 1987  
Revised 2/18/88, 1/31/91, 1/1/2001

**\*\*Conventional Subdivision**

|                                            |                  |            |
|--------------------------------------------|------------------|------------|
| Community Impact Statement Review          | 1 to 50 Lots     | \$250.00   |
|                                            | 50 Lots and Over | \$1,000.00 |
| Per Subdivision Plat                       |                  | \$300.00   |
| Per Residential Lot within the Subdivision |                  | \$400.00   |
| Per Non-residential Lot                    |                  | \$500.00   |

**\*\*Planned Unit Development (PUD) Subdivisions**

|                      |          |
|----------------------|----------|
| Per Subdivision Plat | \$250.00 |
|----------------------|----------|

Mobile Home Parks

|                        |          |
|------------------------|----------|
| Per gross project acre | \$100.00 |
| Per mobile home stand  | \$200.00 |
| Per principal building | \$100.00 |

Campground

|                        |          |
|------------------------|----------|
| Per gross project acre | \$100.00 |
| Per campsite           | \$50.00  |
| Per principal building | \$100.00 |

Other

|                                 |          |
|---------------------------------|----------|
| Per gross project acre          | \$100.00 |
| Per principle building          | \$200.00 |
| Per motel unit                  | \$100.00 |
| Per apartment unit              | \$100.00 |
| Per townhouse unit              | \$100.00 |
| Per condominium unit            | \$100.00 |
| Per single family detached site | \$100.00 |

Minor Subdivisions

|                                            |          |
|--------------------------------------------|----------|
| Per Subdivision Plat                       | \$200.00 |
| Per Residential Lot within the Subdivision | \$200.00 |

Review of Subdivision Final or Preliminary Plats showing:

|                                        |          |
|----------------------------------------|----------|
| Minor Changes, Corrections or Redlines | \$150.00 |
|----------------------------------------|----------|

Multiple Use Variances

\$200.00

Subdivision Exemptions

|                                                  |          |
|--------------------------------------------------|----------|
| Parent to Child, Child to Parent or Merger Deeds | \$100.00 |
|--------------------------------------------------|----------|

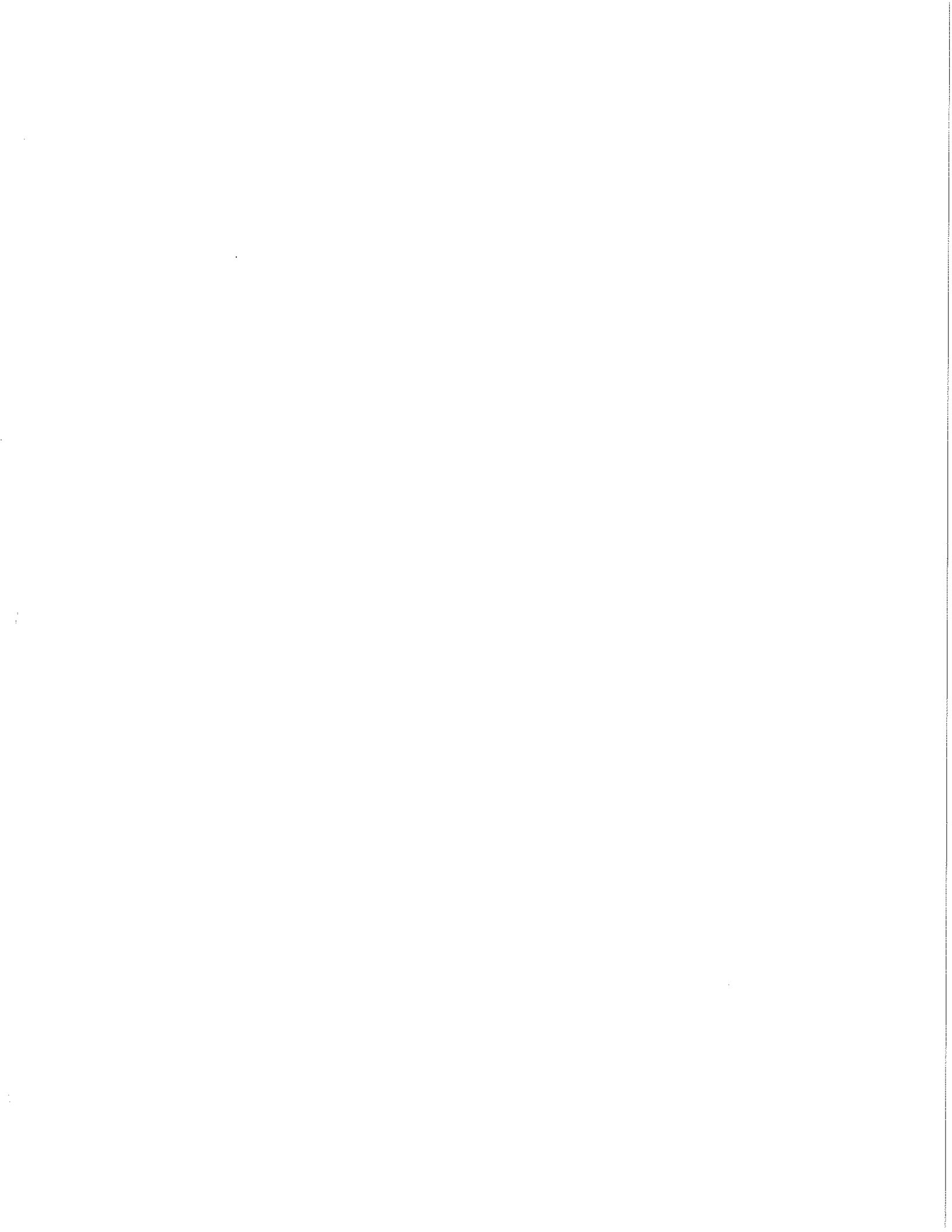
**\*\*Fees for Conventional Subdivisions and Planned Unit Development Subdivisions are payable as follows:**

30% at Preliminary Plat Submittal

30% at Final Plat Submittal

40% when when Planning Commission approves the Final Plat

In the event a subdivision is processed in sections, all fee increases are applicable to the sections which do not have final plat approval.



**AGENDA REQUEST FORM**

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



Name: ~~Click here to enter text.~~ Jane Tabb

Department or Organization: Click here to enter text.

Estimation of amount of time needed for appointment: Click here to enter text.

Date Requested – 1<sup>st</sup> Choice: Click here to enter text. Jan. 30, 2014  
If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): Click here to enter text.

Workshop with Sheriff + Tax Deputy to discuss possible process for the collection of the Ambulance fee.  
Please provide the County Commission with a description of your request or presentation, including any background information: Click here to enter text.

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

Provide exact financial impact/request: Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Click here to enter text.

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

## Decisions Needed to Finalize JCESA Fee

| Decision Needed                            | Option | Costs        | Comments                                  |
|--------------------------------------------|--------|--------------|-------------------------------------------|
| <b>Software:</b>                           |        |              |                                           |
| Utilize SSI software to process invoices   |        | \$ 33,800.00 |                                           |
| Utilize another vendor to process invoices |        | \$ 45,000.00 | Software same \$\$; implementation higher |

| Method of Payment:          | Option | Costs | Comments |
|-----------------------------|--------|-------|----------|
| Cash and Checks             |        |       |          |
| Credit Card                 |        |       |          |
| Credit Card through website |        |       |          |
| Other                       |        |       |          |

| Who is to collect the fee monies?                 | Option | Costs        | Comments |
|---------------------------------------------------|--------|--------------|----------|
| Collection Agency (will cost ____%)               |        |              |          |
| JCESA Employees                                   |        |              |          |
| County Commission Employees (2 p/t ees @ 1040hrs) |        | \$ 20,800.00 |          |
| Other                                             |        |              |          |

| Method to collect delinquent monies?            | Option | Costs | Comments |
|-------------------------------------------------|--------|-------|----------|
| Collection Agency                               |        |       |          |
| Lien on property (Judgment thru Mag. Court 1st) |        |       | \$ -     |
| Other                                           |        |       |          |

| Method to collect monies                  | Option | Costs | Comments |
|-------------------------------------------|--------|-------|----------|
| Post through JCESA                        |        |       |          |
| Post through County Commission/Tax Office |        |       | \$ -     |

| Misc.                                            |  | Costs          | Comments |
|--------------------------------------------------|--|----------------|----------|
| Annual Report to the Public                      |  | Tim Stanton    |          |
| Annual Budget to the Commission                  |  | Tim Stanton    |          |
| Annual Budget to Finance Director                |  | JCESA          |          |
| Public Announcement for July, 2014               |  | Sandy McDonald |          |
| Review and research Exonerations                 |  | JCESA          |          |
| Annual update of database from Tax Office report |  | JCESA          |          |
| Mailing of Invoices                              |  | SSI            |          |
| Generate report for database/billing changes     |  | Tax Office     |          |

| What account should be used to pay for the implementation costs? | Option | Costs | Comments |
|------------------------------------------------------------------|--------|-------|----------|
| County Commission budget                                         |        |       |          |
| Capital Outlay                                                   |        |       |          |
| Other                                                            |        |       |          |

**AGENDA REQUEST FORM**

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



Name: Jane Tabb

Department or Organization: County Commission

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

Date Requested – 1<sup>st</sup> Choice: Dec. 5

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): Ambulance Fee

Please provide the County Commission with a description of your request or presentation, including any background information: Counsel opinion on proper use of ambulance fee.

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: Vinemont@frontiernet.net

Phone number: 304.725.4325

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Dale Manuel

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: January 16, 2014

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

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

Subject: **Discussion of Implementation of Fire Fees (including method & location of collection)**

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:

**EMS FEE TIMELINE, ISSUES AND COST**

✓

① Approve Ordinance

✓

② Select Rate

**Start      Complete**

31-Jan-14 ③ Commission Sign Ordinance

Commission, Legal Counsel

16-Jan-14 15-Feb-14 ④ Determine Roles of Commission, Tax Office and JCESA

15-Mar-14 15-Jun-14 ⑤ Billing System Development Begins

**Cost**

Purchase SSI Fire Fee System

Customize for Jefferson County

SSI Ambulance Fee System      \$ 20,000

Hardware, Data Conv

Contractor Support      Upto      \$ 35,675

\$ 55,675

The contractor support was based on complete use of SSI  
Utilization of Jefferson County IT support could reduce  
the cost especially in setting up the VPN connections and  
Hardware

Pro      System existing and utilized by WV counties  
Contractor Support Available

Entities Involved

Tax Office

JCESA

IT Staff

Assessor

SSI

Commission

Con      Not Web Based  
Requires manual update annually  
Requires annual contractor support  
Does not interface with Credit Card System  
Requires staff to operate and update

15-Mar-14 15-Jun-14 ⑥ Begin Discussions with SSI/ Credit Card Vendor and IT Staff on Web Payment

15-Jun-14 15-Jun-14 ⑦ Issue Annual Bill

Design Invoice

Electronically Deliver Billing Info to Vendor

22,000 Invoices Printed and Mailed

11,000 Reminder/Followup

\$ 18,000

\$ 9,742

\$ 27,742

This cost only incurred if necessary

Subtotal      \$ 83,417

15-Jun-14 30-Sep-14 ⑧

Answer Phones, Collect Funds, Post System

Cost as originally presented

Cost of Tax Office

Equipment including files and Safe

Pro

Expert in data - can resolve issues

Expert in system use, updating and reporting

Con

More costly than outside resource

| Jefferson Cty | PCB/Rossman and Co. |
|---------------|---------------------|
|---------------|---------------------|

\$ 91,234 \$72,000

9% fee on any money collected

TBD

\$ 10,000

Accept check by phone, credits and debit cards

\$ 101,234

(800,000 Total projection)

Jan 2015→

⑨

Collection of Unpaid Invoices

Cost of Utilizing an outside collection agency

20% to 50% of amount collected

Potential Revenue @ 100%

\$ 840,640

Potential Revenue @ 80%

\$ 672,512

Total Potential Cost

\$ 184,651

Unaddressed Tasks:

Development of Public Announcements

Review and research into Exonerations

Annual Report to the Public

Annual Budget to the Commission

**AGENDA REQUEST FORM**

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



Name: Jennifer Brockman

Department or Organization: Planning and Zoning

Estimation of amount of time needed for appointment: 2 hours

Date Requested – 1<sup>st</sup> Choice: January 23, 2014, 7 pm (already set by CC)

*If a specific date is needed, please provide reason for specific date:* Already set by CC

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

Subject (*Wording to be placed on agenda*): Workshop/Discussion regarding 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:

At their July 9, 2013 meeting, the Planning Commission requested that the County Commission revisit their motion of October 25, 2012 and take up the Zoning Text amendment (now referred to as ZTA 12-01) at the point in the process where it was suspended, for approval of the County Commission. 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. Comments received at this hearing did not result in recommended changes in the proposed text but questioned the timing of the amendment.

Attached is a complete set of the pages containing the proposed text amendments as well as a map of the 2004 Plan growth area with recent zone changes noted. The County Commission has requested this meeting for the purpose of reviewing the proposed changes line by line and possible action on the amendment as a whole.

Is this a funding request? NO

If so, how much? N/A

Provide exact financial impact/request: N/A.

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

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, including allowing staff to make clerical and related scrivener's error corrections.

Attach supporting documents for request, or request may be denied.  
If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector Probably Internet/Wi Fi No Telephone for conference call Y/N No

Contact information:

Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3228

Attachments:

- **Key to Formatting of Amendments date June 6, 2013.**
- **Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes**
- **Revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).**
- **Study Area Map from the adopted 2004 Comprehensive Plan with recent zoning map amendments noted.**



# 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

### MEMORANDUM

**TO: County Commission**  
**FROM: Jennifer M. Brockman**  
**Director, Planning and Zoning**  
**DATE: January 30, 2014**  
**RE: Responses to discussion regarding ZTA 12-01 New Commercial Zoning Categories**

\*\*\*\*\*

The County Commission held a workshop on January 23, 2014 to review, discuss, and edit the proposed ZTA 12-01 related to New Commercial Zoning categories. The following questions arose and/or edits were approved in the course of that meeting. This topic was continued to the February 6, 2014 County Commission meeting to complete the discussion of the proposed ZTA 12-01 and, in particular, to review and edit Appendices A-C and the definitions, based on public input received at the November 21, 2013 Public Hearing.

- 1) p. 28, Change the definition of "Residential Care Home"<sup>23</sup> as follows:

"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~~ cognitive disabilities, autism, emotional illness, or similar conditions."

- 2) p. 28, Change the definition of "School, University or College"<sup>23</sup> as follows:

"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. The land use category "School, Vocational or Professional" is not included within this definition."

- 3) p. 44, Prohibited Uses, Add the following provision:

"N. No above ground chemical storage tanks shall be permitted within an area defined by one-half (1/2) mile upstream of any public water intake and within one-quarter (1/4) mile of any stream serving the public water intake; provided, however, that agricultural tanks that are regulated by WV Code Chapter 19 are exempt from this provision."

Note: action taken to approve this provision.

- 4) p. 47, Landscaping, Screening and Buffer Requirements Section 4.11 E references Standard Details – these details are attached for the County Commission's information and reference
- 5) Section 2.2 new definitions found in back of 1/23/14 packet (p.1 of definitions) divide the definition of "Bar / Nightclub" as follows:

"Bar: An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages."

"Nightclub: A commercial establishment where the primary activity is dancing and musical entertainment and in which alcoholic beverages are dispensed for consumption on the premises. Food for consumption on the premises is often incidental to the primary uses above. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions."

- 6) p. 85 regarding location criteria for proposed Section 5.11 Neighborhood Commercial (NC), subsection B. Add a third criteria as follows:

3. Locations with safe vehicular access on roads that function as collector roads.

Note: action taken to approve this provision.

- 7) p. 86 and 87 regarding the purpose sections of proposed Section 5.12 General Commercial (GC) and proposed Section 5.13 Highway Commercial (HC) zoning districts: A question arose as to how the decision was made to change the definition of Retail Store, Large from 50,000 square feet to 100,000 square feet, which affected the size of the retail stores permitted to occur in these districts (GC up to 100,000 sq. ft. and HC allows buildings which exceed 100,000 sq. ft.). Please see page 13 of the attached matrix which was provided to the County Commission in 2012 following the September 6, 2012 Public Hearing and at the November 7, 2013 work session preparing for the November 21, 2103 Public Hearing. At that time, based on market research, staff determined that the threshold for the square footage of a large retail store should be increased and recommended that the definition be changed to 100,000 square feet.

Note: Discussion occurred related to requiring a Traffic Impact Analysis at the time of zoning if more than 100 peak hour trips were anticipated for zoning map amendments related to the GC and HC zones but no action was taken.

- 8) p. 92, regarding proposed Section 5.16 Planned Neighborhood Development District (PND), make the following changes:

"D. Site Development Standards

1. If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request as described in this article.

2. Modification of Development Standards Allowed

a. The Planning Commission may approve modification of the development standards of this ordinance and the Jefferson County Subdivision and Land Development Regulations as part of the approval of a Preliminary PND Plan.

b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.

~~3. The minimum site area for a PND development is three acres.~~

#### E. Additional Requirements

1 A PND development shall include the following mix of uses, ~~as measured in gross floor area measured as follows, after the Open Space requirement is met:~~

- a. 10-30% of the land area shall be commercial
- b. 10-30% of the residential units shall be high density residential (7+ dwelling units per acre)
- c. 20-40% of the residential units shall be medium density residential (4-6 dwelling units per acre)
- d. 0-60% of the residential units shall be low density residential (1-3 dwelling units per acre)

#### 2. Open Space Requirements

a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural environmental features (as defined in this article) may constitute up to 50% of the required common and open space area.

b. At least 20% of the total of the site's existing tree canopy area shall remain undisturbed and shall be so noted on any site plan or subdivision approval associated with the development. [Note: there was some concern regarding this requirement in fully forested lots; however staff believes that this requirement could overlap with the 20% open space requirement and would not be onerous for a development.]

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

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

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

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

- 9) p. 98, regarding proposed Section 5.17 Office/Commercial Mixed Use District (OC), requirement E(6), change to read as follows:

"One bicycle parking space shall be provided for each ten vehicular parking spaces.

Said bicycle spaces shall not be located within the required sidewalk or in a manner that

impedes pedestrian access to the building and may be located within the landscape buffer area provided that it occupies less than 10% of the length of the required buffer, or may be located at the side or rear of the building."

**Attachments:**

- Landscaping, Screening and Buffer Standard Details
- Public Comment Matrix dated 10-11-12 that includes Public Comments Received at 9/6/12 County Commission Public Hearing and during public comment following the 2012 public hearing

**MAJOR TREES:**

Acceptable major trees shall be 8' to 10' tall and have minimum caliper of 1 1/2" measured 6" above ground level. They shall be branch at a point approximately 60% of the total height of the tree above ground. Larger size trees are acceptable but must conform to American Standards for nursery stock.

- Acer saccharum (Sugar Maple)
- Carpinus betulus (European Hornbeam)
- Cladrastis lutea (Yellowwood)
- Fagus grandifolia (American Beech)
- Fagus sylvatica (European Beech)
- Ginkgo biloba (Male Grafted Ginkgo)
- Fraxinus Pennsylvania Marshall (Marshall Seedless Ash)
- Gleditsia triacanthos inermis (Thornless Honeylocust)
- Quercus alba (White Oak)
- Quercus borealis (Red Oak)
- Quercus palustris (Pin Oak)
- Quercus phellos (Willow Oak)
- Tilia cordata (Little Leaf Linden)
- Tilia tomentosa (Silver Linden)
- Zelkova serrata (Village Green Zelkova)

**MINOR TREES:**

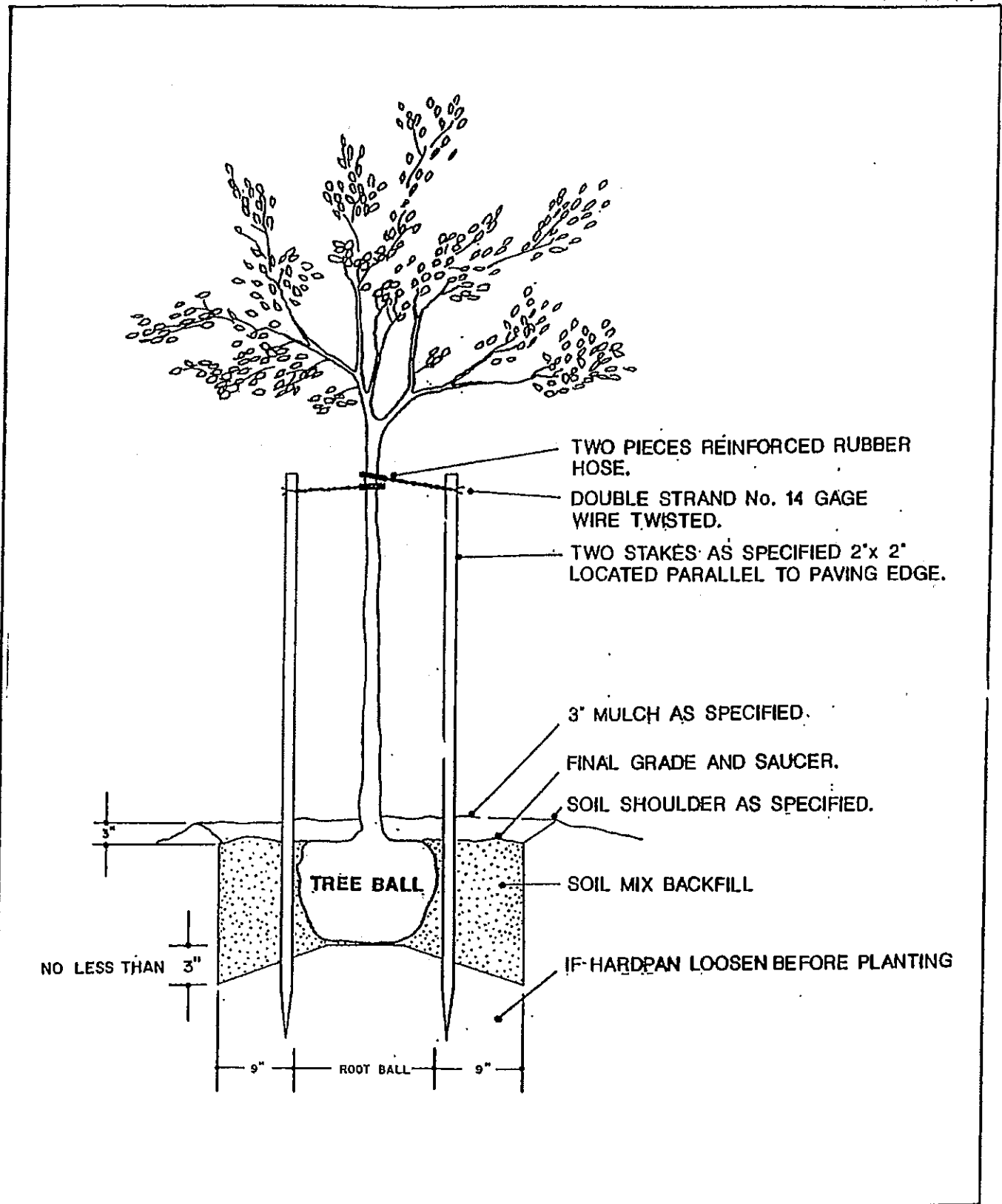
Acceptable minor trees shall be a minimum of 6' tall and have a minimum caliper of 3/4" measured at 6" above the ground. They shall be branched at a point approximately 60% of the total height of the tree above ground. Larger size trees are acceptable but must conform to American Standards for nursery stock.

- Acer campestre (Hedge Maple)
- Acer ginnala (Amur Maple)
- Carpinus caroliniana (American Hornbeam)
- Cercis canadensis (Redbud)
- Cornus florida (White Flowering Dogwood)
- Cornus florida rubra (Red Flowering Dogwood)
- Cornus kousa (Kousa Dogwood)
- Crataegus phaenopyrum (Washington Hawthorn)
- Crataegus mollis (Downey Hawthorn)
- Koelreuteria paniculata (Golden Rain-tree)
- Ostrya virginiana (Ironwood)
- Prunus serrulata 'Kwanzan' (Kwanzan Double Pink Flowering Cherry)
- Prunus yodensis (Yoshino Cherry - White)
- Pyrus calleryana (Callery Pear - Bradford Pear)
- Sophora japonica (Chinese Scholartree)

**OTHER SPECIES:**

Considered by request.

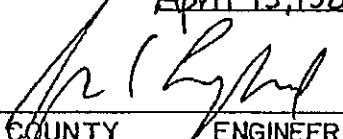
|                                       |                          |                             |                 |            |     |
|---------------------------------------|--------------------------|-----------------------------|-----------------|------------|-----|
| JEFFERSON<br>COUNTY,<br>WEST VIRGINIA | APPROVED: April 13, 1989 | street tree<br>variety list | REVISIONS:      | DETAIL No. |     |
|                                       |                          |                             |                 | M          |     |
|                                       |                          |                             | COUNTY ENGINEER |            | -41 |
|                                       |                          |                             |                 |            |     |

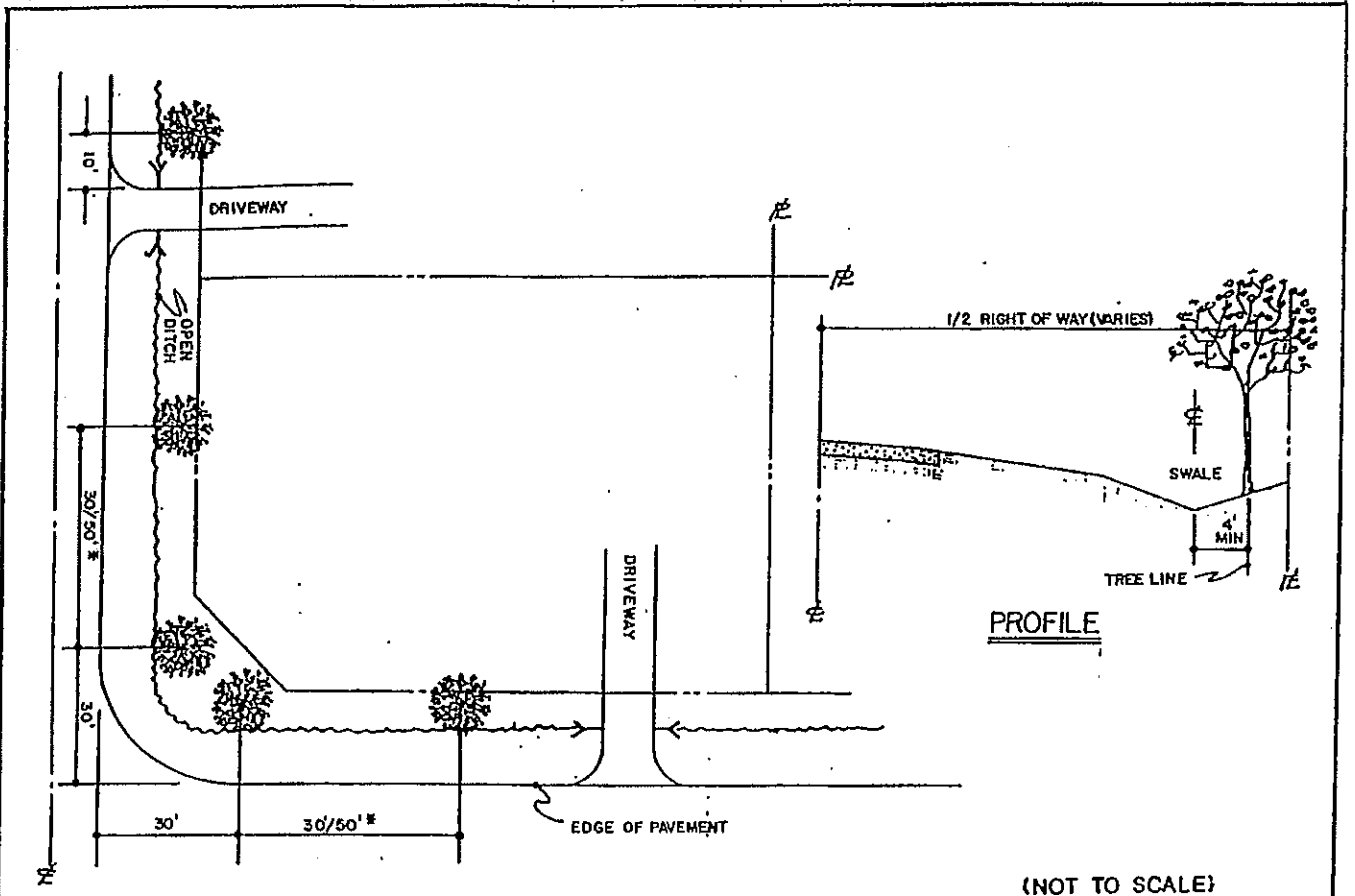


TWO PIECES REINFORCED RUBBER HOSE.  
 DOUBLE STRAND No. 14 GAGE WIRE TWISTED.  
 TWO STAKES AS SPECIFIED 2"x 2" LOCATED PARALLEL TO PAVING EDGE.

3" MULCH AS SPECIFIED.  
 FINAL GRADE AND SAUCER.  
 SOIL SHOULDER AS SPECIFIED.

NO LESS THAN 3"  
 TREE BALL  
 SOIL MIX BACKFILL  
 IF HARDPAN LOOSEN BEFORE PLANTING  
 9" ROOT BALL 9"

|                                       |                                                                                                                                    |                            |            |            |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------|------------|
| JEFFERSON<br>COUNTY,<br>WEST VIRGINIA | APPROVED: April 13, 1980<br><br>COUNTY ENGINEER | tree<br>planting<br>detail | REVISIONS: | DETAIL No. |
|                                       |                                                                                                                                    |                            |            | M          |
|                                       |                                                                                                                                    |                            |            | -42        |
|                                       |                                                                                                                                    |                            |            |            |



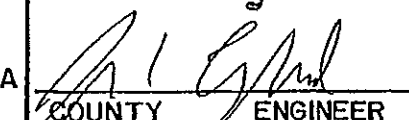
**NOTES:**

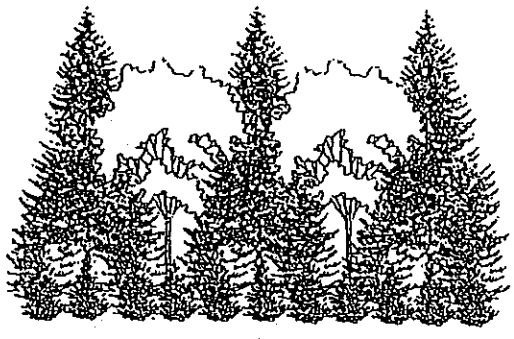
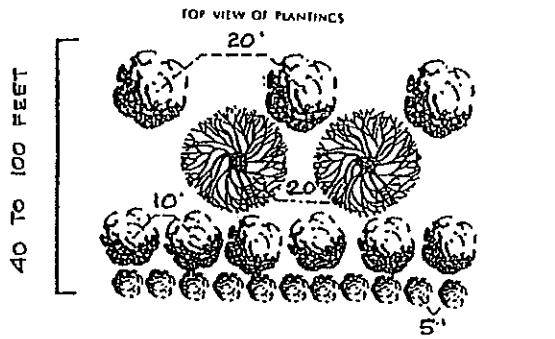
1. THE DIMENSIONS SHOWN HERE ARE TYPICAL AND MAY BE MODIFIED IN SPECIFIC SITUATIONS WITH APPROVAL OF THE COUNTY ENGINEER.
2. TREES ARE TO BE LOCATED WITH THE FOLLOWING MINIMUM CLEARANCES :
  - a. 5' FROM WATER METER
  - b. 5' FROM GAS BOX
  - c. 5' FROM INLET OR MH
  - d. 10' FROM FIRE HYDRANT
  - e. 15' FROM STREET LIGHT
3. MINOR TREE SPACING 30'(+5') O.C. MIN. }\*
4. MAJOR TREE SPACING 50'(+5') O.C. MIN. }\*
5. SHADE TREES TO BE 1 1/2" MINIMUM CALIPER 10' MINIMUM HEIGHT.
6. FLOWERING TREES TO BE 3/4" MINIMUM CALIPER 6' MINIMUM HEIGHT.
7. SPECIES TO BE AS APPROVED BY JEFFERSON COUNTY ENGINEER.
8. SEE DETAIL NO. M-42 FOR PLANTING DETAILS:

|                                       |                          |                            |            |            |      |
|---------------------------------------|--------------------------|----------------------------|------------|------------|------|
| JEFFERSON<br>COUNTY,<br>WEST VIRGINIA | APPROVED: April 17, 1989 | tree<br>location<br>detail | REVISIONS: | DETAIL No. |      |
|                                       | <i>[Signature]</i>       |                            |            | M          |      |
|                                       |                          |                            | COUNTY     |            | - 43 |
|                                       |                          |                            | ENGINEER   |            |      |

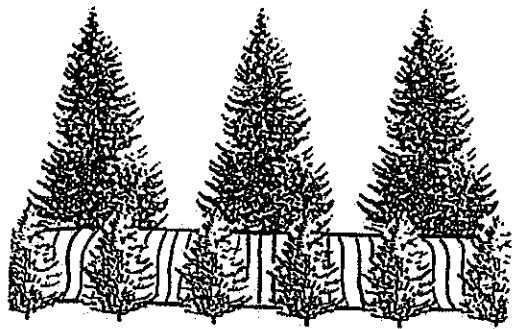
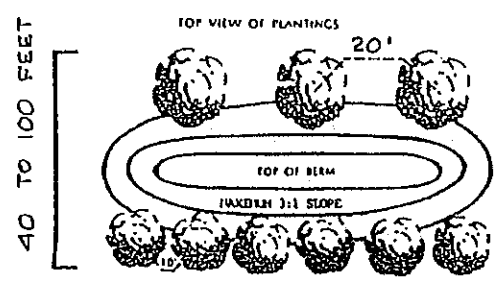
**LANDSCAPE SPECIFICATIONS**

1. ALL SIZES AND SPECIES MENTIONED ARE TO BE IN ACCORDANCE WITH THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-1980, OR LATEST REVISION).
2. LANDSCAPE CONTRACTOR IS TO FOLLOW GUIDELINES SET FORTH IN THE LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREA (SECOND EDITION-1986). THESE GUIDELINES PRESENT METHODS FOR SOIL PREPARATION, ESTABLISHING TURF, AND INSTALLATION OF PLANT MATERIALS.
3. PLANTS AND MATERIALS SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR UNDER GUIDELINES SET FORTH IN THE LANDSCAPE SPECIFICATION GUIDELINE FOR BALTIMORE AND WASHINGTON METROPOLITAN AREAS, SECTION 1.15.
4. OWNER RESERVES THE RIGHT TO COORDINATE IMPLEMENTATION, AND TO OVERSEE STANDARDS, PRACTICES AND INSTALLATION OF PROPOSED LANDSCAPE PLAN.
5. NO PLANTINGS SHALL BE LOCATED WITHIN FOUR FEET OF A FIRE HYDRANT OR SIAMESE CONNECTION.
6. ALL PLANTS SIX FEET IN HEIGHT AND TALLER ARE TO BE STAKED PER STANDARDS DETAIL M-42.
7. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING AND SCREENING, INCLUDING REPLACEMENT OF DEAD OR DYING MATERIALS, AND THE UPKEEP OF ANY BERM, WALLS, OR FENCES.
8. SEE STANDARD DETAILS M-41 AND M-43, RESPECTIVELY, FOR LISTS OF AND LOCATION DETAILS FOR STREET TREES.
9. SEE STANDARD DETAILS WM-56, WP-33 AND WP-42, RESPECTIVELY, FOR BASIN LANDSCAPING, BANK VEGETATION AND STREAM VEGETATION.

|                                                     |                                                                                                        |                                           |            |                        |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------|------------|------------------------|
| <b>JEFFERSON</b><br><b>COUNTY,</b><br>WEST VIRGINIA | APPROVED: <u>August 8, 1990</u>                                                                        | <b>Landscape</b><br><b>Specifications</b> | REVISIONS: | DETAIL No.             |
|                                                     | <br>COUNTY ENGINEER |                                           | <br>       | <br>                   |
|                                                     |                                                                                                        |                                           | <br>       | <br>                   |
|                                                     |                                                                                                        |                                           | <br>       | <br>                   |
|                                                     |                                                                                                        |                                           | <br>       | <b>M</b><br><b>-51</b> |



FRONT VIEW OF ULTIMATE GROWTH  
**OPTION A**



FRONT VIEW OF ULTIMATE GROWTH  
**OPTION B**

**OPTION A**

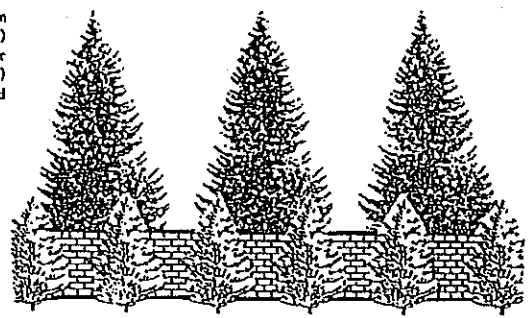
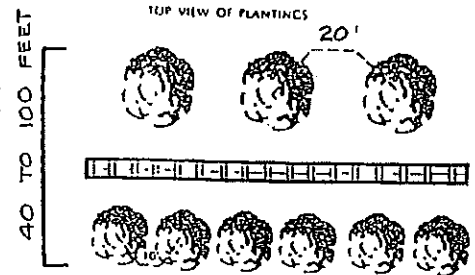
Planting Description - one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; one row of deciduous trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

**OPTION B**

Planting Description - one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; an earth berm six (6) feet in height with a 3 to 1 slope planted with grass or other ground cover that will prevent erosion; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

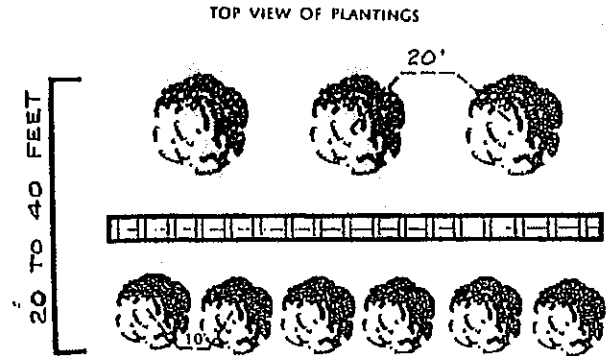
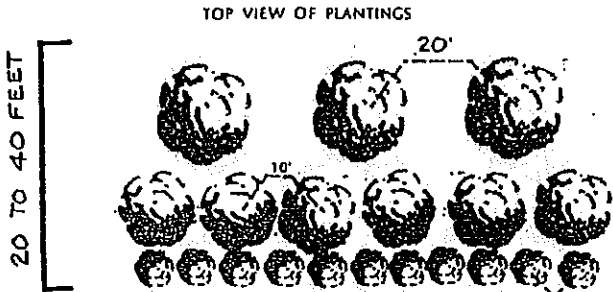
**OPTION C**

Planting Description - one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; a solid board fence, masonry or brick wall with a height of six (6) feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.



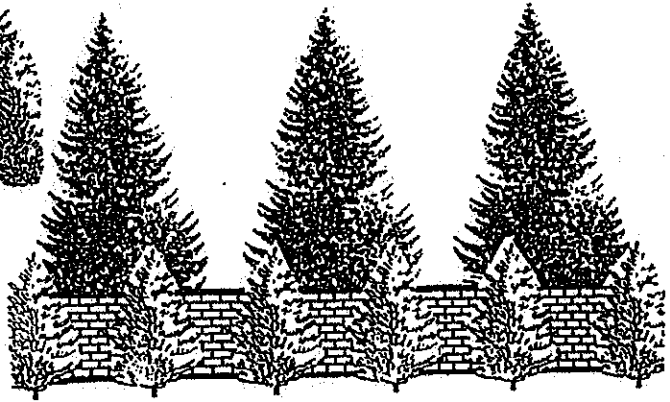
FRONT VIEW OF ULTIMATE GROWTH

|                                        |                                 |                                    |                 |            |            |
|----------------------------------------|---------------------------------|------------------------------------|-----------------|------------|------------|
| <b>JEFFERSON COUNTY, WEST VIRGINIA</b> | APPROVED: <u>August 8, 1990</u> | <b>screen planting wide buffer</b> | REVISIONS:      | DETAIL No. |            |
|                                        |                                 |                                    |                 | <b>M</b>   |            |
|                                        |                                 |                                    | COUNTY ENGINEER |            | <b>-52</b> |
|                                        |                                 |                                    |                 |            |            |



FRONT VIEW OF ULTIMATE GROWTH

OPTION D



FRONT VIEW OF ULTIMATE GROWTH

OPTION E

OPTION D

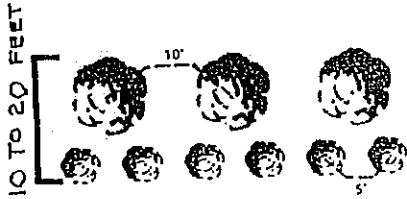
Planting Description - one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

OPTION E

Planting Description - one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; a solid board fence, masonry or brick wall with a height of six (6) feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

|                                       |                                       |                                     |            |            |
|---------------------------------------|---------------------------------------|-------------------------------------|------------|------------|
| JEFFERSON<br>COUNTY,<br>WEST VIRGINIA | APPROVED: August 8, 1990              | screen planting<br>medium<br>buffer | REVISIONS: | DETAIL No. |
|                                       | <i>M. C. Spaul</i><br>COUNTY ENGINEER |                                     |            | M<br>-53   |

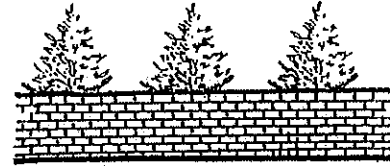
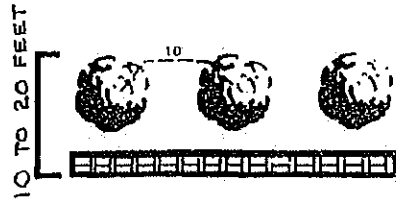
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION G

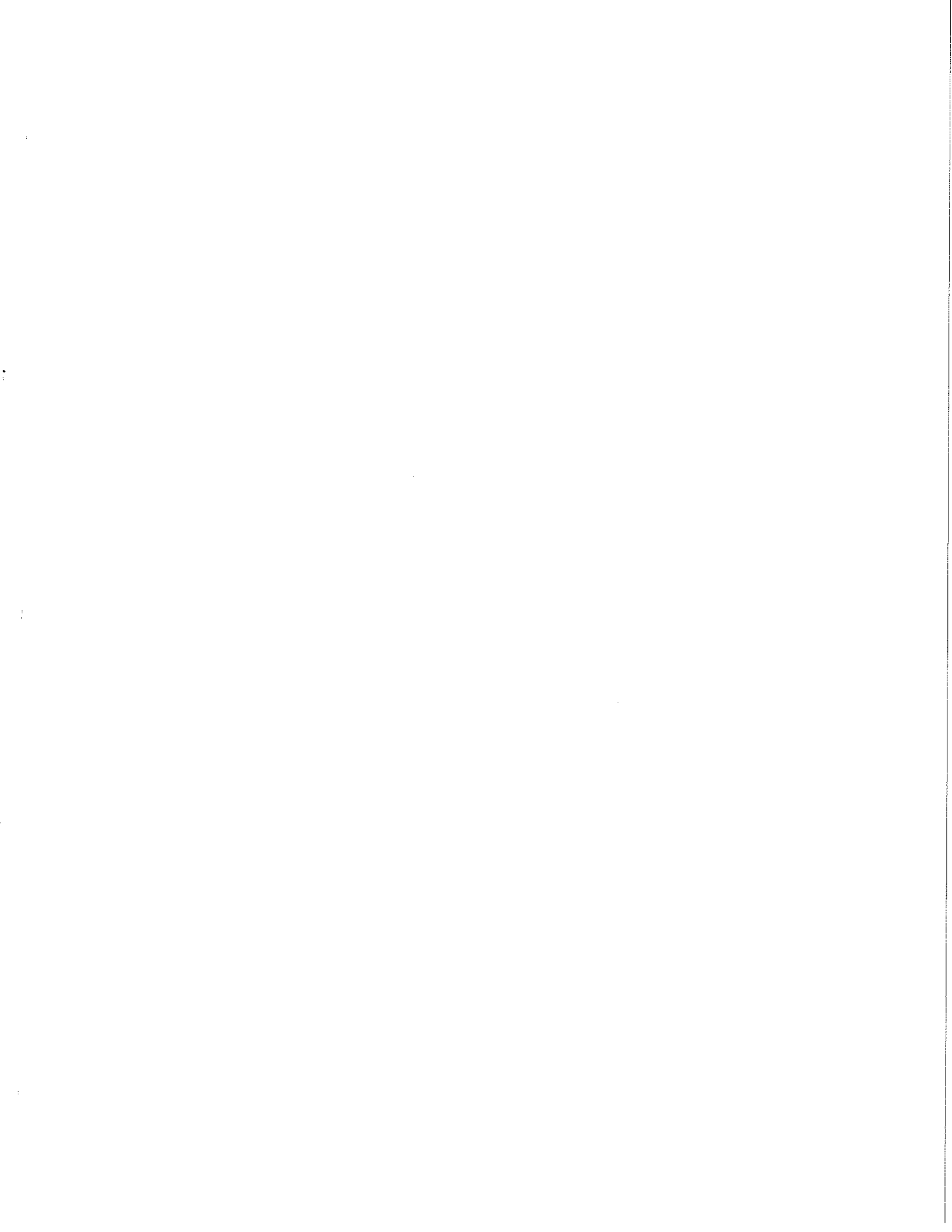
OPTION F

Planting Description - one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet.

OPTION G

Planting Description - one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; and a solid board fence, masonry or brick wall with a height of six (6) feet.

|                                       |                                       |                                     |            |            |
|---------------------------------------|---------------------------------------|-------------------------------------|------------|------------|
| JEFFERSON<br>COUNTY,<br>WEST VIRGINIA | APPROVED: August 8, 1990              | screen planting<br>narrow<br>buffer | REVISIONS: | DETAIL No. |
|                                       | <i>[Signature]</i><br>COUNTY ENGINEER |                                     |            | M<br>-54   |



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Key to Formatting of Amendments:

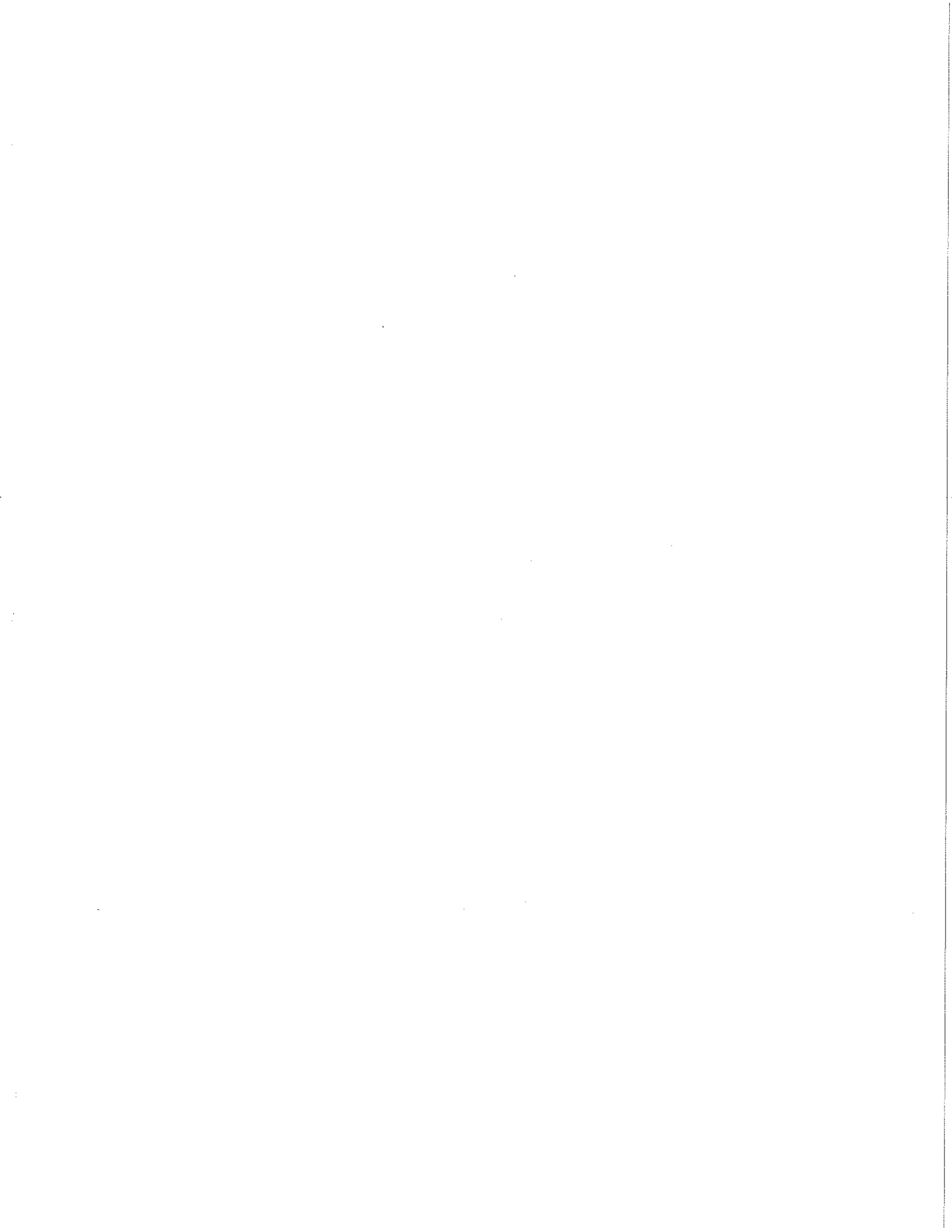
Black text = Existing, unchanged ordinance text

Blue Text = Text proposed to be added

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

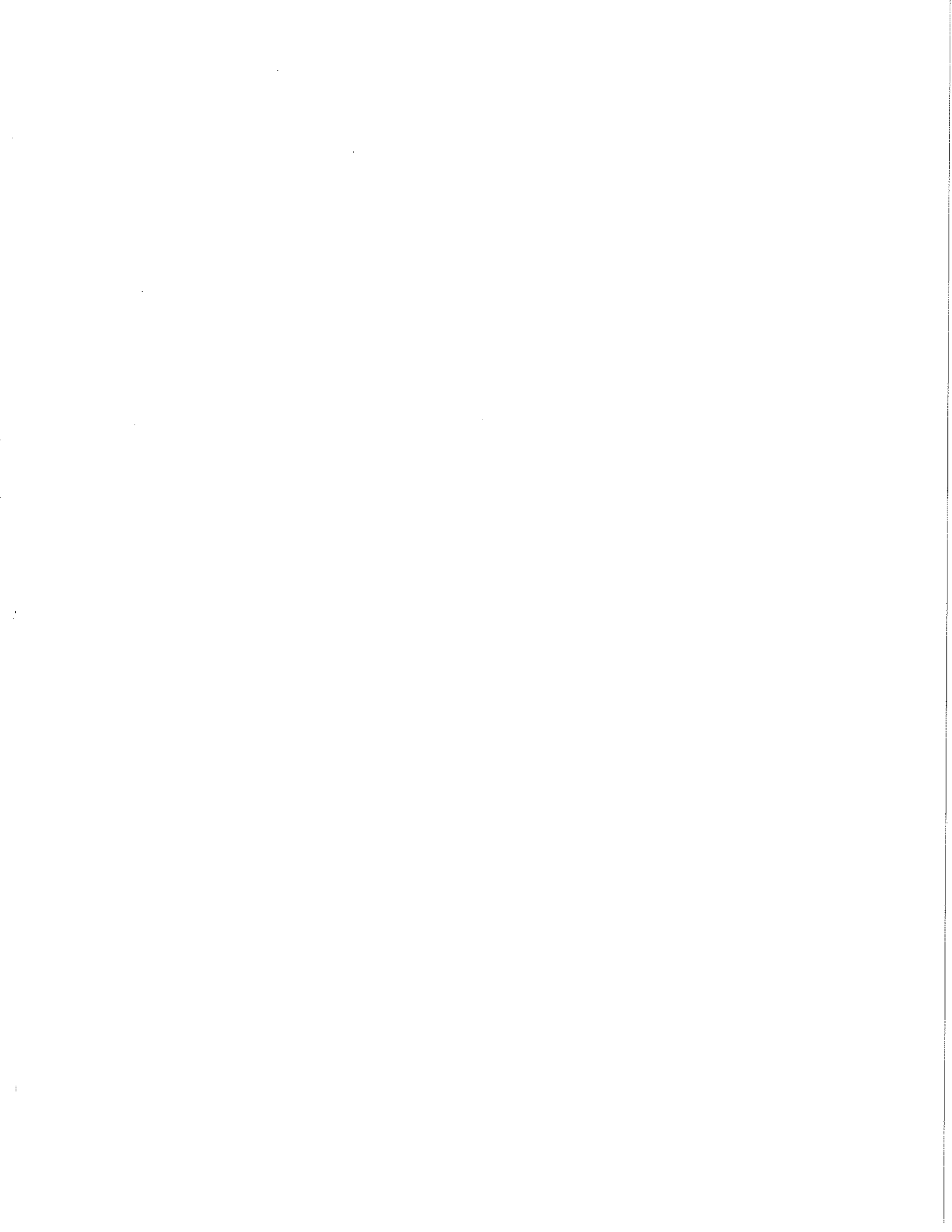
Highlighted text / ~~highlighted text~~ = Text changed following the most recent version of the draft ordinance amendments available to the public (in the 8/16/12 County Commission agenda packet)

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



## Draft Zoning and Land Development Ordinance Amendments

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



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

*category j*

#### Section 4.4 Prohibited Uses

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

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

This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. The Development Review System shall not supersede this prohibition in any zoning district other than the Industrial - Commercial District or the Major Industrial District, ~~the Residential Growth Zone, the Rural Agricultural Zone, the Village Zone, or the Residential/Light Industrial/Commercial Zone.~~<sup>23</sup>
- H. For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 22.504 of the Jefferson County Subdivision and Land Development Regulations.<sup>5,23</sup>

- I. No sales of fireworks are permitted outside ~~the commercial zones~~ of the Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.<sup>8, 23</sup>
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.<sup>12</sup>
- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District and the Major Industrial District ~~not be permitted in the Rural, Village, Residential Growth and Residential Light Industrial Commercial Districts.~~<sup>23</sup>  
 No conditional use permit shall be approved for any of these adult uses in a zoning district other than the Industrial - Commercial District or the Major Industrial District. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.<sup>15, 16</sup>
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.<sup>23</sup>
- M. Heavy industrial uses listed in Section 5.6(B) of this Ordinance are permitted only in the Industrial - Commercial District and the Major Industrial District and require approval via the Development Review System.<sup>23</sup>

**Section 4.5 Agricultural Uses Permitted Generally**

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

**Section 4.6 Distance Requirements**

- A. Industrial uses are subject to this subsection, unless otherwise specified in this ordinance. Any uses (not including parking) or buildings subject to compliance with this section shall be located at least 200 feet from:
  - 1. Any lot in ~~a the~~ Residential Growth district;
  - 2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;<sup>1</sup>
  - 3. Any lot which is part of a recorded subdivision; and
  - 4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.~~4.5. Industrial uses are subject to this section, unless otherwise specified in this ordinance.~~

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

1. Any lot in the Residential Growth District;
2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.<sup>23</sup>

~~3.~~

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

#### **Section 4.7 Essential Utility Equipment**

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.<sup>7, 22</sup>

#### **Section 4.8 Buildable Lot**

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this ordinance.

#### **Section 4.9 Traffic Visibility Across Corner Lots**

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.<sup>23</sup>

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

- A. ~~A site plan shall be s~~Submittal and approval of a site plan is required~~ed~~ for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23</sup> [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]

- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.<sup>23</sup>
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

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

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

A. Commercial development.

- 1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
- 2. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.<sup>5</sup>

B. Industrial development.

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

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

- 2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.<sup>5, 7</sup>
- 3. All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.

C. Multi-family development.

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

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

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

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

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

*Note: When Table 4.11-1 is in conflict with another section of the Zoning & Development Review Ordinance, this table shall prevail. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.<sup>23</sup> [2<sup>nd</sup> sentence relocated to Appendix A and Appendix B]*

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

**C.E.** All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least four (4) feet in height.<sup>7,23</sup>
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.

**D.F.** In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.<sup>23</sup>

**E.G.** All buffer yards shall be maintained by the property owner.

**F.H.** All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9(A), 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 - ~~2~~**1** below.<sup>23</sup>

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

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

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

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

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

**J.** Required landscape buffers for a non-residential use are indicated in Table 4.11.1 Appendix B.

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

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

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

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

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

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

- R-G Residential/Growth District
- I-C Industrial/Commercial District
- R-A Rural/Agricultural District
- R-L-C Residential/Light Industrial/Commercial District
- V Village District<sup>23</sup>
- [NC Neighborhood Commercial](#)
- [GC General Commercial](#)
- [HC Highway Commercial](#)
- [LI Light Industrial](#)
- [MI Major Industrial](#)
- [PND Planned Neighborhood Development](#)
- [OC Office / Commercial Mixed-Use](#)

### **Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

### **Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date

base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

#### **Section 5.4 Residential-Growth District**

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

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

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

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

~~1. Dwelling, Single-Family~~

~~2. Dwelling, Duplex~~

~~3. Dwelling, Two-Family~~

~~4. Dwelling, Townhouse~~

~~5. Dwelling, Multi-Family~~

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

~~7. Elementary or Secondary school~~

~~8. Hospital~~

~~9. Vocational and/or Training Facility for Adults<sup>12</sup>~~

~~10. Church~~

~~11. Day-Care Center, Small~~

~~12. Day-Care Center, Large~~

~~13. Essential Utility Equipment~~

~~14. Public Safety Facility~~

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

~~16. Accessory Uses~~

- ~~17. Group Residential Facility~~
- ~~18. Home Occupation, Level 1<sup>8</sup>~~
- ~~19. Home Occupation, Level 2<sup>8</sup>~~
- ~~20. Nursing or Retirement Home~~
- ~~21. Model Homes/Sales Office<sup>12</sup>~~
- ~~22. Preschool~~
- ~~23.1. Wireless Telecommunication Facilities pursuant to Article 4B~~

B. Minimum Lot Area, Height, and Yard Requirements

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4—1 below.~~ The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<sup>23</sup>
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.<sup>5,23</sup>
- ~~2.3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.~~

~~Table 5.4—1—Residential Growth District—Height and Yard Requirements<sup>5,10,23</sup>~~  
[Note: The standards in this table are relocated to Appendix A and B.]

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

\*Subject to Section 9.2

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

\*\*The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100-Year Flood Plain.<sup>5</sup> [Note: Deleted text moved to 5.4.B.2]

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

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Compatibility Assessment Meeting process as outlined in Article 7 of this Ordinance. Any proposed commercial use that is

served from a road that is located on the perimeter of the project or on a State Road shall be subject to the entire Development Review Process.<sup>5</sup>

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

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

**Section 5.5 Reserved<sup>23</sup>**

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

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

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

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

~~1. Light Industrial Uses~~

~~2. Heavy Industrial Uses~~

~~3. Commercial Uses~~

~~4. Day Care Center, Small~~

~~5. Day Care Center, Large~~

~~6. Home Occupation, Level 1~~

~~7. Home Occupation, Level 2~~

~~8. Cottage Industry~~

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

~~10. Barber/Beauty Shop, Limited~~

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

- B. The following uses shall be evaluated by the Development Review System and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.
- 1. Bituminous concrete mixing and recycling plants
  - 2. Concrete and ceramic products manufacture, including ready mixed concrete plants
  - 3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)<sup>23</sup>
  - 4. Commercial sawmills
  - 5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
  - 6. Garbage or dead animal reduction or processing
  - 7. Slaughterhouses, Stockyards

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

C. Height Regulations

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

D. Development Standards

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

|                                                                                  |         |
|----------------------------------------------------------------------------------|---------|
| <del>1. Front yard building setback</del>                                        |         |
| Commercial sites                                                                 | 25 feet |
| Industrial sites                                                                 | 50 feet |
| <del>2. Side yard building setback</del>                                         |         |
| Commercial sites greater than 1.5 acres                                          | 50 feet |
| Commercial sites 1.5 acres and smaller                                           | 25 feet |
| Industrial sites                                                                 | 50 feet |
| <del>3. Rear yard building setback</del>                                         |         |
| Commercial sites greater than 1.5 acres                                          | 50 feet |
| Commercial sites 1.5 acres and smaller                                           | 25 feet |
| Industrial sites                                                                 | 50 feet |
| <del>4. Parking, Driveway and Internal Access Drive Front Setbacks</del>         |         |
| Commercial sites greater than 1.5 acres                                          | 15 feet |
| Commercial sites 1.5 acres and smaller                                           | 15 feet |
| Industrial sites                                                                 | 25 feet |
| <del>5. Parking, Driveway and Internal Access Drive Side and Rear Setbacks</del> |         |
| Commercial sites greater than 1.5 acres                                          | 10 feet |
| Commercial sites 1.5 acres and smaller                                           | 4 feet  |
| Industrial sites*                                                                | 25 feet |

*\*Driveways and Internal Access Drives Only. Parking must abide by buffer requirements.  
[Note: Setbacks and footnote relocated to Appendix B]*

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

3. ~~7~~ Distance Requirements

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

~~D.E.~~ Lot Area

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

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

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

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

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

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

2. Industrial Design Standards

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.<sup>23</sup>
- b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11 ~~e~~F.
- c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

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

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

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

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

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

~~1. Agricultural uses as defined in Article 2<sup>7</sup>~~

~~2. Church~~

~~3. Elementary or Secondary School~~

~~4. Vocational and/or Training Facility for Adults<sup>12, 20</sup>~~

~~5. Dwelling, Single Family~~

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

~~7. Dwelling, Two Family<sup>8</sup>~~

~~8. Cottage Industry<sup>8</sup>~~

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

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

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

~~12. Public Safety Facility~~

~~13. Cultural Facility~~

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

~~15. Horticultural nurseries and commercial greenhouses~~

~~16. Hospital~~

- ~~17. Essential Utility Equipment~~
- ~~18. Accessory uses~~
- ~~19. Group Residential Facility~~
- ~~20. Bed and Breakfast (subject to the requirements for such a use in Article 8)<sup>7,15</sup>~~
- ~~21. Publicly Owned Facility<sup>8</sup>~~
- ~~22. Wireless Telecommunications Facilities pursuant to Article 4B.<sup>10</sup>~~
- ~~23. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)<sup>12</sup>~~
- ~~24. Non-profit Community Centers<sup>15</sup>~~
- ~~25. Landscaping business outside of Planning Commission approved subdivisions<sup>15</sup>~~
- ~~26. Veterinary services outside of Planning Commission approved subdivisions<sup>15</sup>~~
- ~~27. Feed and/or Farm Supply Center~~
- ~~28. Agricultural Repair Center<sup>15</sup>~~
- ~~29. Kennels (subject to the requirements for such a use in Article 8)<sup>15</sup>~~
- ~~30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)<sup>20</sup>~~
- ~~31. Agricultural Tourism~~
- ~~32. Farm Vacation Enterprise~~
- ~~33. Farm Brewery or Winery~~
- ~~34. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)~~
- ~~35.1. Preschool~~

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

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.~~
2. ~~For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.<sup>5</sup>~~

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

| <del>Land-Use</del>  | <del>Lot Area</del>       | <del>Lot Width</del> | <del>Front Yard Depth</del> | <del>Side Yard Depth</del> | <del>Rear Yard Depth</del> |
|----------------------|---------------------------|----------------------|-----------------------------|----------------------------|----------------------------|
| <del>Dwellings</del> | <del>40,000 sq. ft.</del> | <del>100</del>       | <del>40</del>               | <del>15</del>              | <del>50</del>              |

|                      |                |     |     |     |     |
|----------------------|----------------|-----|-----|-----|-----|
| Churches             | 2 acres        | 200 | 25  | 50  | 50  |
| Schools, Grades K-4  | 10 acres +     | 500 | 100 | 100 | 100 |
| Schools, Grades 5-8  | 20 acres +     | 500 | 100 | 100 | 100 |
| Schools, Grades 9-12 | 30 acres +     | 500 | 100 | 100 | 100 |
| Hospitals            | 10 acres       | 500 | 100 | 100 | 100 |
| Other permitted uses | 40,000 sq. ft. | 100 | 40  | 50  | 50  |

~~3. Lot area for schools (K-12) as shown in Table 5.7-1 shall be increased by one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewage treatment plant and retention ponds are required, acreage shall be increased accordingly.<sup>1,23</sup>~~

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

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

#### C. Height Regulations

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

#### D. Maximum Number of Lots Allowed

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

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

- a. Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.
- b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17,21</sup>

#### 2. Clustering

##### a. Purpose and Intent

- i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract.
- ii. To provide for a well planned development while minimizing the use of prime agricultural land.

##### b. Requirements

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

3. Not in addition to subsections 5.7(d)1 and 5.7(d)2 above, any property that was a lot of record as of October 5, 1988 may create 3 total lots (including the residue) during any five year period. Applications which exceed this number during any five year period shall be processed utilizing the Development Review System. Subdivisions involving transfers of land between parent and child shall not be subject to this section. All lots that qualify under this section must meet subdivision requirements. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. Parent to child or child to parent lots are not entitled to further subdivide except as another parent to child or child to parent transfer.
4. Once the maximum number of lots are created under 5.7(d), the property cannot be further subdivided unless the Ordinance is amended to allow such.

### **Section 5.8 Residential/Light Industrial/Commercial District<sup>1</sup>**

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.<sup>23</sup>

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

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

- ~~14. Video Rental Store~~
- ~~15. Country Inn~~
- ~~16. Dwelling, Single Family~~
- ~~17. Dwelling, Two Family~~
- ~~18. Dwelling, Duplex~~
- ~~19. Dwelling, Townhouse~~
- ~~20. Dwelling, Multi-Family~~
- ~~21. Mobile Home Parks~~
- ~~22. Home Occupation, Level 1~~
- ~~23. Home Occupation, Level 2~~
- ~~24. Cottage Industry~~
- ~~25. Elementary or Secondary School~~
- ~~26. Hospital~~
- ~~27. Vocational and/or Training Facility for Adults<sup>12</sup>~~
- ~~28. Church~~
- ~~29. Cultural Facility~~
- ~~30. Day Care Center, Small~~
- ~~31. Day Care Center, Large~~
- ~~32. Essential Utility Equipment~~
- ~~33. Publicly Owned Facility~~
- ~~34. Public Safety Facility~~
- ~~35. Accessory Uses~~
- ~~36. Group Residential Facility~~
- ~~37. Nursing or Retirement Home~~
- ~~38. Model Home/Sales Office (subject to requirements for this use in Article 8)<sup>12</sup>~~
- ~~39. Non-Profit Community Center~~
- ~~40. Non/Not for Profit Commercial Uses<sup>12</sup>~~
- ~~41. Preschool~~
- ~~42.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

**B. Standards<sup>23</sup>**

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.

2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23</sup>

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

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

1. All sections of this ordinance applying to the ~~r~~Residential ~~g~~Growth district with the exception of Section 5.4(a) will apply to residential uses in this District.
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a).~~ All commercial or industrial uses ~~Either use~~ must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5, 7, 23</sup>
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>23</sup> This requirement shall not apply to a building located within a shopping center shown on an approved site plan. [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]
4. Proposed uses in this zone ~~do not have to comply with~~ are exempt from the distance requirements in Sections 4.6 (a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7</sup>

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

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

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

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

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

~~1. Dwelling, Single Family~~

~~2. Dwelling, Duplex~~

- ~~3. Dwelling, Two-Family~~
- ~~4. Home Occupation, Level 1~~
- ~~5. Home Occupation, Level 2~~
- ~~6. Cottage Industry~~
- ~~7. Public Safety Facility<sup>12</sup>~~
- ~~8. Essential Utility Equipment~~
- ~~9. Medical/Dental/Optical Office, Small<sup>12</sup>~~
- ~~10. Group Residential Facility~~
- ~~11. Cultural Facility<sup>12</sup>~~
- ~~12.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

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

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

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

- ~~1. Barber/Beauty Shop, Limited~~
- ~~2. Dry Cleaners~~
- ~~3. Video Rental Stores~~
- ~~4. Retail Food Store, Limited~~
- ~~5. Church~~
- ~~6. Day Care Center, Large~~
- ~~7. Country Inn~~
- ~~8. Bed and Breakfast (subject to the requirements for such a use in Article 8)~~
- ~~9. Restaurant, Limited~~
- ~~10. ATM~~
- ~~11. Branch Bank~~
- ~~12. Antique Shop~~
- ~~13. Florist~~
- ~~14.1. Restaurant, Fast Food, Limited<sup>12</sup>~~

C. Setbacks

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

Residential Site Development Standards, except as provided elsewhere in this ordinance. Residential

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

~~2. Commercial~~

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

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

3.2. Existing Structures

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

- D. Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.
- E. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.<sup>23</sup>
- F. There will be no outdoor storage of equipment, materials or other stock.
- G. Parking requirements may be modified as a result of a compatibility meeting.<sup>23</sup>
- H. Other Requirements<sup>23</sup>
  - 1. With the exception of setback requirements as specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

Section 5.11 Neighborhood Commercial (NC) District

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

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

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

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

#### C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.
3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.

#### D. Site Development Standards

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

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

E. Additional Requirements

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

Section 5.12 General Commercial (GC) District

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

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

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

- ~~1. Properties located on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.~~
- ~~2. Properties currently zoned Residential Light Industrial Commercial or Industrial Commercial.~~

#### C. Permitted Uses

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

#### D. Site Development Standards

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

#### E. Additional Requirements

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

### Section 5.13 Highway Commercial District

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large including buildings that exceed 50,000 100,000 square feet of gross floor area for

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

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

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

1. Properties located within 1000' feet of major intersections on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.

2. Properties designated for Highway Commercial uses in the Comprehensive Plan.

C. Permitted Uses

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

D. Site Development Standards

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

E. Additional Requirements

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

## Section 5.14 Light Industrial District

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

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

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

1. Properties located in Industrial Parks
2. Properties with Industrial-Commercial zoning
3. Properties designated as appropriate for either Light or Major Industrial land uses in the Comprehensive Plan

C. Permitted Uses

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

D. Site Development Standards

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

E. Additional Requirements

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

## Section 5.15 Major Industrial District

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

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

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

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

C. Permitted Uses

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

D. Site Development Standards

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

E. Additional Requirements

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

### Section 5.16 Planned Neighborhood Development District

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

1. Encourage flexibility in the development of land in order to promote its most appropriate use;
2. Improve the design, character and quality of new developments;
3. Provide and promote redevelopment and reuse opportunities;
4. Encourage a harmonious and appropriate mixture of uses and/or housing types;
5. Facilitate the adequate and economic provision of streets, utilities and services;
6. Promote safe and convenient travel for pedestrians, bicyclists, transit users, and motorists;
7. Promote connections to adjacent properties, developments, and transportation routes;
8. Preserve critical natural environmental features of the site (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourses, and karst topography) and scenic features of the site (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes);
9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
10. Mitigate the problems which may be presented by specific site conditions.

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

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

1. Properties identified as being located in the Growth Area in the Comprehensive Plan.

#### C. Permitted Uses

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

#### D. Site Development Standards

1. If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.
2. Modification of Development Standards Allowed
  - a. The Planning Commission may approve modification of the development standards of this ordinance and the Jefferson County Subdivision and Land Development Regulations may as part of the approval of a Preliminary PND Plan.
  - b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.
3. The minimum site area for a PND development is three acres.

#### E. Additional Requirements

1. A PND development shall include the following mix of uses, as measured in gross floor area:
  - a. 10-30% commercial
  - b. 10-30% high density residential (7+ dwelling units per acre)
  - c. 20-40% medium density residential (4-6 dwelling units per acre)
  - d. 0-60% low density residential (1-3 dwelling units per acre)
2. Open Space Requirements
  - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural

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

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

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

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

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

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

#### F. Review and Approval Process

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

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

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

a. The format and content requirements for a Preliminary PND Plan shall be the same as the Submission and Completeness Review requirements for a Major Site Plan Concept Plan as described in the Jefferson County Subdivision and Land

Development Regulations, with the exception of the public workshop and advertising requirements. Additionally, a Preliminary PND Plan shall include the following:

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

b. Following a staff determination that the Preliminary PND Plan is sufficient, the applicant may present a petition for a zoning map amendment to the Planning Commission. The Preliminary PND Plan is a required component of the petition submission.

3. Zoning Map Amendment. The procedure for processing a map amendment petition shall be in accordance with the requirements of Article 12 and this Article.

- a. Presentation of petition for map amendment. The applicant shall present the petition for map amendment to the Planning Commission. As part of the petition, the applicant shall provide a Preliminary PND Plan to the Planning Commission, as described in this article.
- b. Planning Commission review and public hearing. The Planning Commission shall conduct a public hearing on the proposed zoning map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements. The Preliminary PND Plan shall be considered during the public hearing. In addition to the review criteria for a Concept Plan as required by the Subdivision and Land Development Regulations, the Planning Commission shall utilize the following criteria in its consideration of a Preliminary PND Plan and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations:
  - i. Consistency with the purpose of the PND district as described in this Article;
  - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards;
  - iii. Consistency with the Comprehensive Plan

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

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

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

- 5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Planning and Zoning Department determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by the Planning and Zoning Department shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.
  - a. A change in total square footage of the development by ±10%
  - b. A change in the area of any land use by ±10%
  - c. A change in the residential density by ±5%

#### Section 5.17 Office / Commercial Mixed-Use District

A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.

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

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

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

### C. Permitted Uses

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

### D. Site Development Standards

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

### E. Additional Requirements

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

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

6. One bicycle parking space shall be provided for each ten vehicular parking spaces.
- ~~4.~~7. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

## ARTICLE 6: DEVELOPMENT REVIEW SYSTEM

### Section 6.1 Development Review System (DRS)

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

### Section 6.2 Issuance of a Conditional Use Permit

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

### Section 6.3 The Soils Assessment

- A. The Soils Assessment evaluates a particular parcel for development based on the soil types it possesses.
- B. The Soils Assessment of a proposed development is not applied applicable when one or more of the following circumstances applies:
  - 1. the development proposal is located within the Residential/Growth District or the Industrial/Commercial District; or [note: Moved from Section 6.5D]
  - 2. the proposed land use will be development is proposed to be completely contained:
    - i. located in an existing building, and/or
    - ii. on an existing paved or disturbed area installed prior to the effective date of this Ordinance, and/or
    - iii. on an existing paved area installed at any time, for a non-residential purpose, in compliance with County regulations in existence at the time of the installation; or

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

A.C. \_\_\_\_\_ The following soils types will be combined into soil groups.

G. Emergency Service Availability

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

Distance to Emergency Services

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

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

**Section 6.5 Computation of Soils/Amenities Assessment**

- A. At the completion of evaluation of a site with the Soils and Amenities Assessment Criteria, there should be a total number of points awarded to each Assessment. Since the Soils Assessment utilized was based on a 100 points relative point value in itself, a minor conversion must be made to the total relative value. The Development Review System allots a maximum of 25 points to the Soils Assessment therefore the conversion to be made is expressed as follows:  $100 \times .25 = 25$  pts. (For example, if a parcel receives the maximum point value of 100 points, in actuality only 25 points will be awarded for the Soils Component of the Development Review System.)
- B. The Amenities Assessment has a 75 point maximum point value.
- C. The combined maximum total for both Assessments is 100 points. The most agriculturally significant parcel would rate 100; the most developable parcel would rate 0. A total of 60 points or less advances the application to the Compatibility Assessment Meeting.<sup>14, 17, 21</sup>
- ~~D. The Soils Assessment of a proposed development is not applied when the development proposal is located within the Residential/Growth District or the Industrial/Commercial District. [Note: moved to Section 6.3]~~
- ~~E-D.~~ Any land in the Rural District that is located on a primary or secondary road, as defined in the Comprehensive Plan, shall not have to process through the LESA points process for a commercial or industrial project and shall be advanced directly to the Compatibility Assessment Meeting.<sup>17, 21</sup>

6. Glare and Heat

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

7. Toxic Matter

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

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

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

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

8. Fire Hazards

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

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

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

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

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

Container Setback from Lot Lines

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

9. Frontage Road

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

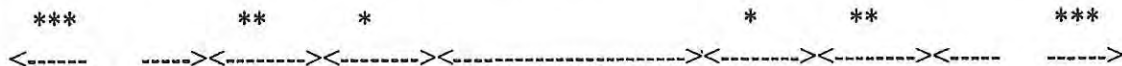
10. Landscape Buffer

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

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

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

ROW LIMITS OF CONTROLLED ACCESS HIGHWAY



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

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

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

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

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

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

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

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

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

Sales of fireworks are ~~only~~ permitted in the ~~commercial~~ Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts ~~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.

## ARTICLE 12: MAP AND TEXT AMENDMENTS

### Section 12.1 Purpose

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

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

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

well as, what new zone is being requested on this particular property. The letter shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.

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

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

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

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

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

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

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

7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development (PND) district shall include a Preliminary PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this ordinance.

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

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

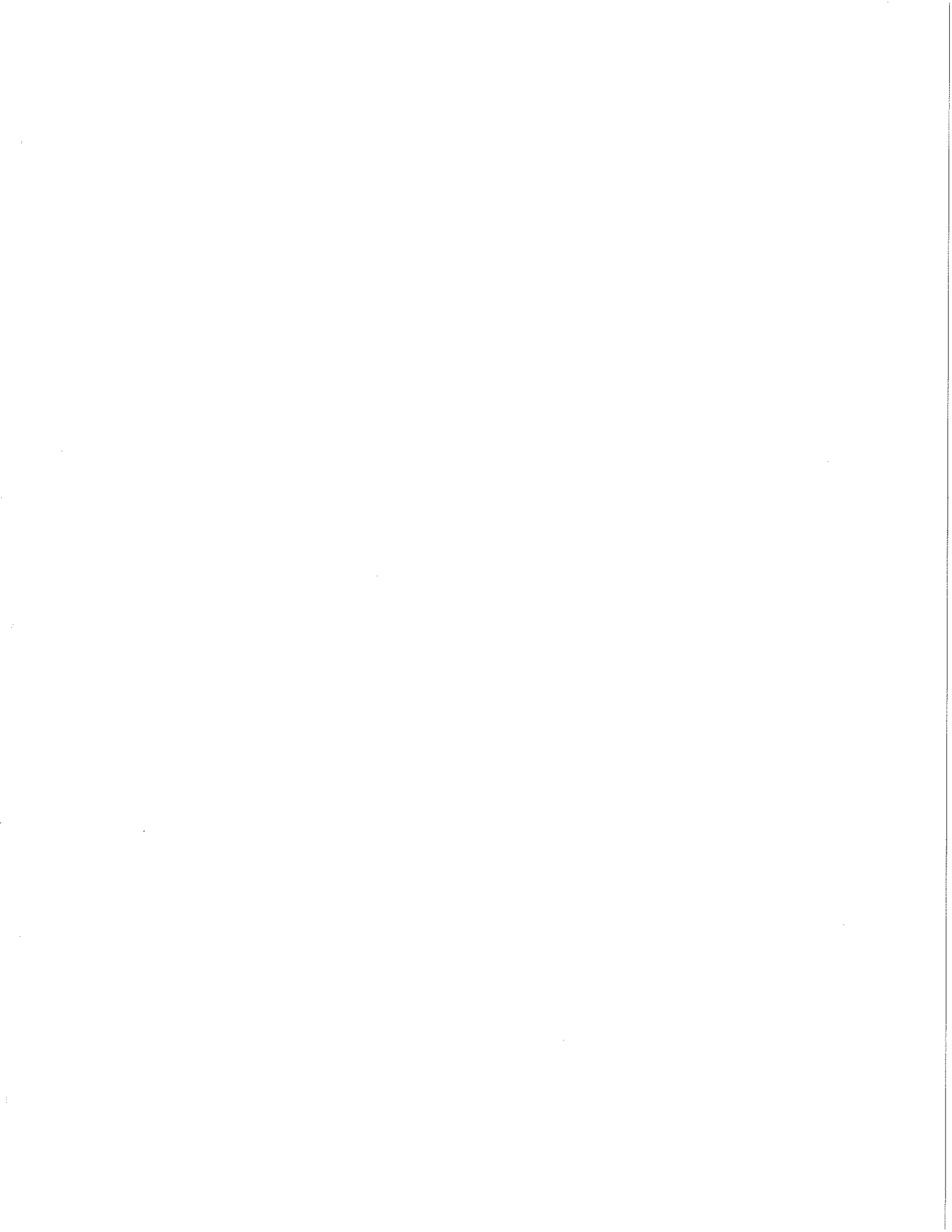
**B. Map Amendments by the Planning Commission**

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

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

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

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of the meeting at which the petition is presented to the County Commission. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least



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

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

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

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

All dimensions are in feet unless otherwise indicated.

\* Maximum height subject to Section 9.2

\*\*Exterior side only

\*\*\* The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

\*\*\*\*The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

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

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

‡In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10',

if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence. [Note: the change to this section is also under consideration in other amendments currently under review]

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

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

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

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

All dimensions are in feet unless otherwise indicated.

\* Maximum building height is subject to Section 9.2. ~~These yard requirements are also for an approved commercial or industrial use proposed for any other zone. [Source: Section 5.6(d)]~~

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

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

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

<sup>Ⓜ</sup>Village Commercial setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood. Side and rear yard setbacks - 6' for an existing structure to be used for a land use as provided in Sec. 5.10 [Source: 5.40e]

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

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

<sup>Ⓗ</sup>A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line.

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

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

<sup>Ⓚ</sup>Article 5 also provide supplemental standards for certain development types in this district.

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

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

P = Permitted use

NP = Not permitted use

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

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

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

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

*[Red text indicates deleted text]*

| Land Use                                    | NC  | GC | HC | LI | MI | PND <sup>1</sup> | OC | R  | RG | R-LI-C | I-C | V     | Additional Standards |
|---------------------------------------------|-----|----|----|----|----|------------------|----|----|----|--------|-----|-------|----------------------|
| <b>Residential Uses</b>                     |     |    |    |    |    |                  |    |    |    |        |     |       |                      |
| Dwelling, Single Family                     | P   | NP | NP | NP | NP | P                | NP | P  | P  | P      | NP  | P     |                      |
| Dwelling, Single Family, Small Lot          | P   | NP | NP | NP | NP | P                | P  | NP | P  | P      | NP  | NP    |                      |
| Dwelling, Two Family                        | NP  | NP | NP | NP | NP | P                | NP | P  | P  | P      | NP  | P     |                      |
| Dwelling, Duplex                            | NP  | NP | NP | NP | NP | P                | NP | NP | P  | P      | NP  | P     |                      |
| Dwelling, Townhouse                         | PNP | NP | NP | NP | NP | P                | P  | NP | P  | P      | NP  | NP    |                      |
| Dwelling, Multi-Family                      | PNP | NP | NP | NP | NP | P                | P  | NP | P  | P      | NP  | NP    |                      |
| Day Care Center, Small                      | P   | NP | NP | NP | NP | P                | NP | P  | P  | NP P   | P   | NP P  |                      |
| Mobile Home                                 | NP  | NP | NP | NP | NP | NP               | NP | P  | NP | NP     | NP  | NP    |                      |
| Mobile Home Park                            | NP  | NP | NP | NP | NP | NP               | NP | NP | P  | P      | NP  | NP    |                      |
| Model Homes/Sales Office                    | P   | PC | NP | NP | NP | P                | P  | P  | P  | P      | NP  | NP    | Sec. 8.10            |
| <b>Home Uses</b>                            |     |    |    |    |    |                  |    |    |    |        |     |       |                      |
| Home Occupation, Level 1                    | P   | NP | NP | NP | NP | P                | P  | P  | P  | P      | P   | P     | Article 4A           |
| Home Occupation, Level 2                    | P   | NP | NP | NP | NP | P                | P  | P  | P  | P      | P   | P     | Article 4A           |
| Cottage Industry                            | P   | NP | NP | NP | NP | P                | P  | P  | P  | P      | P   | P     | Article 4A           |
| <b>Institutional Uses</b>                   |     |    |    |    |    |                  |    |    |    |        |     |       |                      |
| Airport                                     | NP  | NP | NP | P  | P  | NP               | NP | NP | NP | NP     | PC  | NP    |                      |
| Church                                      | P   | P  | P  | P  | PC | P                | P  | P  | P  | P      | NP  | PC P  |                      |
| Convention Center                           | NP  | P  | P  | P  | PC | P                | P  | NP | NP | P      | PC  | NP    |                      |
| Cultural Facility                           | P   | P  | P  | P  | PC | P                | P  | P  | NP | P      | P   | P     |                      |
| Day Care Center, Large                      | P   | P  | P  | P  | PC | P                | P  | NP | P  | P      | P   | PC    |                      |
| Electric Vehicle Charging Station           | P   | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | PC    |                      |
| Elementary or Secondary School              | P   | P  | PC | PC | NP | P                | P  | P  | P  | P      | NP  | NP    |                      |
| Essential Utility Equipment                 | P   | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P     | Sec. 4.7             |
| Group Residential Facility                  | P   | P  | P  | NP | NP | P                | P  | P  | P  | P      | NP  | P     |                      |
| Group Residential Home                      | P   | P  | P  | NP | NP | P                | P  | P  | P  | P      | NP  | P     |                      |
| Heliport                                    | GNP | PC | PC | P  | P  | PC               | PC | NP | NP | PC     | PC  | NP    |                      |
| Hospital                                    | NP  | P  | P  | P  | PC | P                | P  | P  | P  | P      | NP  | NP    |                      |
| Nursing or Retirement Home                  | PC  | P  | P  | P  | NP | P                | P  | NP | P  | P      | NP  | NP    |                      |
| Park                                        | P   | P  | P  | P  | NP | P                | P  | P  | P  | P      | NP  | P     |                      |
| Performing Arts Theater                     | P   | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | PC    |                      |
| Preschool                                   | P   | P  | PC | PC | PC | P                | P  | P  | P  | P      | NP  | NP    |                      |
| Public Safety Facility                      | P   | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P     |                      |
| Publicly Owned Facility                     | P   | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | NP PC |                      |
| Recycling Drop-Off Center                   | PC  | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | NP    |                      |
| Residential Care Home                       | P   | P  | P  | NP | NP | P                | P  | P  | P  | P      | NP  | P     |                      |
| School, College or University               | NP  | P  | P  | P  | NP | P                | P  | NP | NP | P      | NP  | NP    |                      |
| School, Vocational or Professional          | NP  | P  | P  | P  | NP | P                | P  | NP | NP | P      | P   | NP    |                      |
| Vocational and Training Facility for Adults | P   | P  | P  | P  | P  | P                | P  | P  | P  | P      | NP  | NP    |                      |
| <b>Industrial</b>                           |     |    |    |    |    |                  |    |    |    |        |     |       |                      |
| Heavy Equipment Repair                      | NP  | NP | NP | PC | P  | NP               | NP | NP | NP | NP     | PCP | NP    |                      |
| Heavy Industrial Uses                       | NP  | NP | NP | NP | P  | NP               | NP | NP | NP | NP     | P   | NP    | Sec. 8.9             |

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

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

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

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

[Red text indicates deleted text]

| Land Use                                                                         | NC | GC | HC | LI            | MI              | PND <sup>1</sup> | OC | R  | RG | R-LI-C | I-C             | V  | Additional Standards |
|----------------------------------------------------------------------------------|----|----|----|---------------|-----------------|------------------|----|----|----|--------|-----------------|----|----------------------|
| Light Industrial Uses                                                            | NP | NP | NP | P             | P               | NP               | NP | NP | ** | P      | P               | NP | Sec. 8.9             |
| Manufacturing, Heavy                                                             | NP | NP | NP | PC            | P               | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Manufacturing, Limited                                                           | NP | P  | P  | P             | P               | PC               | P  | NP | NP | P      | P               | NP |                      |
| Printing and Publishing                                                          | NP | P  | P  | P             | P               | P                | P  | NP | NP | P      | P               | NP |                      |
| Salvage Yards                                                                    | NP | NP | NP | NP            | PC <sup>2</sup> | NP               | NP | NP | NP | NP     | PC <sup>2</sup> | NP | Sec. 4.4L            |
| Shooting Range, Indoor                                                           | NP | PC | PC | P             | P               | NP               | NP | NP | NP | PC     | P               | NP |                      |
| Shooting Range, Outdoor                                                          | NP | NP | NP | PC            | PC              | NP               | NP | NP | NP | NP     | <del>P</del> PC | NP |                      |
| Slaughterhouses, Stockyards                                                      | NP | NP | NP | NP            | P               | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Transportation Terminal                                                          | NP | P  | P  | P             | P               | P                | P  | NP | NP | PC     | P               | NP |                      |
| Vehicle Storage                                                                  | NP | NP | NP | P             | P               | NP               | NP | NP | NP | NP     | P               | NP |                      |
| Warehousing and Distribution, General                                            | NP | NP | NP | PC            | P               | NP               | NP | NP | NP | PC     | P               | NP |                      |
| Warehousing and Distribution, Limited                                            | NP | P  | P  | P             | P               | PC               | P  | NP | NP | P      | P               | NP |                      |
| <b>Industrial Manufacturing &amp; Processing</b>                                 |    |    |    |               |                 |                  |    |    |    |        |                 |    | Sec. 8.9             |
| Acid or heavy chemical manufacturer, processing or storage                       | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Bituminous concrete mixing and recycling plants                                  | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Cement or Lime Manufacture                                                       | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Commercial Sawmills                                                              | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Concrete and ceramic products manufacture, including ready mixed concrete plants | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Explosive manufacture or storage                                                 | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Foundries and/or casting facilities                                              | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Garbage or dead animal reduction or processing; Landfills                        | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Jails and Prisons                                                                | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP | Sec. 8.7             |
| Mineral extraction, mineral processing                                           | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP |                      |
| Petroleum products refining or storage                                           | NP | NP | NP | NP            | PC              | NP               | NP | NP | NP | NP     | PC              | NP | Sec. 8.11            |
| <b>Adult Uses</b>                                                                |    |    |    |               |                 |                  |    |    |    |        |                 |    |                      |
| Adult Uses                                                                       | NP | NP | NP | <del>NP</del> | P               | NP               | NP | NP | NP | NP     | P               | NP | Sec. 4.4K, Sec. 8.1  |
| <b>Recreational Uses</b>                                                         |    |    |    |               |                 |                  |    |    |    |        |                 |    |                      |
| Hunting, Shooting, Archery and Fishing Clubs, public or private                  | NP | NP | NP | PC            | PC              | NP               | NP | P  | NP | NP     | NP              | NP | Sec. 8.8             |
| <b>Commercial Uses</b>                                                           |    |    |    |               |                 |                  |    |    |    |        |                 |    | Sec. 8.9             |
| Antique Shop                                                                     | P  | P  | P  | P             | NP              | P                | P  | NP | NP | P      | P               | PC |                      |
| Appliance Sales                                                                  | NP | P  | P  | P             | P               | P                | P  | NP | NP | P      | P               | NP |                      |
| Art Gallery or Artist Studio                                                     | P  | P  | P  | P             | NP              | P                | P  | NP | NP | P      | P               | PC |                      |
| ATM                                                                              | P  | P  | P  | P             | NP              | P                | P  | NP | NP | P      | P               | PC |                      |
| Automobile repair, sales and service                                             | NP | P  | P  | P             | P               | P                | P  | NP | NP | P      | P               | NP |                      |
| Automobile parts, supplies and tire stores                                       | NP | P  | P  | P             | P               | P                | P  | NP | NP | P      | P               | NP |                      |
| Automobile, light truck and light trailer rentals, indoor                        | P  | P  | P  | P             | P               | P                | P  | NP | NP | P      | P               | NP |                      |

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|---------------------------------------------------------------|----|----|----|-----|-----|------------------|----|----|----|--------|-----|----|-----------------------|
| Automobile, light truck and light trailer rentals, outdoor    | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Bail Bond Services                                            | NP | P  | P  | P   | P   | NP               | NP | NP | NP | PC     | P   | NP |                       |
| <del>Branch</del> Bank                                        | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | PC |                       |
| Bank with drive-through facility                              | PC | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Bar / Nightclub                                               | PC | P  | P  | P   | NP  | P                | P  | NP | NP | P      | P   | NP |                       |
| Barber/Beauty Shop, Limited                                   | P  | P  | P  | P   | NP  | P                | P  | NP | NP | P      | P   | PC |                       |
| Bed and Breakfast                                             | P  | NP | NP | NP  | NP  | NP               | NP | P  | NP | NP     | NP  | PC | Sec. 8.3              |
| Business Equipment Sales and Service                          | PC | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Building Maintenance Services                                 | PC | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Building Materials and Supplies                               | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Campground                                                    | PC | P  | NP | NP  | NP  | P                | P  | NP | NP | P      | P   | NP |                       |
| Commercial Uses <i>[use was formerly shown as deleted]</i>    | *  | *  | *  | *   | *   | *                | *  | *  | ** | P      | P   | *  | Sec. 8.9              |
| Car Wash                                                      | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Commercial Blood Plasma Center                                | NP | P  | P  | P   | P   | PC               | PC | NP | NP | PC     | P   | NP |                       |
| Contractor with no outdoor storage                            | P  | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Contractor with outdoor storage                               | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| <del>Retail Food</del> Convenience Store, Limited             | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | PC |                       |
| Convenience Store                                             | PC | P  | P  | P   | PC  | P                | P  | NP | NP | PPC    | P   | NP | Sec. 5.8C (RLIC only) |
| Country Inn                                                   | P  | P  | P  | P   | NP  | P                | P  | NP | NP | P      | P   | PC |                       |
| Custom Manufacturing                                          | P  | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | PC |                       |
| Dry cleaning and laundry services pick-up station; laundromat | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | PC |                       |
| Dry cleaning and laundry facility services                    | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Equipment Rental, Sales, or Service                           | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Exterminating Services                                        | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Florist                                                       | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | PC |                       |
| Food Preparation                                              | P  | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Hotel/Motel                                                   | NP | P  | P  | P   | NP  | P                | P  | NP | NP | P      | P   | NP |                       |
| Gambling Facilities                                           | NP | NP | NP | PNP | PPC | NP               | NP | NP | NP | NP     | PPC | NP | Sec. 4.4G             |
| Gas Station, Limited                                          | P  | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Gas Station                                                   | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Gas Station, Large                                            | NP | PC | P  | P   | P   | PC               | PC | NP | NP | P      | P   | NP |                       |
| Golf Course                                                   | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Grocery Store                                                 | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Horse Racing Facility                                         | NP | NP | NP | P   | P   | NP               | NP | NP | NP | P      | P   | NP |                       |
| Kennel                                                        | NP | P  | P  | P   | PC  | P                | P  | P  | NP | P      | P   | NP | Sec. 8.4              |
| Medical/Dental/Optical Office, Small                          | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | P  |                       |
| Medical/Dental/Optical Office                                 | NP | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Mobile home, boat and trailer sales                           | NP | P  | P  | P   | P   | P                | P  | NP | NP | PC     | P   | NP |                       |
| Movie Theater                                                 | NP | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Non/Not for-Profit Commercial Uses                            | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |

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

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

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

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

P = Permitted use

NP = Not permitted use

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

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

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

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

[Red text indicates deleted text]

| Land Use                                                                                          | NC             | GC | HC | LI | MI | PND <sup>1</sup> | OC | R  | RG | R-LI-C | I-C | V                | Additional Standards  |
|---------------------------------------------------------------------------------------------------|----------------|----|----|----|----|------------------|----|----|----|--------|-----|------------------|-----------------------|
| Non-Profit Community Centers                                                                      | P              | P  | P  | P  | PC | P                | P  | P  | NP | P      | P   | NP               |                       |
| Parking, Commercial Offsite Accessory                                                             | NP             | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | NP               |                       |
| Pawn Shop Services                                                                                | NP             | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | NP               |                       |
| Personal Services                                                                                 | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | PC               |                       |
| Professional Office                                                                               | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | PC               |                       |
| Restaurant, Fast Food, Limited                                                                    | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | PC               |                       |
| Restaurant, Fast Food                                                                             | PC             | P  | P  | P  | PC | P                | P  | NP | NP | PPC    | P   | NP               | Sec. 5.8C (RLIC only) |
| Restaurant, Fast Food, Drive-Through                                                              | NP             | P  | P  | P  | PC | PC               | P  | NP | NP | PPC    | P   | NP               | Sec. 5.8C (RLIC only) |
| Restaurant, Limited                                                                               | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | PC               |                       |
| Restaurant                                                                                        | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | NP               |                       |
| Retail Sales Limited                                                                              | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | NP               |                       |
| Retail Store Sales and Services, General                                                          | <del>PNP</del> | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | NP               |                       |
| Retail Store, Large                                                                               | NP             | PC | P  | PC | PC | PC               | PC | NP | NP | PC     | PC  | NP               |                       |
| Shipping and Mailing Services                                                                     | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | NP               |                       |
| Storage, Commercial                                                                               | NP             | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | NP               |                       |
| Veterinary Services                                                                               | P              | P  | P  | P  | PC | P                | P  | P  | NP | P      | P   | NP               |                       |
| Wireless telecommunications facilities                                                            | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P                | Article 4B            |
| <b>Agricultural Uses</b>                                                                          |                |    |    |    |    |                  |    |    |    |        |     |                  |                       |
| Agricultural Uses as defined in Article 2                                                         | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P                |                       |
| Agricultural Repair Center                                                                        | NP             | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP               |                       |
| Agricultural Tourism                                                                              | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P                |                       |
| Farm Brewery or Winery                                                                            | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P                | Sec. 8.5              |
| Farm Market                                                                                       | P              | P  | P  | P  | PC | P                | P  | P  | NP | P      | P   | <del>NP</del> PC | Sec. 8.6              |
| Farm Vacation Enterprise                                                                          | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P                |                       |
| Feed and/or Farm Supply Center                                                                    | PC             | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP               |                       |
| Horticultural Nurseries and Commercial Greenhouses                                                | P              | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP               |                       |
| Landscaping Business                                                                              | P              | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP               |                       |
| Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years) | NP             | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP               |                       |
| <b>Accessory Uses</b>                                                                             |                |    |    |    |    |                  |    |    |    |        |     |                  |                       |
| Accessory Uses                                                                                    | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P                |                       |

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

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

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

**Section 2.2: Definitions**

Add (or amend) the following definitions:

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

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

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

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|                       | operated by charitable organizations licensed under West Virginia state law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Gas Station           | Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a "Gas Station, Large" if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area. |
| Gas Station, Large    | A gas station (as defined in this ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Gas Station, Limited  | A gas station (as defined in this ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet <del>gross floor area</del> .                                                                                                                                                                                                                                                                                                                                                                                    |
| Golf Course           | A facility <del>other than a miniature golf course</del> for the playing of golf. A golf course may include a clubhouse with rest rooms and locker rooms, may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.                                                                                                                                                                                                                                                                                                                                         |
| Grocery Store         | An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores. <del>A grocery store may include a pharmacy as an accessory use. [unnecessary]</del>                                                                                                                                                                                                                                                                                                        |
| Gross Floor Area      | The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Heavy Industrial Use  | Manufacturing or other enterprises with significant external effects <del>including but not limited to noise, dust, glare, odors or vibrations</del> , or which <del>op</del> pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.                                                                                                                                                                                          |
| Helipad               | A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Heliport              | An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Horse Racing Facility | A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals                                                                           |

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                                    | incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Hotel/Motel                                        | A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn as defined in this ordinance. A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.                                                                                                                                                                                                                                                |
| Kennel (replaces existing definition in ordinance) | The boarding, breeding, raising, grooming, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.                                                                                                                                                                                                                                                                                                                                                                             |
| Manufacturing, Heavy                               | An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use. |
| Manufacturing, Limited                             | The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.                                                                                                                                                                                                                                                                          |
| Medical/Dental/Optical Office                      | A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.                                                                                                                                                                                                                                                                  |
| Mobile home, boat and trailer sales                | Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.                                                                                                                                                                                                                                                                                                                                                                 |
| Movie Theater                                      | A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.                                                                                                                                                                                                                                              |
| Parking, Commercial Offsite Accessory              | Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.                                                                                                                                                                                                                                                                                                                                                                                               |
| Pawn Shop Services                                 | An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.                                                                                                                                                                                                                                                                                                                                                                     |
| Performing Arts                                    | An establishment for the performing arts with seating for audiences. Such establishments may                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| Theater                              | include related services such as food and beverage sales and other concessions. <b>Incidental use of a performing arts theater for community events is permitted. This use does not include an adult use or a bar/nightclub.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Personal services                    | Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services <b>(as defined in this ordinance)</b> ; duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.                                                                                                                                                        |
| Printing and Publishing              | A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.                                                                                                                                                                                                                                                                                                                                                                      |
| Professional Office                  | A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a <b>restaurant or</b> coffee shop. This land use does not include a Medical/Dental/Optical Office.                                                                                                                                                                                                                                                                                                                                      |
| Recycling Drop-Off Center            | A building or site used for a drop-off location for temporary storage of recyclable, recoverable or reuseable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use. <b>The area dedicated a Recycling Drop-Off Center is limited to 1,000 square feet.</b>                                                                                                                                                                                                                                                                                                                 |
| Restaurant                           | A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building, <del>and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages.</del> A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.                                                                                                                                                                                                                                                                              |
| Restaurant, Fast Food                | Any establishment whose principal business is the sale of foods and/or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through. <b>This use may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.</b> |
| Restaurant, Fast Food, Drive Through | A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Retail sales, limited                | Establishments of <b>up to 10,000 square feet or fewer</b> of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

building materials and/or supplies, sales, or rental; and food sales or markets. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.

Retail Sales and Services, General

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

Retail Store, Large

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

School, Vocational or Professional

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

Shipping and Mailing Services

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

Shooting Range, Indoor

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

Shooting Range, Outdoor

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

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

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

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

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

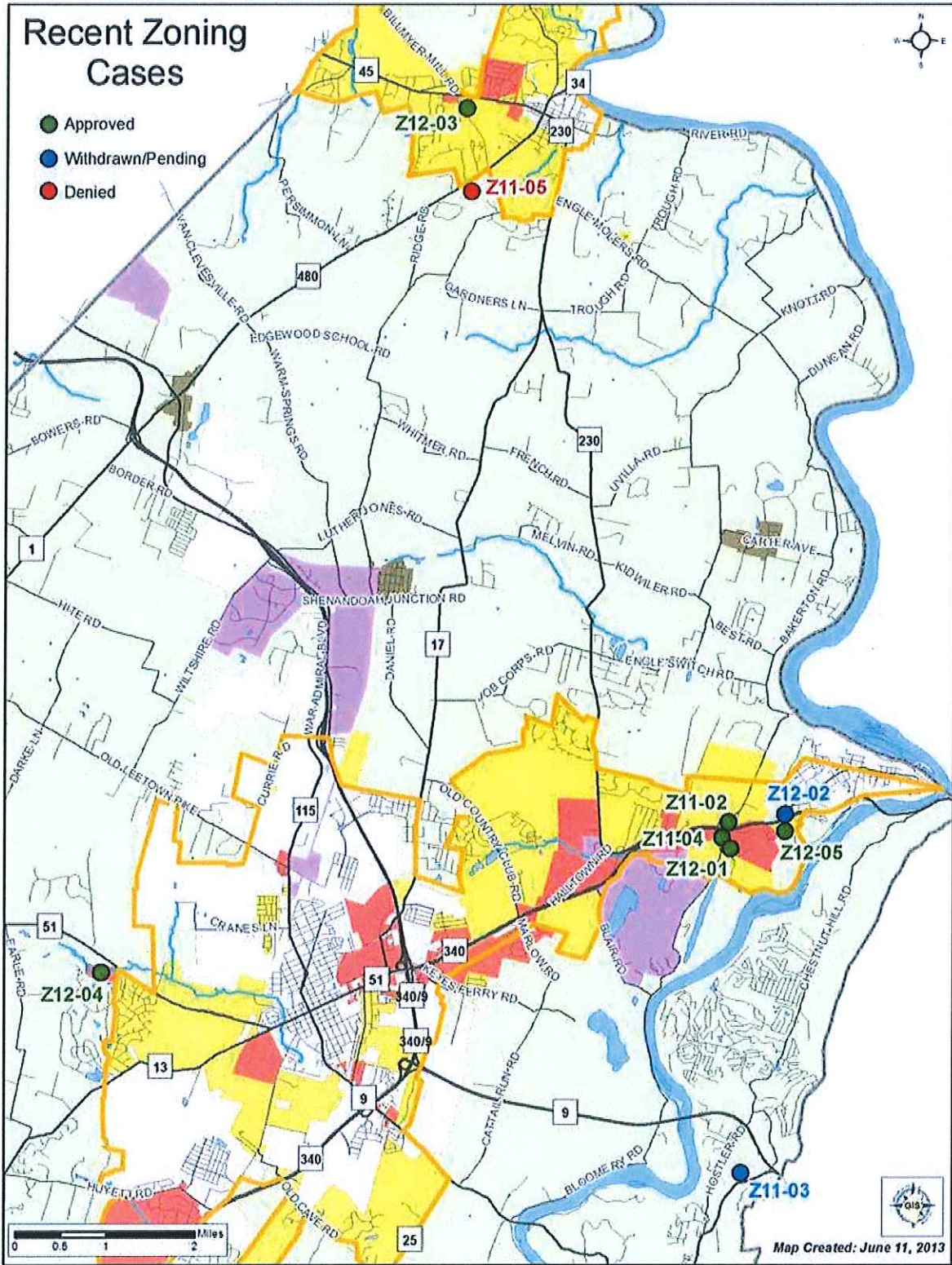
**Vehicle Storage** The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.

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

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

# Recent Zoning Cases

- Approved
- Withdrawn/Pending
- Denied



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  
Jan 16, 2014  
Jan 23, 2014  
6:30 PM*

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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>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."</p> | <p>Approve proposed amendment for new zoning categories.</p>                                             | <p>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</p> |
| <p>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)</p>                                                                                                                                                                                                                                                                                                                                                       | <p>Postpone amendment until Comprehensive Plan is complete.</p>                                          | <p>If approved, the Envision Jefferson 2035 (2014 Comprehensive Plan) will reference the approved categories in the Future Land Use discussion.</p>                                                                                                                                                                                                                                                                   |
| <p>Table amendment until Comprehensive Plan is completed and/or Department Staff is fully staffed. (1 comment)</p>                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Postpone amendment until Comprehensive Plan is complete and/or Department Staff is fully staffed.</p> | <p>If approved, the Envision Jefferson 2035 (2014 Comprehensive Plan) will reference the approved categories in the Future Land Use discussion.</p>                                                                                                                                                                                                                                                                   |
| <p>No need for new zoning categories at all; too much growth. (1 comment)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Disregard amendment altogether.</p>                                                                   | <p>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.</p>                                                                                                                                                                                                                  |
| <p>Opposes Neighborhood Commercial and Planned Neighborhood Development categories. (2 comment)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Remove 2 proposed categories from consideration.</p>                                                  | <p>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.</p>                                                                                                                                                                                                                                                 |

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]  
**Sent:** Wednesday, December 04, 2013 6:38 PM  
**To:** 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:** Meadowsonriver@aol.com [mailto:Meadowsonriver@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]  
**Sent:** Tuesday, December 03, 2013 1:47 PM  
**To:** 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](mailto:emay@ecgc.com)>  
Date: 11/22/2013 8:00 AM (GMT-05:00)  
To:  
[commissionerpnoland@gmail.com](mailto:commissionerpnoland@gmail.com),[dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net),[walterpellish@me.com](mailto:walterpellish@me.com),[Lynwidmyer@gmail.com](mailto:Lynwidmyer@gmail.com)  
Cc: 'Jennie Brockman' <[jbrockman@jeffersoncountywv.org](mailto: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  
Petiti 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:cjrodیس@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:[lynnellott@gmail.com](mailto:lynnellott@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:** [lynnellott@gmail.com](mailto:lynnellott@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

PO BOX 237  
CHARLES TOWN  
WV 25414

04.728.3255  
304.725.3133 fax

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

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

11/21/13 PH on New Zoning Categories

① Cathy Vance

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

② Kathy Loftin

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

③ Bernard Simmons

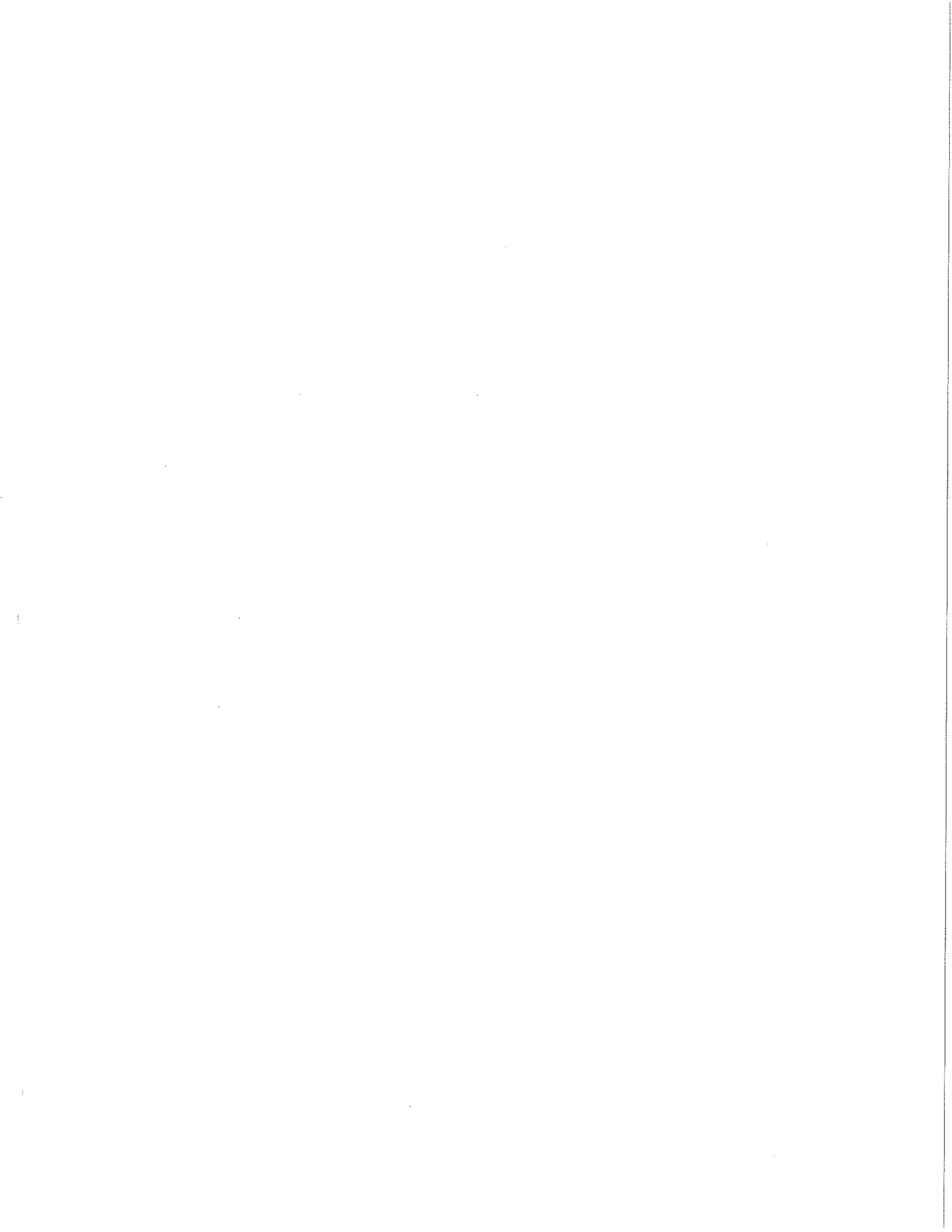
- ~~too~~ too much growth
- no pl in town - 340 consider is a mess
- to many wells

④ Ted Schiltz

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

COB 12/5/13 - written comments

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



**AGENDA REQUEST FORM**

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



Name: Dale Manuel

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: January 30, 2014

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

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

Subject (*Wording to be placed on agenda*): Request lobbyist to defend against Governor Tomblin's "Haircut Bill" (SB385) which would cut 15% of the County's Lottery appropriations for the next two years and discuss the involvement of the municipalities in this request.

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

Is this a funding request? Y/N

If so, how much? Unknown

Provide exact financial impact/request: to be determined

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I move to approve the hiring of a lobbyist for Jefferson County to defend against Senate Bill 385.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

## West Virginia Legislation would cut Lottery appropriations

Legislation would cut Lottery appropriations

West Virginia Gazette

By Phil Kabler

January 21, 2014

CHARLESTON, W.Va. -- Gov. Earl Ray Tomblin has introduced legislation to cut Lottery appropriations by about \$39.12 million a year for the next two years, moving that money to the state General Revenue fund, as one of several steps to close a \$146 million funding gap in the 2014-15 budget.

Biggest cuts would be to the state Infrastructure Fund, thoroughbred and greyhound racing purses, and payments to cities and counties with racetrack casinos.

Revenue Secretary Bob Kiss said that, at a time when many state agencies are being asked to make back-to-back 7.5 percent budget cuts, it makes sense to look at rolling back these appropriations, which are set in state code as percentages of Lottery profits.

"Some of the logic here is everyone else is being asked to tighten their belts in excess of 15 percent," Kiss said.

As drafted, the bill (SB385) would reduce an annual \$40 million appropriation of Lottery funds to the state Infrastructure Fund to \$20 million for the next two years. It also would cut a number of annual Lottery payments that are spelled out in state code by 15 percent each year, freeing up another \$19.12 million.

"They've got a gap they've got to fill, and they're looking at all their resources," Lottery Director John Musgrave said of the governor's bill.

"The governor's thinking is that everyone shares a little bit of the pain as we try to balance the (fiscal) 2015 budget and the 2016 budget," said Jason Pizatella, Tomblin's chief counsel.

The Lottery Commission illustrates the statutory appropriations as 20 buckets of Lottery funds.

As drafted, the bill exempts several buckets from the 15 percent cut, including a fund to pay down old Workers' Compensation Fund liabilities, and to pay off bonds for construction of the Capitol complex parking garage and for restoration of Capitol dome, as well as a matching fund that allows racetrack casino to upgrade gaming areas.

The largest buckets, which would take the largest funding cuts, are: thoroughbred racing purses and development funds, which would be cut by about \$6 million, payments to racetrack counties and municipalities, about \$4 million; state Debt Reduction fund, about \$3.2 million; and greyhound racing purses and development funds, about \$2.5 million.

Kiss said the funding cuts were also recommended by Wall Street bond rating agencies, which raised concerns about declining Lottery profits, since the state has a number of outstanding bond issues that are funded through Lottery revenue.

Freeing up the funds should help debt ratios for the Lottery, and avoid hurting the state's bond ratings, he said.

"The hope is this provides some additional cushion," Kiss said. "We're preserving and protecting the very positive bond rating we have."

With increased competition from casinos in Pennsylvania, Ohio and Maryland, the state Budget Office projects that overall Lottery revenues will drop 8.9 percent in the current budget year, and another 4.7 percent in the 2014-15 budget year.

Musgrave said about \$473 million of state Lottery funds, which are appropriated by the Legislature, are not affected by the proposed 15 percent cuts.

That means Lottery funding for Promise scholarships, School Building Authority, Economic Development Authority, public schools, and Senior Services, among other programs, will not be cut under the governor's proposal.

The bill will go to Senate Judiciary Committee and Senate Finance Committee for further consideration.



1 reducing certain table games adjusted gross receipts  
2 distributions by fifteen percent; and reducing certain  
3 distributions from adjusted gross receipts and net terminal  
4 income from the historic resort hotel by fifteen percent.

5 *Be it enacted by the Legislature of West Virginia:*

6 That §29-22-18d of the Code of West Virginia, 1931, as  
7 amended, be amended and reenacted; that said code be amended by  
8 adding thereto two new sections, designated §29-22A-10d and  
9 §29-22A-10e; that said code be amended by adding thereto a new  
10 section, designated §29-22B-1409; that said code be amended by  
11 adding thereto a new section, designated §29-22C-27a; and that said  
12 code be amended by adding thereto a new section, designated  
13 §29-25-22b, all to read as follows:

14 **ARTICLE 22. STATE LOTTERY ACT.**

15 **§29-22-18d. Increase in allocation to West Virginia**  
16 **Infrastructure Fund from State Excess Lottery**  
17 **Revenue Fund.**

18 Notwithstanding any provision of subsection (d), section  
19 eighteen-a of this article to the contrary, the deposit of \$40  
20 million into the West Virginia Infrastructure Fund set forth above  
21 is for the fiscal year beginning July 1, 2010, only. For the fiscal  
22 year beginning July 1, 2011, and each fiscal year thereafter, in

1 lieu of the deposits required under subdivision (5), subsection  
2 (d), section eighteen-a of this article, the commission shall,  
3 first, deposit \$6 million into the West Virginia Infrastructure  
4 Lottery Revenue Debt Service Fund created in subsection (h),  
5 section nine, article fifteen-a, chapter thirty-one of this code,  
6 to be spent in accordance with the provisions of that subsection,  
7 and, second deposit \$40 million into the West Virginia  
8 Infrastructure Fund created in subsection (a), section nine,  
9 article fifteen-a, chapter thirty-one of this code, to be spent in  
10 accordance with the provisions of that article: Provided, That for  
11 the fiscal year beginning July 1, 2014, and for two additional  
12 fiscal years thereafter, the deposit to the West Virginia  
13 Infrastructure Fund shall be \$20 million.

14 **ARTICLE 22A. RACETRACK VIDEO LOTTERY ACT.**

15 **§29-22A-10d. Changes in distribution of net terminal income.**

16 (1) Notwithstanding any provision of subsection (c), section  
17 ten of this article to the contrary, for the fiscal year beginning  
18 July 1, 2014, and each year thereafter, each distribution expressed  
19 as a percentage of net terminal income, except those distributions  
20 to be made pursuant to subdivisions (1), (7), paragraph (A) of  
21 subdivision (9), and subparagraphs (I) and (ii), paragraph (B) of  
22 subdivision (10), subsection (c), section 10 of this article, shall

1 be reduced by fifteen percent. All distributions expressed as a  
2 dollar amount shall not be reduced.

3 (2) The total amount of reductions resulting from subsection  
4 (1) of this section shall be paid into the State Excess Lottery  
5 Revenue Fund, created by section eighteen-a, article twenty-two of  
6 this chapter.

7 **§29-22A-10e. Changes in distribution of excess net terminal**  
8 **income.**

9 (1) Notwithstanding any provision of subsection (a), section  
10 ten-b of this article to the contrary, for the fiscal year  
11 beginning July 1, 2014, and each year thereafter, each distribution  
12 expressed as a percentage of net terminal income, except those  
13 distributions to be made pursuant to subdivisions (1), (7),  
14 paragraph (A) of subdivision (9), and paragraph (B) of subdivision  
15 (10), subsection (a), section 10-b of this article, shall be  
16 reduced by fifteen percent. All distributions expressed as a  
17 dollar amount shall not be reduced.

18 (2) The total amount of reductions resulting from subsection  
19 (1) of this section shall be paid into the State Excess Lottery  
20 Revenue Fund created in section eighteen-a, article twenty-two of  
21 this chapter.

22 **ARTICLE 22B. THE LIMITED VIDEO LOTTERY ACT.**

1 §29-22b-1409. Changes in distribution of net terminal income.

2 For the fiscal year beginning July 1, 2014, and each year  
3 thereafter, the distribution made pursuant to section 1408(b)(1)(A)  
4 shall be reduced by fifteen percent. The total amount of  
5 reductions shall be paid into the State Excess Lottery Revenue Fund  
6 created in section eighteen-a, article twenty-two of this chapter.

7 ARTICLE 22C. WEST VIRGINIA LOTTERY RACETRACK TABLE GAMES ACT.

8 §29-22C-27a. Changes in distribution of adjusted gross receipts.

9 (1) Notwithstanding any provision of section twenty-seven of  
10 this article to the contrary, for the fiscal year beginning July 1,  
11 2014, and each year thereafter, each distribution expressed as a  
12 percentage of adjusted gross receipts found in subsection (c),  
13 except subdivisions (1) and (7) of that subsection, and subsection  
14 (d), except subdivision (1) of that subsection, section  
15 twenty-seven of this article, shall be reduced by fifteen percent.

16 (2) The total amount of reductions resulting from subsection  
17 (1) of this section shall be paid into the State Excess Lottery  
18 Revenue Fund created in section eighteen-a, article twenty-two of  
19 this chapter.

20 ARTICLE 25. AUTHORIZED GAMING FACILITY.

21 §29-25-22b. Changes in distribution of adjusted gross receipts and  
22 net terminal income.

1           (1) Notwithstanding any provision of section twenty-two of  
2 this article to the contrary, for the fiscal year beginning July 1,  
3 2014, and each year thereafter, after payment of the commission's  
4 expenses pursuant to subsection (b), section twenty-two of this  
5 article, each distribution made in subsection (d) of section  
6 twenty-two from the balance of the Historic Resort Hotel Fund,  
7 except subdivisions (1) and (2) of that subsection, shall be  
8 reduced by fifteen percent.

9           (2) For the fiscal year beginning July 1, 2014, and each year  
10 thereafter, distributions made pursuant to subsection (a), section  
11 twenty-two-a of this article shall be reduced by fifteen percent.

12           (3) The total amount of reductions resulting from subsections  
13 (1) and (2) of this section shall be paid into the State Excess  
14 Lottery Revenue Fund created in section eighteen-a, article  
15 twenty-two of this chapter.

NOTE: The purpose of this bill is to effect a fifteen percent reduction in all statutory transfers that are made outside of the budget process and redirect those funds to the State Excess Lottery Revenue Fund.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§29-22A-10d, §29-22A-10e, §29-22B-1409, §29-22C-27a and §29-25-22b are new; therefore, strike-throughs and underscoring have been omitted.

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name:

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: Click here to enter text.

Date Requested – 1<sup>st</sup> Choice: Click here to enter text.

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

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

Please provide the County Commission with a description of your request or presentation, including any background information:  
Click here to enter text.

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

If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Click here to enter text.

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

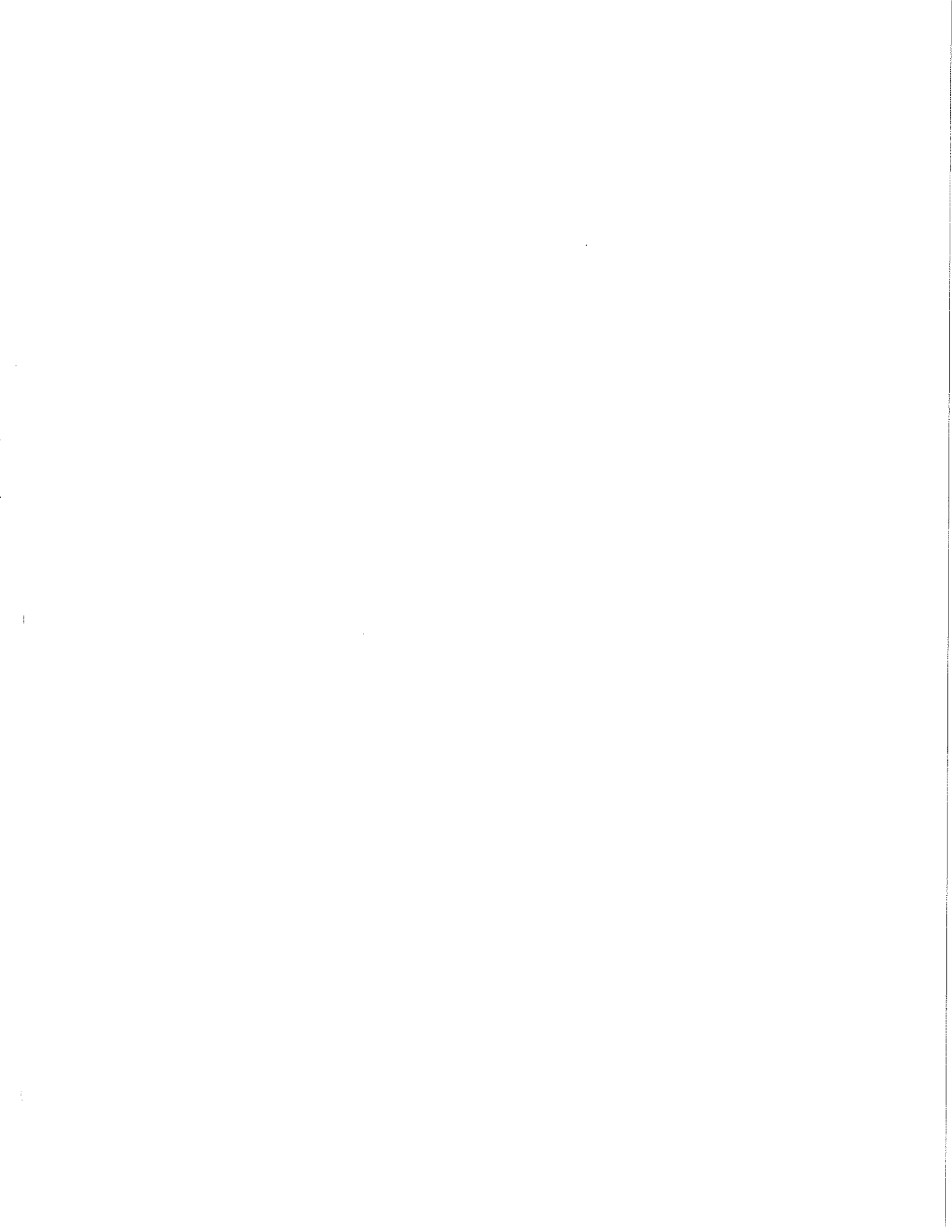
Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

Click here to enter text.



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Sandy Slusher McDonald, Deputy County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: Click here to enter text.

Date Requested – 1<sup>st</sup> Choice: **February 6, 2014**

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **Approval of Resolution and application for Grant – Sheriff's Department Deputy Reserves – purchase of equipment**

Please provide the County Commission with a description of your request or presentation, including any background information:  
Click here to enter text.

Is this a funding request? Y/N **NO**  
If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Click here to enter text. **Motion to approve the Resolution for the Grant in the amount of \$2,500 for the Sheriff's Department Deputy Reserve and to authorize the President to affix his signature to the appropriate documents**

Attach supporting documents for request, or request may be denied.  
If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.  
Telephone for conference call Y/N Click here to enter text.

Contact information:  
Email address: Click here to enter text. Phone Number: Click here to enter text.

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

Click here to enter text. *pass through grant*

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

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## **RESOLUTION**

The Jefferson County Commission met on the 6<sup>th</sup> day of February, 2014 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Walt Pellish, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer grant funds pursuant to provision of the Governor's Community Participation Program in the amount of \$2,500. This project is to assist the Sheriff's Department Deputy Reserves with the purchase of equipment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
WALT PELLISH  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: \_\_\_\_\_  
County Clerk

14LEDA0088

# Community Participation Grant Program

Fiscal Year 2014

Deadline: April 30, 2014

Grantee: Jefferson County Commission  
 Project Title: Sheriff's Department - Deputy Reserves Equipment

Project Number: 14LEDA0088  
 Amount: \$2,500

## Section 1: Grantee (Local Governing Agency)

|                        |                             |         |                             |
|------------------------|-----------------------------|---------|-----------------------------|
| GOVERNING AGENCY NAME: | Jefferson County Commission |         |                             |
| CONTACT PERSON:        | Sandy McDonald              | E-MAIL: | sandy@jeffersoncountywv.org |
|                        |                             | PHONE:  | 304-728-3282                |

Yes  No Are funds requested for a nonprofit organization? If yes, complete Section 2.

## Section 2: Subgrantee (Nonprofit Organization)

|                         |                                          |          |                       |
|-------------------------|------------------------------------------|----------|-----------------------|
| NONPROFIT ORGANIZATION: | Jefferson County Deputy Sheriff Reserves |          |                       |
| EXECUTIVE DIRECTOR:     | Cpl. Benjamin S. Williams                | E-MAIL:  | bwilliams@jcsd.wv.com |
| ADDRESS:                | 102 Industrial Blvd. Suite 100           | CITY:    | Kearneysville         |
|                         |                                          | ZIP:     | 25428                 |
| PHONE:                  | 304-728-3205                             | WEBSITE: | www.jcsr.org          |

- Federal nonprofit certification, 501 (c) determination letter from Internal Revenue Service is attached.  
 Mission statement, brochure, or web page explaining the organization's mission and services provided is attached.

## Section 3: Project Details

Describe in specific terms the scope of the work to be completed and the proposed use(s) of the grant funds. A separate sheet may be attached if additional space is needed.

|                         |              |
|-------------------------|--------------|
| DESCRIPTION OF PROJECT: | SEE Attached |
|                         |              |
|                         |              |
|                         |              |
|                         |              |

## PROJECT LOCATION:

|                                                                                    |                                                       |
|------------------------------------------------------------------------------------|-------------------------------------------------------|
| OWNER OF PROJECT SITE, PROPERTY OR BUILDING:                                       | Jefferson County Sheriff's Dept.                      |
| LOCATION AND ADDRESS WHERE GRANT FUNDS WILL BE USED (SUFFICIENT TO DRIVE TO SITE): | 102 Industrial Blvd Suite 100 Kearneysville, WV 25428 |

Attach a copy of the property deed if project site(s) or building(s) are owned by a nonprofit organization. Application WILL NOT be processed without a deed.

## Section 4: Funding Summary

A minimum of 10% is required as a local match. Attach commitment letters for each funding source listed below.

|                                  | AMOUNT      | SOURCE<br>GRANT, BANK LOAN,<br>FUNDRAISING, ETC. | STATUS<br>PENDING, APPROVED,<br>ONGOING, ETC. | DOCUMENTATION<br>LETTER, RESOLUTION,<br>ETC. |
|----------------------------------|-------------|--------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| GRANT FUNDS REQUESTED            | \$ 2,500    | 2,500                                            | Pending                                       |                                              |
| LOCAL FUNDS (10% REQUIRED MATCH) | \$ 250.00   | BANK ACCT                                        | Approved                                      |                                              |
| OTHER FUNDS                      | \$          |                                                  |                                               |                                              |
| TOTAL PROJECT COST               | \$ 2,750.00 |                                                  |                                               |                                              |

The Jefferson County Deputy Sheriff's Reserve is a volunteer unit formed and trained to assist regularly appointed Deputies in their routine duties and to serve the citizens of Jefferson County. The Reserve is committed to promoting the responsibility of all citizens to preserve life, to protect property, and to pledge service to their community. The individual Reserve Officer will perform his/her duties with integrity, professionalism, and timeliness, always remembering that the end product must be quality service to his/her department and community.

Members of the Reserve shall be subordinate to the members of the Jefferson County Sheriff's Department and shall obey any lawful order given by a sworn member of the Sheriff's Department. The Reserve shall have no powers, either written or implied, other than those enumerated in Chapter 6-3-1A of the West Virginia Code and all regulations and directives promulgated by the Sheriff's Department. Violation of this is grounds for immediate dismissal from the Reserve and/or possible legal action.

## **Section 5: Assurances and Signature**

**The Grantee hereby assures to the State that it and any Subgrantee(s) shall comply with the following laws, regulations, policies, and requirements:**

1. The Grantee will perform the work for which the grant was made as determined by the State.
2. The Grantee will start work on the project before the end of the fiscal year in which the grant award is made.
3. The Grantee will comply with the equal employment provision of Titles VI and VII of the 1964 Civil Rights Act and Presidential Executive Orders 11246 and 11375 in its hiring practices for work to be performed using grant funds.
4. The Grantee will solicit competitive bids on any major work element exceeding \$2,500 in cost as per West Virginia Purchasing Division procedures outlined in Section 3 of the Purchasing Division handbook, authorized by the WV Code of State Rules Title 148 Series 1.
5. The Grantee will comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A for all contracts, involving, but not limited to, construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work necessary for the undertaking and completion of the project, regardless of the source of funds utilized to pay such construction contracts. Bids for such contracts shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3.
6. The Grantee will pay State prevailing wage rates on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.
7. The Grantee shall obtain professional services, such as consulting, through a request for proposals. Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.
8. The Grantee assures no costs will be incurred or commitments made relative to a grant prior to the approval of this grant and execution of a contract with the State of West Virginia.
9. The Grantee assures project sites and buildings will be publicly owned or owned by a federally certified nonprofit organization. The use of grant funds at/for private property or private gain is prohibited.
10. The Grantee assures that any part of the project to be occupied by the general public will be made accessible to the handicapped.
11. The Grantee assures that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
12. The Grantee will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDO or members of the State Legislature in any contracts awarded for work to be performed.
13. The Grantee will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The Grantee further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
14. The Grantee assures that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the grantee and abide by the assurances described in section 5 of this application.
15. As the grantee, the county or municipality will act as the administrator of any grant funds provided to nonprofit organizations, and will maintain fiduciary responsibility for the expenditure of funds.

Grantee: Jefferson County Commission  
Project Title: Sheriff's Department - Deputy Reserves Equipment

Project Number: 14LEDA0088  
Amount: \$2,500

**No application will be processed without the following documentation:**

- Application with Original Signature
- Resolution by Unit of Local Government
- Documentation of Local Match (Minimum 10 Percent)
- Current IRS 501(c) Determination Letter - Required for Nonprofit Organizations
- Current Certificate of Existence/Authorization from WV Secretary of State – Required for Nonprofit Organizations
- Deed to Project Site - Required if property is owned by a Nonprofit Organization

To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the grantee and any subgrantee will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia and in Section 5 of this application. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Mayor or County Commission President**  
**ORIGINAL SIGNATURE REQUIRED-USE BLUE INK**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Executive Director, Nonprofit Organization**  
**ORIGINAL SIGNATURE REQUIRED-USE BLUE INK**

**West Virginia Development Office**  
**Community Development Division**  
**Community Participation Grant Program**  
1900 Kanawha Boulevard, East Building 6, Room 553  
Charleston, West Virginia 25305  
Phone: 304-558-4010 Fax: 304-558-2246  
[www.wvcommerce.org](http://www.wvcommerce.org)



INTERNAL REVENUE SERVICE  
 P. O. BOX 2508  
 CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **DEC 27 2011**

JEFFERSON COUNTY DEPUTY SHERIFFS  
 RESERVE INC  
 C/O KENNETH ANDREWS  
 102 INDUSTRIAL BLVD STE 100  
 KEARNEYSVILLE, WV 25430

Employer Identification Number:  
 55-0733574  
 DLN:  
 17053272318001  
 Contact Person:  
 JOHN ALDAN III  
 Contact Telephone Number:  
 (877) 829-5500

ID# 31695

Accounting Period Ending:  
 December 31  
 Public Charity Status:  
 170(b)(1)(A)(vi)  
 Form 990 Required:  
 Yes  
 Effective Date of Exemption:  
 May 15, 2010  
 Contribution Deductibility:  
 Yes  
 Addendum Applies:  
 Yes

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

## Mission Statement:



Jefferson County Deputy Sheriff's Reserves are very active in the Community. Reserve activities include providing Security for various events in the county such as the Mountain Heritage Arts and Crafts Festivals, County Fair, the teen dances at the Park and Recreation Center, Parades, and other benefits. Reserves perform traffic control for special events within the County such as the Charles Town and Harper Ferry Christmas Parades, Blue Knights Motorcycle Ride, Home and Garden Tours, and other events where traffic control is required. The Reserves operate a Child Fingerprinting program at different events and loca-

**The Jefferson County Deputy Sheriff's Reserve is committed to promoting the belief that it is the responsibility of all citizens to preserve life, to protect property and to pledge service to their community. JCDSR members will uphold this objective by assisting regularly appointed Deputies and Police Officers in their routine duties, and by supporting the efforts of other law enforcement and community organizations that share this conviction. The individual Reserve Officer will perform his/her duties with integrity, professionalism, and timeliness, always remembering that the end product must be quality service to his/her department and community, WE ARE PROUD OF THE WORK WE DO WITH THE SHERIFF'S DEPARTMENT AND THE COMMUNITY.**

**Jefferson County Deputy Sheriff's Reserve is an all volunteer, non-profit organization. We rely on donations and special events to continue our effort of serving the Citizens of Jefferson County. All donations are welcome. If anyone is interested in joining, donating or requesting assistance with their event, please feel free to contact us.**

Jefferson County Deputy Sheriff's Reserves  
102 Industrial Blvd  
Suite 100  
Kearneysville, WV  
25430

Phone: (304)728-3205  
<http://www.jcdsr.org>



## Jefferson County Deputy Sheriff's Reserves



*Proudly Serving the  
Citizens of Jefferson  
County.*

Phone: (304) 728-3205  
<http://www.jcdsr.org>

## Volunteers Trained to support the Community.

The Jefferson County Deputy Sheriff's Reserve is a volunteer organization that serves as an adjunct to the Sheriff's Department with numerous activities throughout the County. Reserve Deputies backup and assist the regular Deputies with various calls throughout the county, with activities such as; traffic control at accidents, vehicle/house searches, serving court papers, processing arrests, fingerprinting and transporting to the Eastern Regional Jail.

The Sheriff's Reserve also provide security for a variety of functions and events that take place in Jefferson County. These include the Heritage Mountain Arts and Crafts Festival in June and September. As well as the teen dances at the County Recreation Center and other events. The Reserve's also assist other law enforcement agencies in Jefferson County and surrounding counties.

### Community Events:

Twice a year (in June and September) the Jefferson County Chamber of Commerce hosts the Mountain Heritage Arts and Crafts Festival at Sam Michaels Park. The Festival is from Friday through Sunday and attracts visitors from all over the East Coast. Jefferson County Deputy Sheriff's Reserves start the weekend before, providing security at night for the large tents and equipment that are being put in place for the Festival.



On the Thursday before, we begin to provide security 24 hours a day as the vendors begin to set up the areas, through the end on the Festival on Sunday night.

A public service provided by the Reserves is a child Fingerprinting program, which provides parents with a resource for proper identification of their child. It not only contains the child's fingerprints but also has a place to put a picture and provide information about the child such as weight, height, hair color, etc. Parents can then cut several strands of hair from the child and enclose it in the card thus providing a DNA sample. The card can then be put away for safe keeping. In the result something should happen to the child they can give the card to the police.



It is suggested parents have this done every two years as the child grows and their fingerprints become clearer.

For more information on fingerprinting at your school or event please contact us.

### Becoming a Reserve:

#### MEMBERSHIP

Eligibility for membership is open to any US Citizen over the age of 18, who has a clean background, and is resident of West Virginia. Applicants are interviewed by the Executive Board and approved by the Supervising Deputy, Sheriff and County Commission.

### TRAINING

The overall goal of the Deputy Sheriff Reserve Academy Program is to provide each new Reserve candidate with formal standardized training through which he/she becomes fully trained and capable of performing Reserve Deputy functions, and to create a cohesive working relationship between Reserve Deputies, Deputies and all other Jefferson County Sheriff's Department staff members.

The Jefferson County Deputy Sheriff Reserve Academy will be broken into five (5) Phases, three (3) of which will be completed by all new Reserve Deputies Phases 4 and 5 will be completed on a need basis as deemed necessary by the Supervising Deputy.

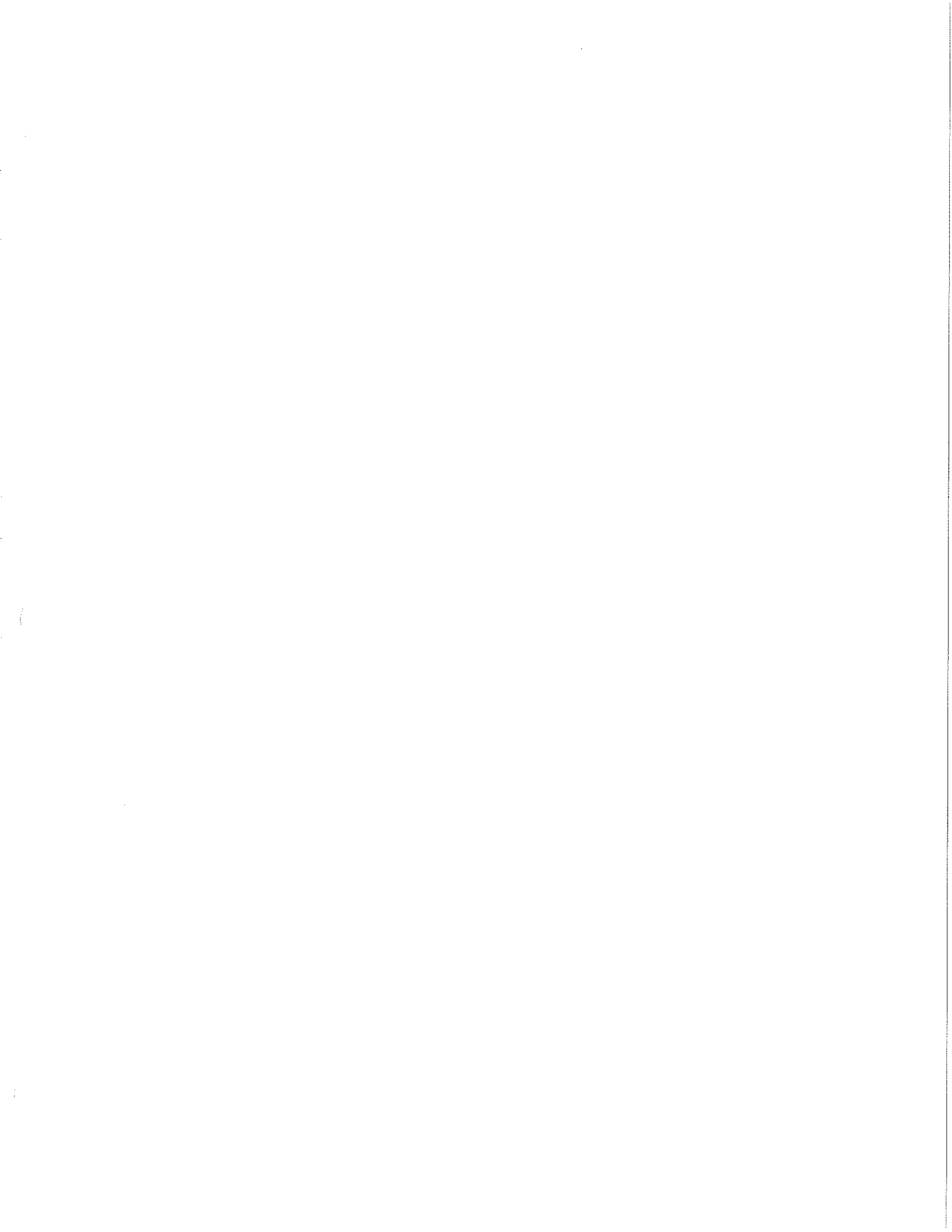
The entire Jefferson County Deputy Reserve Academy will require a minimum of one hundred and fifty (150) hours to complete. The various modules will be conducted during evening and weekend hours. In certain situations where full-time employment prohibits a new member from attending classes at these times, accommodations will be made.



### Jefferson County Deputy Sheriff's Reserves

Jefferson County Deputy Sheriff's Reserves  
102 Industrial Blvd  
Suite 100  
Kearneysville, WV

Phone: (304)728-3205  
<http://www.jcdsr.org>



**Quarterly Report**  
Jefferson County Historic Landmarks Commission  
October 1, 2013 through December 31, 2013  
January 2014

**1. Projects Undertaken**

- a. Cement Mill Property transfer to NPS
- b. Demolition of Lowe house, 3125 Trough Rd.
- c. Peter Burr Farm
  - i. Bread Baking and Interpretive activities
- d. Snow Hill/Poor House Improvements – ongoing
- e. WV GeoExplorer project – sponsor and coordinate
- f. Site Reviews

**2. Projects Completed**

- a. Shepherdstown Cement Mill national register nomination
- b. Historic Structures Report – Snow Hill
- c. Designation of two additional JC Landmarks
- d. October festival at Peter Burr Farm, October 5, 2013
- e. JC Schools 4<sup>th</sup> Grade visit to Peter Burr Farm October 21-25, 2013, approximately 500 children

**3. Projects Proposed**

- a. Development of historic preservation curriculum for fourth and eighth graders in conjunction with JC Schools
- b. Documentation of significant barns and farmsteads

**4. Items Requiring Jefferson County Commission Attention**

- a. None at this time

Submitted by  
Martin Burke  
Chairman, JCHLC

**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., Thursday, February 13, 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**

**NOTICE**  
**Board of Review and Equalization**

**The County Commission of Jefferson County will sit as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Thursday, February 13<sup>th</sup>, 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.**

**Given under my hand this 9<sup>th</sup> day of January, 2014.**

**By Order of the County  
Commission of  
Jefferson County  
Walt Pellish, President**

**NOTICE**

On Thursday, January 16, 2014, the County Commission of Jefferson County agreed to cancel the February 11, 2014 1:30 p.m. Board of Review and Equalization meeting due to a conflict with another meeting previously scheduled.

Given under my hand this 13<sup>th</sup> day of January, 2014.

Walt Pellish, President  
Jefferson County Commission

**Jessica Carroll**

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**From:** jeffersoncountycommissionalerts-owner@jeffersoncountywv.org on behalf of Jefferson County Alerts [alerts@jeffersoncountywv.org]  
**Sent:** Friday, January 24, 2014 12:08 PM  
**To:** jeffersoncountycommissionalerts@jeffersoncountywv.org  
**Subject:** Future Land Use Map Public Participation Open House

**Envision Jefferson 2035 Future Land Use Map Public Participation Open House to be held on February 10**

A public participation open house for Envision Jefferson 2035 (the update to the Jefferson County Comprehensive Plan) will be held at the following time and location:

**Monday, February 10 from 6:30 to 8:30 PM**

**Page Jackson Elementary School**

**370 Page Jackson Road, Charles Town, WV**

The primary focus of this open house will be to present the recommended future land uses for seven identified preferred growth areas in Jefferson County. These growth areas were generated based on input from the public at Public Participation Workshops in July and October. Attendees will be able to view the proposed future land use maps of these areas and make comments on each. There will be no formal presentation, so residents will be able to come and go at their leisure.

For more information about Envision Jefferson 2035, please go to the project's website ([www.envisionjefferson2035.com](http://www.envisionjefferson2035.com)) or feel free to contact the project staff either by e-mail at [envisionjefferson2035@jeffersoncountywv.org](mailto:envisionjefferson2035@jeffersoncountywv.org) or by calling the Jefferson County Planning and Zoning Department office at (304) 728-3228. We look forward to your assistance in helping to envision a better Jefferson County.

\*\*\*\*\*Please do not reply to this email. If you have questions or need assistance, please email [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or call the County Commission office at 304-728-3284.\*\*\*\*\*

## **NOTICE OF INTENT TO APPOINT**

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, February 20, 2014, or as soon thereafter as the Commission may decide:

### **Jefferson County Property Safety Enforcement Agency - One two year term ending February 8, 2016**

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:**

**February 5 and February 12, 2014**

**THANKS - JEFFERSON COUNTY COMMISSION**

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| <b>Week Ending Date</b>                                | <b>Week Ending<br/>January 25, 2014<br/>FY14<br/>January 31, 2014</b> |
|--------------------------------------------------------|-----------------------------------------------------------------------|
| <b>To be Deposited on:</b>                             |                                                                       |
| Amount Played                                          | 47,938,259.76                                                         |
| Amount Won                                             | 42,824,856.44                                                         |
| Amount Promo                                           | 166,632.00                                                            |
| MWAP Contribution                                      | <u>2,233.91</u>                                                       |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>4,944,537.41</u></b>                                            |
| Administrative Costs @ 4%                              | 0.00                                                                  |
| Excess Lottery Fund @ 4%                               | <u>197,781.51</u>                                                     |
| <b>Net Terminal Revenue</b>                            | <b><u>4,746,755.90</u></b>                                            |
| Surcharge @ 10%                                        | 474,675.60                                                            |
| State Share Excess @ 58%                               | 275,311.85                                                            |
| Track Share of Capital Reinvestment @ 42%              | 199,363.75                                                            |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | <i>191389.20</i>                                                      |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>7974.55</i>                                                        |
| <b>Adjusted Net Terminal Revenue</b>                   | <b><u>4,272,080.30</u></b>                                            |
| Racetrack @ 46.50% / 42%                               | 1,794,273.73                                                          |
| Lottery Fund @ 30% / 0%                                | 0.00                                                                  |
| Excess Lottery Fund @ 0% / 41%                         | 1,751,552.95                                                          |
| Race Track Purses @ 7% / 14% / 8%                      | 341,766.42                                                            |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 0.00                                                                  |
| Employee Pension Fund @ 1% / .5%                       | 21,360.40                                                             |
| Greyhound Development @ .75%                           | 32,040.60                                                             |
| Thoroughbred Development @ .75%                        | 32,040.60                                                             |
| Racing Commission @ 1%                                 | 42,720.80                                                             |
| County/Municipality @ 2%                               | 85,441.60                                                             |
| <b>3% Funds:</b>                                       |                                                                       |
| Tourism Promotion Fund @ 1.375%                        | 58,741.10                                                             |
| Development Office Promotion Fund @ .375%              | 16,020.30                                                             |
| Research Challenge Fund @ .5%                          | 21,360.40                                                             |
| Capitol Renovation and Improvement Fund @ .6875%       | 29,370.55                                                             |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 2,670.05                                                              |
| <b>1% Funds:</b>                                       |                                                                       |
| State Capitol Complex Parking Garage @ 1%              | 0.00                                                                  |
| Cultural Facilities and Capitol Resources @ .5%        | 21,360.40                                                             |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>21,360.40</u>                                                      |
|                                                        | <b><u>4,272,080.30</u></b>                                            |

WEST VIRGINIA LOTTERY

First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2014

Charles Town  
1999 Net Terminal Revenue \$ 45,803,174  
Benchmark Goal @ 2% \$ 912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 6 days ending:<br>07/08/13 | \$ 123,196.88                | \$ 123,196.88             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:<br>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               | \$ 19,841.98     | \$ 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               | \$ 18,808.21     | \$ 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               | \$ 18,411.78     | \$ 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                 | \$ 48,628.62              | \$ 48,628.62         | \$ 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                   | \$ 94,612.48                 | \$ 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         | \$ 2,317.66      | \$ 11,682.38              | \$ 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              | \$ 967.41                 | \$ 15,014.89     | \$ 7,275.62                 |
| 12/28/13                   | \$ 124,234.28                | \$ 62,117.14              | \$ 62,117.14         | \$ 4,925.89      | \$ 24,784.74              | \$ 1,347.94               | \$ 20,921.05     | \$ 10,137.52                |
| 01/04/14                   | \$ 125,927.76                | \$ 62,963.88              | \$ 62,963.88         | \$ 4,993.04      | \$ 25,122.59              | \$ 1,366.32               | \$ 21,206.23     | \$ 10,275.70                |
| 01/11/14                   | \$ 75,871.88                 | \$ 37,935.94              | \$ 37,935.94         | \$ 3,008.32      | \$ 15,136.44              | \$ 823.21                 | \$ 12,776.82     | \$ 8,191.15                 |
| 01/18/14                   | \$ 98,837.28                 | \$ 49,418.64              | \$ 49,418.64         | \$ 3,918.90      | \$ 19,718.04              | \$ 1,072.38               | \$ 16,644.20     | \$ 8,065.12                 |
| 01/25/14                   | \$ 85,441.60                 | \$ 42,720.80              | \$ 42,720.80         | \$ 3,387.76      | \$ 17,045.60              | \$ 927.04                 | \$ 14,388.37     | \$ 6,972.03                 |
| Subtotal                   | \$ 3,305,725.56              | \$ 2,108,894.52           | \$ 1,196,831.04      | \$ 94,908.69     | \$ 477,535.61             | \$ 25,971.23              | \$ 403,092.68    | \$ 195,322.83               |

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  | 12/28/2013 | 62,117.14  |
| 01/02/2010   | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  | 01/05/2013 | 71,673.52  | 01/04/2014 | 62,963.88  |
| 01/09/2010   | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  | 01/12/2013 | 50,416.30  | 01/11/2014 | 37,935.94  |
| 01/16/2010   | 60,551.28  | 01/15/2011 | 54,005.90  | 01/14/2012 | 58,901.92  | 01/19/2013 | 51,211.88  | 01/18/2014 | 49,418.64  |
| 01/23/2010   | 69,943.53  | 01/22/2011 | 60,924.74  | 01/21/2012 | 61,819.92  | 01/26/2013 | 46,966.26  | 01/25/2014 | 42,720.80  |
| 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 |

TOTALS 4041141.56 4016541.01 4124906.8 3580645.18 2,108,894.52

**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        | December, 2013         | 79,617.31        |
| 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>532097.19</b> |

**Table Game Revenue Distribution - Jefferson County School Board**

| Date                   | Amount              | Date                   | Amount              | Date                   | Amount              |
|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|
| 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          | December, 2013         | 238,851.93          |
| 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>1,596,291.57</b> |