

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, APRIL 10, 2014**  
**9:30 A.M.**  
County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF PURCHASE ORDERS**

- April 10, 2014

**APPROVAL OF ACCOUNTS PAYABLE**

- April 10, 2014

**ANNOUNCEMENTS**

- Report if there are changes in the agenda if applicable

**PUBLIC COMMENT**

**PRESENTATIONS**

1. 9:45 a.m. Stephen Groh, Assistant Prosecuting Attorney, Ralph Lorenzetti, Prosecuting Attorney, and Tim Stanton, Finance Director
  - Day Report Center Grant Issue and Community Corrections Board Composition
  - Update on Pending Litigation - Possible Executive Session §6-9A-4

**UNFINISHED BUSINESS**

2. Ambulance Fee in reference to Apartment Buildings - Discussion/Action (JT)
3. 10:30 a.m. BREAK

4. 10:45 a.m. Jennifer Brockman, Planning and Zoning Director  
- Continuance of a 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

#### **COUNTY COMMISSION REPORTS**

5. 12:45 p.m. ADJOURN

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

- Jefferson County Farmland Protection Board Quarterly Update Written Report
- Jefferson County Homeland Security and Emergency Management Quarterly Written Report

#### **CORRESPONDENCE/INFORMATION**

Jefferson County Commission Notice of Special Session to Lay the Levy.

Jefferson County Commission Notice of Intent to Appoint to the Jefferson County Development Authority.

Impact Fee Status Report for March 2014.

Memorandum from the Office of Impact Fees regarding the Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.

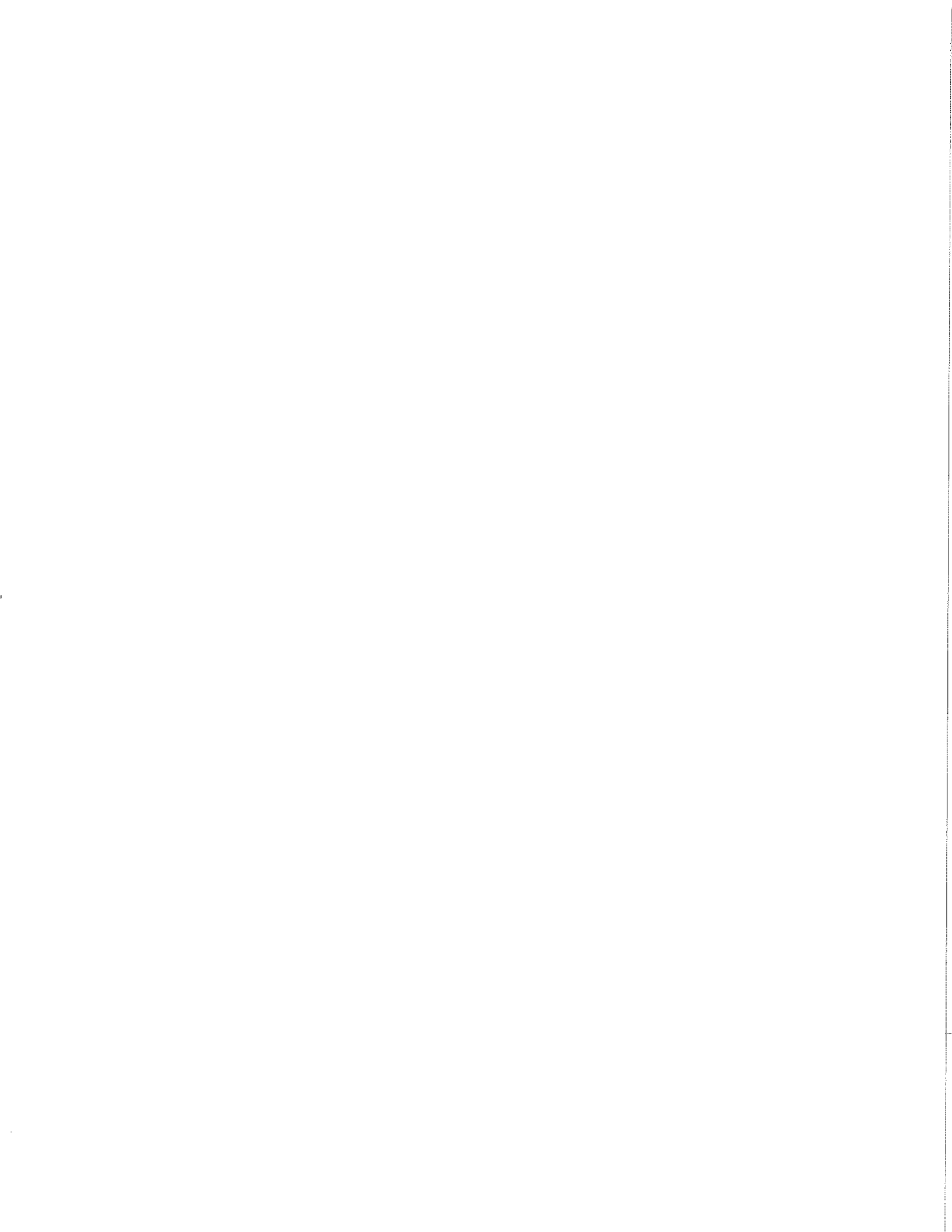
Memorandum from the Office of Impact Fees regarding the Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.

Memorandum from the Office of Impact Fees regarding the Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks and Recreation Impact Fee Account.

Memorandum from the Office of Impact Fees regarding the Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.

West Virginia Lottery Weekly Settlement for Charles Town - week ending March 29, 2014.

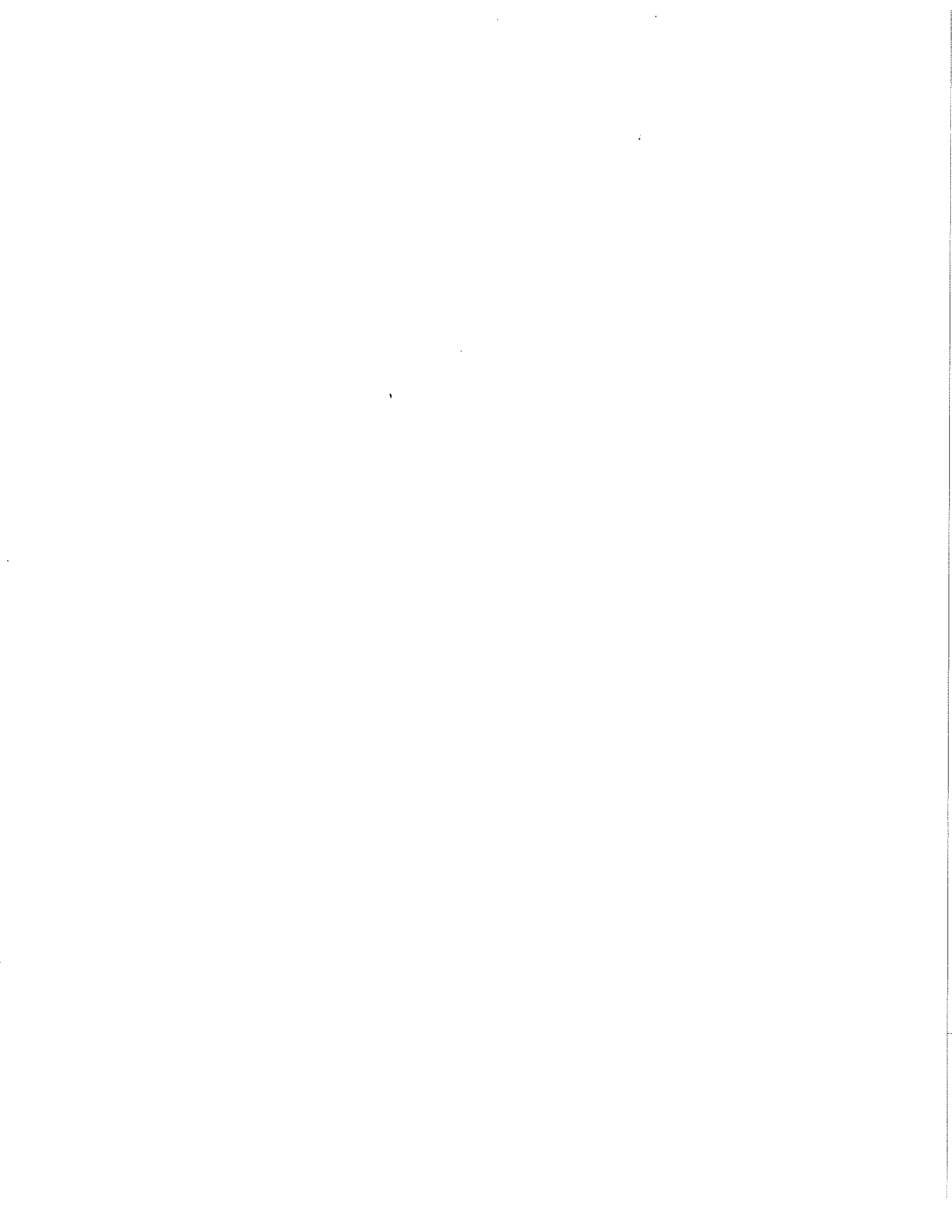
*At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.*



**PURCHASE ORDERS TO BE APPROVED**

**April 10, 2014**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ASSESSOR	52306	\$ 4,753.86	Berkeley Print & Design	Supplies
	52307	\$ 1,225.00	National Band & Tag Co.	Dog Tags
CIRCUIT CLERK	51468	\$ 1,145.00	WV Circuit Clerk's Assoc.	Reg. Fee for Circuit Clerk's Conf.
DATA PROCESSING/IT	52222	\$ 608.17	IT Savy (United Bank)	HP Network Switch w/ Lifetime Warranty
OTHER BUILDINGS	52372	\$ 812.50	Alliance Electric	Wiring/Pipes/Receptacles in Evidence Room
	52373	\$ 1,024.42	Sunfire Energy Solutions	Service Call at JCESA
PROSECUTING ATTORNEY	52211	\$ 1,074.00	ADC Legal Systems, Inc.	Annual License Renewal for Perfect Practice
<b>GRAND TOTAL</b>		<b>\$ 9,568.95</b>		



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



Name: Steve Groh & Ralph Lorenzetti

Department or Organization: **Prosecuting Attorney's Office**

Estimation of amount of time needed for appointment: 15-20 minutes

Date Requested – 1<sup>st</sup> Choice: **April 10, 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*):

- Day Report Center Grant Issue and Community Corrections Board Composition
- Update on Pending Litigation (Possible Executive Session §6-9A-4)

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

not applicable

**Berkeley/Jefferson Community Criminal Justice Board**  
**Updated 3/12/10**

Status	Term Began	Position	Name	Organization	Phone Fax	Email
V	2008	President	Games-Neely, Pamela J	Berkeley County Prosecutor 380 W. South St. Suite 1100 Martinsburg, WV 25401	304-264-1971 304-263-6092	<a href="mailto:pneely@berkeleycountycomm.org">pneely@berkeleycountycomm.org</a> <b>RESIGNED 2013</b>
V	2008	Vice-President	Lawson, Deborah	Public Defender 313 Monroe St. Martinsburg, WV 25404	304-263-8909 304-267-0418	<a href="mailto:pddlawson@comcast.net">pddlawson@comcast.net</a>
V	2008	Secretary	Zdziera, Carolyn	BIPPS Community Alternatives to Violence 891 Auto Parts Place Box 136 Martinsburg, WV 25403	304-262-4424/540-327-7 866-332-2906	<a href="mailto:czdziera@msn.com">czdziera@msn.com</a>
V	2008	Treasurer	LeMaster, Kenneth	Berkeley County Sheriff 802 Emmett Rousch Dr. Suite C Martinsburg, WV 25401	304-267-7000,676-9723 (304) 267-7806	<a href="mailto:bcs0802@earthlink.net">bcs0802@earthlink.net</a>
V	2008	Member	Callen, Jan	United Way of the Eastern Panhandle 218 W. King St. Martinsburg, WV 25401	304-263-0603/676-5038 304-263-0614	<a href="mailto:uwepceo@comcast.net">uwepceo@comcast.net</a>
NV	2008	Member	Hofe, C Mark	Director Berkeley County Probation Department 380 W. South St. Martinsburg, WV 25401	304-264-1969 (304) 267-3710	<a href="mailto:mark.hofe@courtsww.gov">mark.hofe@courtsww.gov</a>
V	2008	Member	Hoff, Sheri L	Jefferson County Schools 110 Mordington Ave. Charles Town, WV 25414	304-728-9221, 540-247-5 304-728-4574	<a href="mailto:shoff@access.k12.wv.us">shoff@access.k12.wv.us</a>
NV	2008	Member	Hutchinson, Brenda	Morgan County Commission 77 Fairfax St. Room 101 Berkeley Springs, WV 25411	304-258-8540 304-258-7305	<a href="mailto:bhutchinson13@gmail.com">bhutchinson13@gmail.com</a>
V	2008	Member	Lorenzetti, Ralph	Jefferson County Prosecuting Attorney P. O. Box 729 Charles Town, WV 25414	304-724-6279/728-3243 304-728-3293	<a href="mailto:Rlorenzetti@jeffersoncountywv.org">Rlorenzetti@jeffersoncountywv.org</a>
V	2008	Member	McLaughlin, Debra	Morgan County Prosecutor 77 Fairfax St. Suite 2A Berkeley Springs, WV 25411	304-258-8621 (304) 258-8638	<a href="mailto:debramh@aol.com">debramh@aol.com</a>
V	2008	Member	McQuade, Ruth	Law Offices of Ruth A. McQuade P.O. Box 1774 Shepherdstown, WV 25443	304-876/6619 (304) 876-9147	<a href="mailto:ramcquade@comcast.net">ramcquade@comcast.net</a>
V	2008	Member	Michael, George	Director, Pupil Services Berkeley County Schools 401 S. Queen St. Martinsburg, WV 25401	304-267-3500/676-4840 304-263-3633	<a href="mailto:gmichael@access.k12.wv.us">gmichael@access.k12.wv.us</a>
NV	2013	Member	Lyn Widmyer	Jefferson County Commission 124 E. Washington St. P. O. Box 250 Charles Town, WV 25414	304-728-3284 304-725-7916	<a href="mailto:lynwidmyer@jeffersoncountywv.org">lynwidmyer@jeffersoncountywv.org</a>
NV	2008	Member	Rissler, Mary Paul	Jefferson County Magistrate Judicial Center 110 N. George St. Charles Town, WV 25414	304-728-3274 304-728-3235	<a href="mailto:mprissler@frontiernet.net">mprissler@frontiernet.net</a>
NV	2008	Member	Sacchet, Joe	Day Report Center 406 S. Raleigh St. Martinsburg, WV 25401	304-267-5000 EXT.3960 304-596-2047	<a href="mailto:jsacchet@berkeleycountycomm.org">jsacchet@berkeleycountycomm.org</a>
NV	2008	Member	Sanders, David	Circuit Court Judge Jefferson County Courthouse 100 E. Washington St. Charles Town, WV 25414	304-728-3231 304-728-3398	<a href="mailto:sanded@mail.wvnet.edu">sanded@mail.wvnet.edu</a>

**Berkeley/Jefferson Community Criminal Justice Board  
Updated 3/12/10**

V	2008	Member	Pete Dougherty	Jefferson County Sheriff's Department 112 Industrial Blvd. Kearneysville, WV 25430	304-728-3205 304-728-3299	<a href="mailto:pdougherty@jcsdww.com">pdougherty@jcsdww.com</a>
V	2008	Member	Slaughter, Harold	Psychological Consulting, Inc. 431 S. Raleigh St. Martinsburg, WV 25401	304-263-9095	<a href="mailto:wvpsycon@aol.com">wvpsycon@aol.com</a>
V	2008	Member	Smith, Ann	Shenandoah Women's Center 236 W. Martin St. Martinsburg, WV 25401	304-263-8522 304-263-8559	<a href="mailto:aksmith@swcinc.org">aksmith@swcinc.org</a>
V	2008	Member	Soltis, Marty	Jefferson County Schools 110 Mordington Ave. Charles Town, WV 25414	304-728-9248 304-724-5311	<a href="mailto:msoltis@access.k12.wv.us">msoltis@access.k12.wv.us</a>
V	2008	Member	Welch, Melvin	Salvation Army 505 Virginia Ave. Martinsburg, WV 25401	304-267-4612 304-267-2562	

Jefferson County Appointees to the Community Criminal Justice Board

Ralph Lorenzetti (Prosecutor)	12/16/10-12/31/14
Pete Dougherty (Sheriff)	12/16/10-12/31/14
Carolyn Zdziera (Jefferson Co.)	3/18/11 – 3/18/14
Harold Slaughter (Psychologist)	12/16/10 – 12/31/14
Mary Paul Rissler (Magistrate)	08/21/08 – 12/31/14
Sherri L. Hoff (Jefferson County Schools)	12/16/10 – 12/16/14
Ruth A. McQuade (Shepherdstown)	8/21/08- 12/31/14
Marty Soltis (Jefferson County Schools)	8/21/08 – 12/31/14
Ann Smith (Women's Center)	03/04/11 – 03/18/14
Commissioner Dale Manuel	County Commission Liaison/Member-at-Large

**§62-11C-6. Community criminal justice boards.**

(a) Each county or combination of counties or a county or counties and a Class I or II municipality that seek to establish community-based corrections services shall establish a community criminal justice board: *Provided*, That if a county has not established a community criminal justice board by July 1, 2002, the chief probation officer of that county, with the approval of the chief judge of the circuit, may apply for and receive approval and funding from the Governor's committee for any programs as authorized by the provisions of section five of this article. Any county which chooses to operate without a community criminal justice board is subject to the regulations and requirements established by the community corrections subcommittee and the Governor's committee.

(b) A community criminal justice board shall consist of no more than fifteen voting members.

(c) All members of a community criminal justice board shall be residents of the county or counties represented.

(d) A community criminal justice board shall consist of the following members:

(1) The sheriff or chief of police or, if the board represents more than one county or municipality, at least one sheriff or chief of police from the counties represented;

(2) The prosecutor or, if the board represents more than one county, at least one prosecutor from the counties represented;

(3) If a public defender corporation exists in the county or counties represented, at least one attorney employed by any public defender corporation existing in the counties represented or, if no public defender office exists, one criminal defense attorney from the counties represented;

(4) One member to be appointed by the local board of education or, if the board represents more than one county, at least one member appointed by a board of education of the counties represented;

(5) One member with a background in mental health care and services to be appointed by the commission or commissions of the county or counties represented by the board;

(6) Two members who can represent organizations or programs advocating for the rights of victims of crimes with preference given to organizations or programs advocating for the rights of victims of the crimes of domestic violence or driving under the influence;

(7) One member with a background in substance abuse treatment and services to be appointed by the commission or commissions of the county or counties represented by the board; and

(8) Three at-large members to be appointed by the commission or commissions of the county or counties represented by the board.

(e) At the discretion of the West Virginia Supreme Court of Appeals, any or all of the following people may serve on a community criminal justice board as ex officio, nonvoting members:

(1) A circuit judge from the county or counties represented;

(2) A magistrate from the county or counties represented; or

(3) A probation officer from the county or counties represented.

(f) Community criminal justice boards may:

(1) Provide for the purchase, development and operation of community corrections services;

(2) Coordinate with local probation departments in establishing and modifying programs and services for offenders;

(3) Evaluate and monitor community corrections programs, services and facilities to determine their impact on offenders; and

(4) Develop and apply for approval of community corrections programs by the Governor's Committee on Crime, Delinquency and Correction.

(g) If a community criminal justice board represents more than one county, the appointed membership of the board, excluding any ex officio members, shall include an equal number of members from each county, unless the county commission of each county agrees in writing otherwise.

(h) If a community criminal justice board represents more than one county, the board shall, in consultation with the county commission of each county represented, designate one county commission as the fiscal agent of the board.

(i) Any political subdivision of this state operating a community corrections program shall, regardless of whether or not the program has been approved by the Governor's Committee on Crime, Delinquency and Correction, provide to the Governor's committee required information regarding the program's operations as required by legislative rule. *Note: WV Code updated with legislation passed through the 2013 1st Special Session*  
*The WV Code Online is an unofficial copy of the annotated WV Code, provided as a convenience. It has NOT been edited for publication, and is not in any way official or authoritative.*

INTER-GOVERNMENTAL AGREEMENT CREATING  
THE BERKELEY/JEFFERSON DAY REPORT CENTER

WHEREAS, the Berkeley County Council and the Jefferson County Commission desire to pursue a Community Corrections Program that will be operated pursuant to WV§62-11c-1, et seq.;

WHEREAS, the Berkeley County Council and the Jefferson County Commission have met and agreed to form the Berkeley/Jefferson Day Report Center, pursuant to WV§62-11c-1, et seq.;

WHEREAS, the Berkeley County Council and the Jefferson County Commission entered into a Memorandum of Understanding for the purposes of submitting one grant application for the Fiscal Year 2015 to the West Virginia Division of Justice and Community Services for the continuation of the services which have previously been rendered in Berkeley and Jefferson County, under the name Berkeley/Jefferson Day Report Center.

WHEREAS, the Berkeley County Council and the Jefferson County Commission have previously endorsed a Community Corrections Program, and have allotted funds with respect to its budget and operation of said programs;

NOW, THEREFORE, the undersigned for and on the behalf of the Berkeley County Council and the Jefferson County Commission agree to the following:

1. The Berkeley County Council and the Jefferson County Commission agree to continue the existence of the South Branch Valley Day Report Center, pursuant to WV§62-11c-5;
2. The Community Corrections program shall be named and conduct business as the Berkeley/Jefferson Day Report Center,
3. The Berkeley County Council shall serve as the designated grantee for the grant submitted for the Fiscal Year 2015 to the West Virginia Division of Justice and Community Services and all future grants to insure continuity of the program;
4. The Community Corrections Board, in consultation with the Berkeley County Council and the Jefferson County Commission, has designated the Berkeley County Council as the fiscal agent for the Berkeley/Jefferson Day Report Center;
5. All employees of the Berkeley County Day Report Center shall be co-employees of the Jefferson County Day Report Center. As such, all employee payments, withholding, matching taxes shall be paid by and through the Berkeley County Council.
6. That for the Fiscal Year 2015-2016, each county shall contribute 1/2 of the required matching funds as required by the Department of Justice and Community Services, for the operation of the Berkeley/Jefferson Day Report Center;
7. A Community Criminal Justice Board shall be established for the Berkeley/Jefferson Day Report Center, pursuant to WV§62-11c-6;
8. That the Community Criminal Justice Board will control the operations of the Berkeley/Jefferson Day Report Center and shall meet monthly and/or as needed;
9. The Community Criminal Justice Board shall consist of the following voting members;
  - a. The sheriff or chief of police or, if the board represents more than one county or municipality, at least one sheriff or chief of police from the counties represented;

- b. The prosecutor or, if the board represents more than one county, at least one prosecutor from the counties represented;
  - c. If a public defender corporation exists in the county or counties represented, at least one attorney employed by any public defender corporation existing in the counties represented or, if no public defender office exists, one criminal defense attorney from the counties represented;
  - d. One member to be appointed by the local board of education or, if the board represents more than one county, at least one member appointed by a board of education of the counties represented;
  - e. One member with a background in mental health care and services to be appointed by the commission or commissions of the county or counties represented by the board;
  - f. Two members who can represent organizations or programs advocating for the rights of victims of crimes with preference given to organizations or programs advocating for the rights of victims of the crimes of domestic violence or driving under the influence; and
  - g. Three at-large members to be appointed by the commission or commissions of the county or counties represented by the board.
    - A. At the discretion of the West Virginia supreme court of appeals, any or all of the following people may serve on a community criminal justice board as ex officio, nonvoting members:
      - (1) A circuit judge from the county or counties represented;
      - (2) A magistrate from the county or counties represented; or
      - (3) A probation officer from the county or counties represented.
10. The Berkeley County Council and the Jefferson County Commission agree there will be an equal number of representatives from each county on the Community Criminal Justice Board.
11. The local Community Criminal Justice Board will hire or fire an Executive Director for the Berkeley/Jefferson Day Report Center;
12. The Director of the Berkeley/Jefferson Day Report Centers will control the day to day operations of the program, including, but not limited to, the following: hiring and firing of employees, budgetary expenditures, supervision of offenders, treatment protocol, interaction with the judicial system, data collections, grant applications, and grant reimbursement requests;
13. The Berkeley County Council and the Jefferson County Commission shall meet semi-annually each year to review the progress of the Berkeley/Jefferson Day Report Center and make any necessary budgetary changes in the program and/or this Agreement;
14. Any modification of this Agreement must be in writing and signed by each County Council/Commission.

15.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

ENTER:

BY: \_\_\_\_\_

Douglas Copenhaver  
Berkeley County Council

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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ENTER:

BY:  \_\_\_\_\_

Walter Pellish, President  
Jefferson County Commission

Dated this 20<sup>TH</sup> day of MARCH, 2013.

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AGENDA REQUEST FORM

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



Name: Jane Tabb

Department or Organization: Co. Com.

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

Date Requested – 1<sup>st</sup> Choice: April 3, 2014

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

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

Subject (Wording to be placed on agenda):

Ambulance fee in reference to Apartment Buildings

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

Right Draft ordinance would charge \$40/apartment even though apartment buildings are "commercial" by the assessor.

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

I move that apartment buildings be considered commercial.

Are documents attachments? Yes  No  for ambulance fee collection.  
If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: Vinemont@frontiernet.net

Phone number: 304-725-4325

## Proposed Amendments to Ambulance Fee Ordinance

p. 2: Residential Unit – Delete “apartments” in line 5 and substitute “townhomes”

Add: Apartment Building shall be considered commercial and assess the commercial Special Emergency ambulance Fee.

Jane Tabb for April 3, 2014 CC meeting.

## Ambulance fee discounts for multi-unit apartment buildings

2010 Census Housing Units / Residential  
 $\rightarrow 22,000 \times \$40.00 = \$880,000.$

Homestead Exemption Discount  
ESA fig.  $\rightarrow 3538 \times \$20.00 = \frac{(70,760)}{\$809,240.00}$

Commercial Units  
ESA fig.  $\rightarrow 782 \times \$85.00 = \frac{66,385.00}{\$875,625.00}$

## Apartments

2010 Census - Housing units in multi-unit structures is 9.7%  
 $22,000 \times 9.7\% = 2,134$  apartments  
 $\times \frac{\$40}{\$85}$  residential rate  
 $\$85,360.$

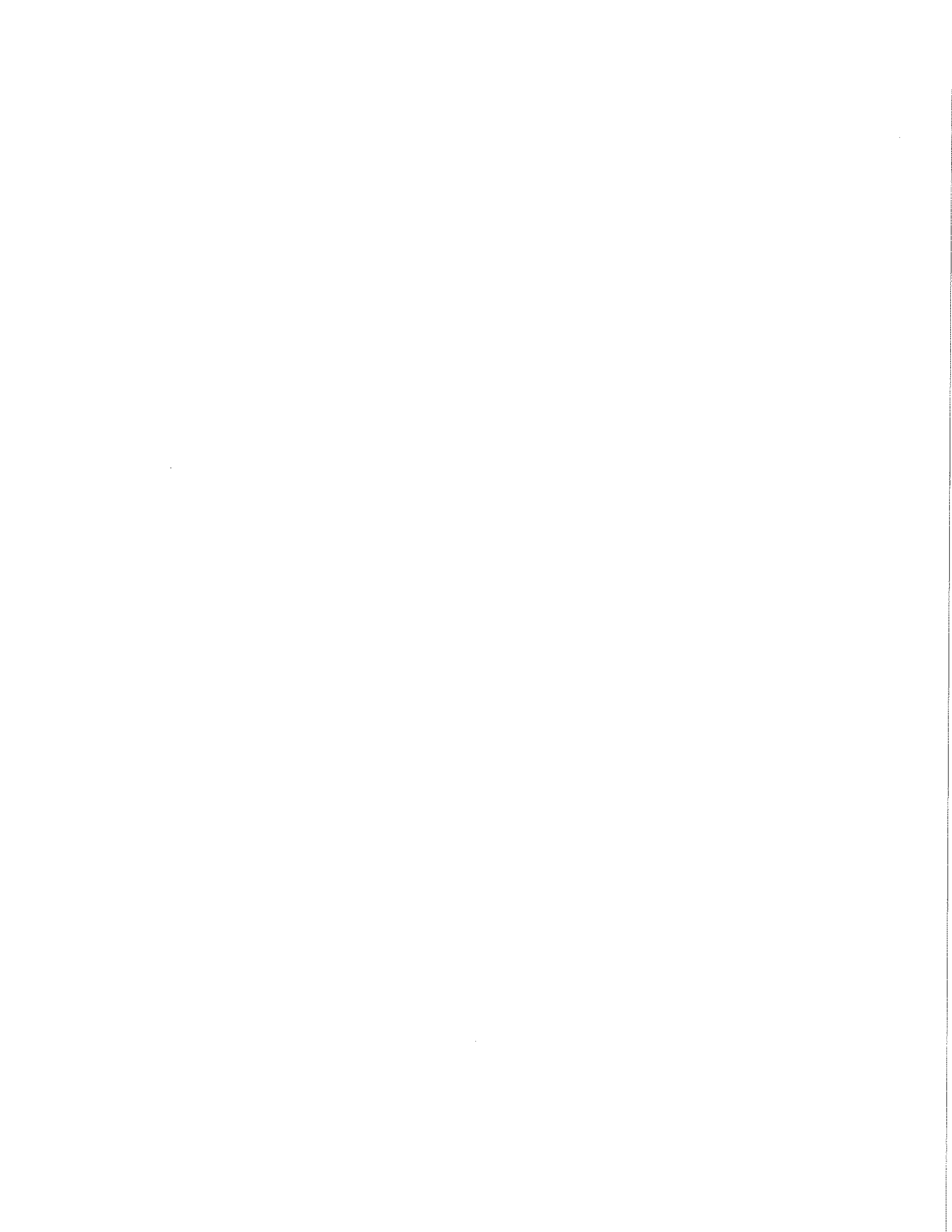
$\$85,360 \times 50\%$  discount =  $\$42,680$

40% discount =  $30,144$

30% discount =  $25,608$

20% discount =  $17,072.$

2010 Census - Number of people below poverty level = 11.1%



**AGENDA REQUEST FORM**

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



March 27, 2014  
April 10, 2014

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: April 10, 2014**  
**RE: Responses to discussion regarding ZTA 12-01 New Commercial Zoning Categories **REVISED based on 3/27 discussion****

\*\*\*\*\*

Based on the revised minutes for the January 23, 2014 County Commission meeting and discussion at the March 27, 2014 County Commission meeting, the following item, previously #3 on the January 30, 2014 memo to the County Commission should read as follows:

p. 44, Prohibited Uses, Add the following provision:

"N. No above ground chemical storage tanks shall be permitted within an area defined by one (1) mile upstream of any public water intake and within one-quarter (1/4) mile of any waterway 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.

This revision should be considered as a part of the final action on this set of proposed amendments.

Additionally, attached is Appendix C with the revisions to the permitted land uses discussed at the 3/27/14 County Commission meeting for final review.

Attachment:

- *Appendix C revised*

**APPENDIX C: PERMITTED USES TABLE /DRAFT 06/17/13/**

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	<del>P</del> NP	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	<del>PNP</del>	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	<del>PNP</del>	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	<del>NP</del> P	P	<del>NP</del> 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	<del>P</del> NP	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	<del>P</del> NP	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	<del>PC</del> 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	<del>P</del> PC	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	<del>P</del> PC	P	P	P	NP	P	
Heliport	<del>NP</del>	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	<del>NP</del> 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	<del>P</del> PC	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	<del>NP</del> PC	PC	P	NP	NP	NP	NP	NP	<del>PC</del> -P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP	Sec. 8.9

<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 06/17/13]***

P = Permitted use

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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
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP	
Manufacturing, Limited	NP	P	P	P	P	PC	<del>P</del> NP	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>P</del> NP	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	<del>P</del> NP	NP	NP	P	P	PC	
Appliance Sales	NP	P	P	P	P	P	<del>P</del> NP	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	<del>P</del> NP	NP	NP	P	P	NP	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	<del>P</del> NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	<del>P</del> NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	<del>P</del> NP	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 / <del>Nightclub</del>	<del>PC</del> P	P	P	P	NP	P	P	NP	NP	P	P	NP	

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

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

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

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	R-LI-C	I-C	V	Additional Standards
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	<del>P</del> NP	NP	NP	P	P	NP	
Campground	PC	P	NP	NP	NP	P	<del>P</del> NP	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	<del>P</del> NP	NP	NP	P	P	NP	
<del>Retail</del> Food Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	<del>P</del> NP	NP	NP	<del>PPC</del>	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	<del>P</del> NP	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	<del>PNP</del>	<del>PPC</del>	NP	NP	NP	NP	NP	<del>PPC</del>	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	<del>P</del> NP	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	<del>P</del> NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	PC	P	<del>P</del> NP	NP	NP	P	P	NP	
<del>Bar</del> Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non/Not-for-Profit Commercial Uses	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	<del>P</del> NP	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	<del>P</del> NP	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	<del>PPC</del>	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	<del>PPC</del>	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	

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*[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
Retail Sales Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail <del>Store</del> Sales and Services, General	<del>PNP</del>	P	P	P	PC	P	<del>P</del> NP	NP	NP	P	P	NP	
Retail Store, Large	NP	PC	P	PC	PC	PC	<del>PC</del> NP	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	<del>P</del> NP	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	<del>PC</del> P	P	P	P	<del>NP</del> P	P	P	<del>NP</del> <del>PC</del> P	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	

\* Per Section 4.5, Agricultural Uses are permitted generally; however, upon approval of a Site Plan or Final Subdivision Plat, such uses shall cease unless otherwise addressed in such plans and plats.

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



# JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

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## 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:**

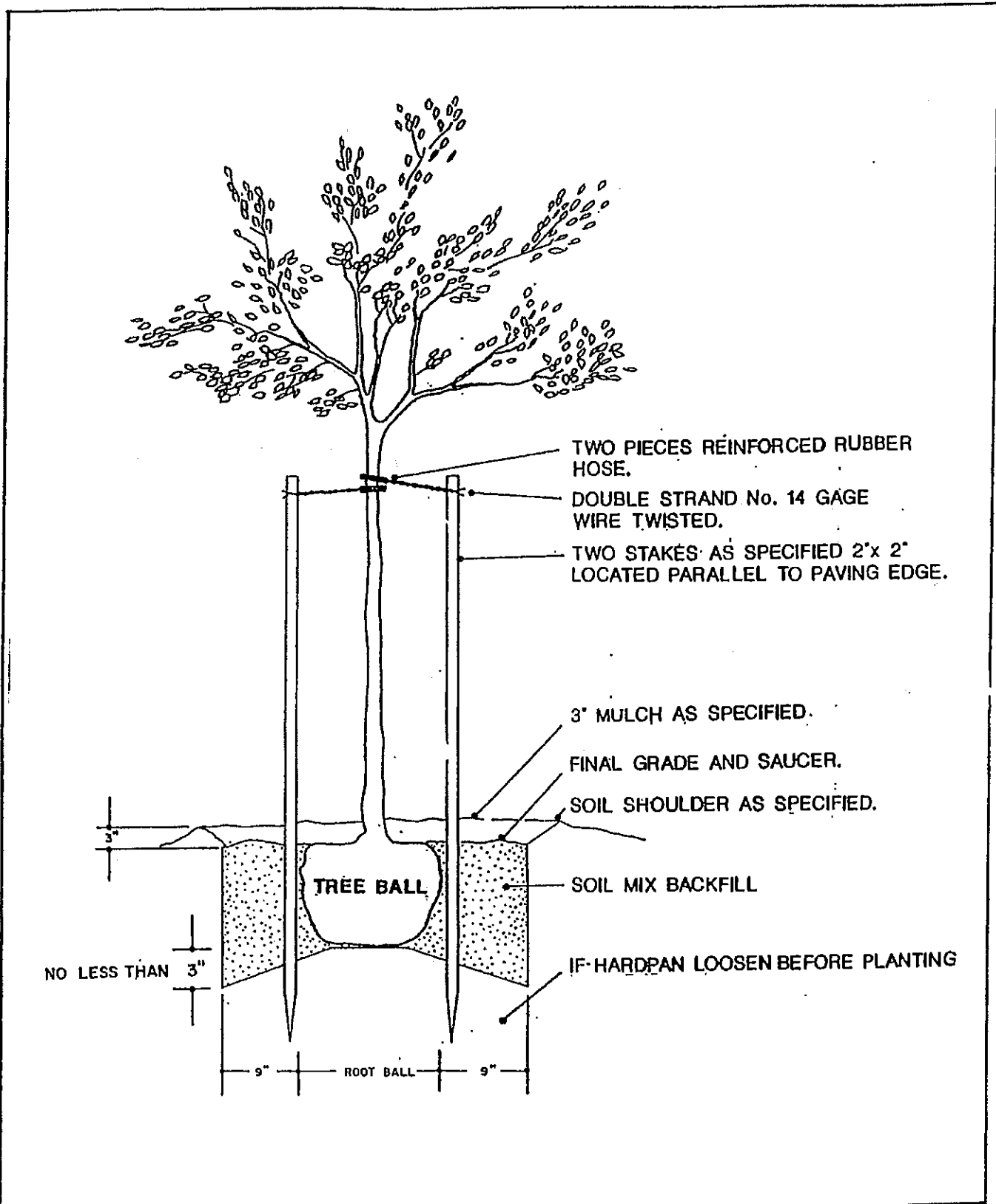
Acceptable minor trees shall be a minimum of 6' tall and have a minimum caliper of 3/4" measured at 6" above the ground. They shall be branched at a point approximately 60% of the total height of the tree above ground. Larger size trees are acceptable but must conform to American Standards for nursery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

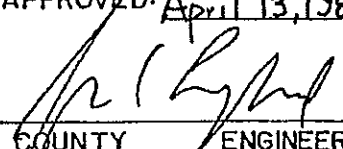
- Acer campestre (Hedge Maple)
- Acer ginnala (Amur Maple)
- Carpinus caroliniana (American Hornbeam)
- Cercis canadensis (Redbud)
- Cornus florida (White Flowering Dogwood)
- Cornus florida rubra (Red Flowering Dogwood)
- Cornus kousa (Kousa Dogwood)
- Crataegus phaenopyrum (Washington Hawthorn)
- Crataegus 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)

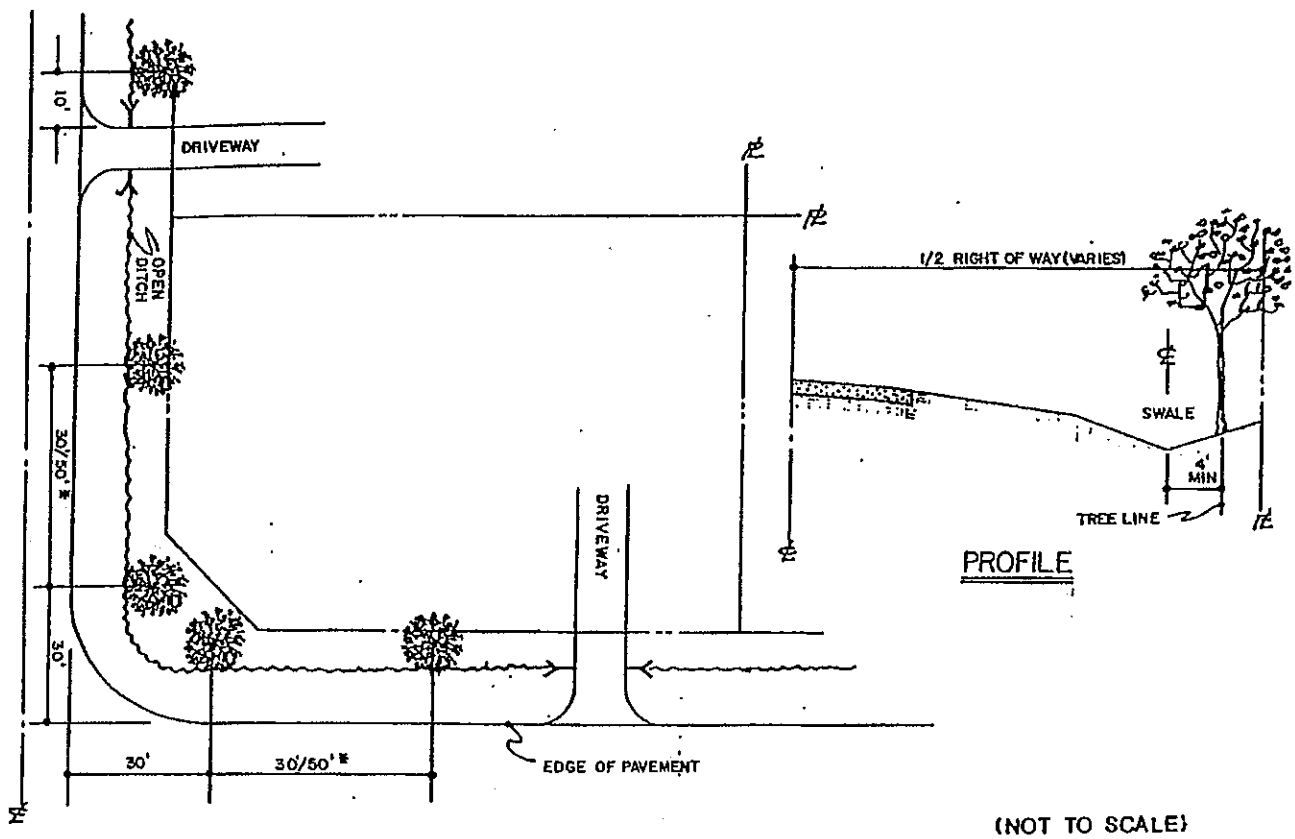
**OTHER SPECIES:**

Considered by request.

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



<b>JEFFERSON</b> <b>COUNTY,</b> <b>WEST VIRGINIA</b>	APPROVED: <u>April 13, 1989</u>  COUNTY ENGINEER	<b>tree</b> <b>planting</b> <b>detail</b>	REVISIONS:	DETAIL No.
				<b>M</b>
				<b>- 42</b>



(NOT TO SCALE)

**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  
COUNTY,  
WEST VIRGINIA

APPROVED: April 17, 1989  
*[Signature]*  
COUNTY ENGINEER

tree  
location  
detail

REVISIONS:

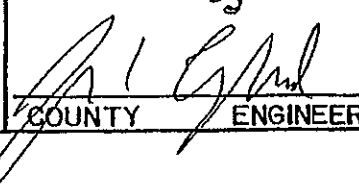
DETAIL No.

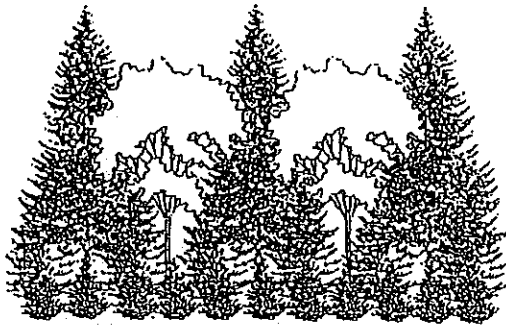
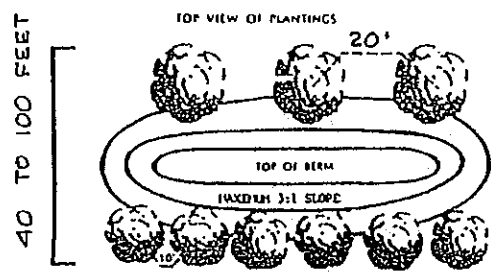
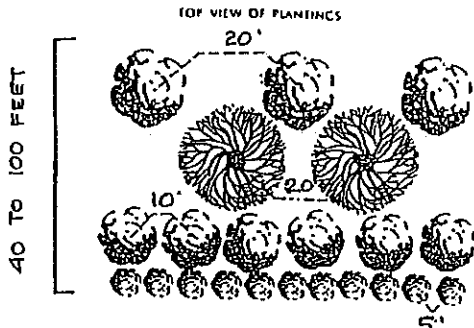
M

-43

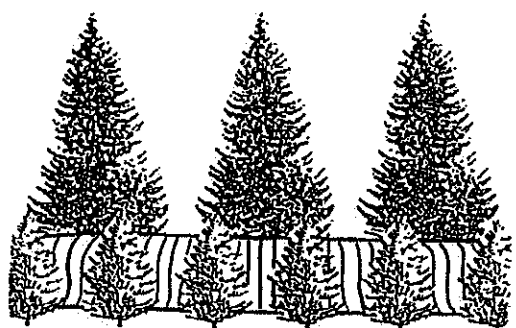
**LANDSCAPE SPECIFICATIONS**

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> COUNTY, WEST VIRGINIA	APPROVED: <u>August 8, 1990</u>  COUNTY ENGINEER	<b>Landscape                  Specifications</b>	REVISIONS: _____ _____ _____	DETAIL No. <b>M</b> <b>-51</b>
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FRONT VIEW OF ULTIMATE GROWTH  
OPTION A



FRONT VIEW OF ULTIMATE GROWTH  
OPTION B

OPTION A

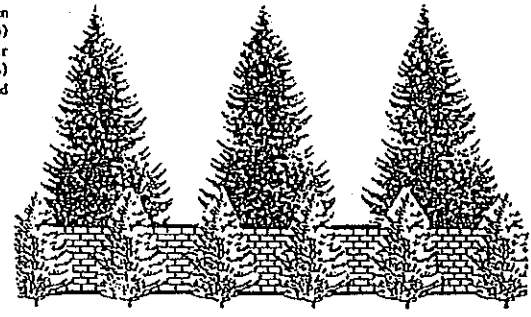
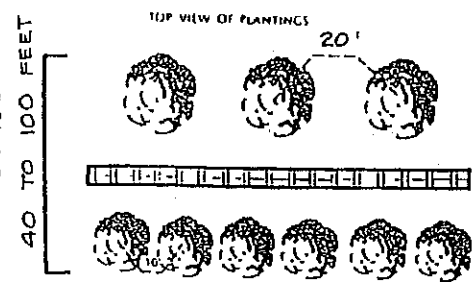
Planting Description - one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach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

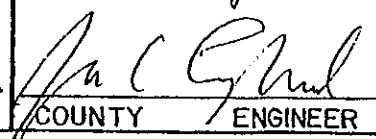
Planting Description - one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; an earth berm six (6) feet in height with a 1 to 1 slope planted with grass or other ground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

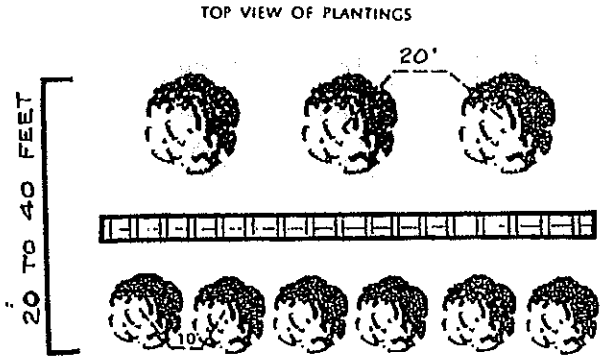
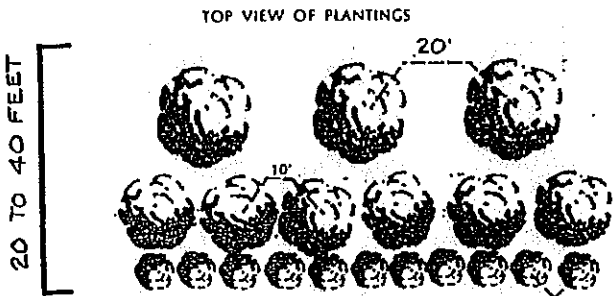
OPTION C

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.



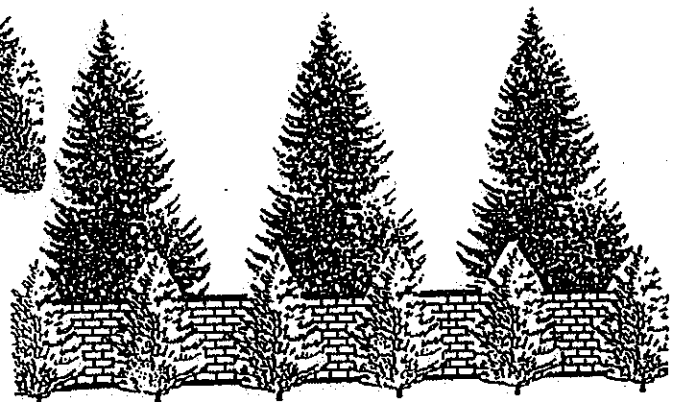
FRONT VIEW OF ULTIMATE GROWTH

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



FRONT VIEW OF ULTIMATE GROWTH

OPTION D



FRONT VIEW OF ULTIMATE GROWTH

OPTION E

OPTION D

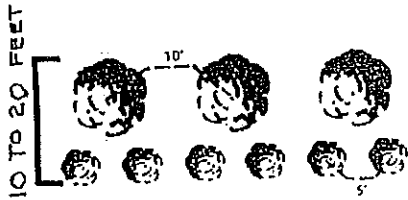
Planting Description - one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach 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 COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990	screen planting medium buffer	REVISIONS:	DETAIL No.
	<i>[Signature]</i> COUNTY ENGINEER			M -53

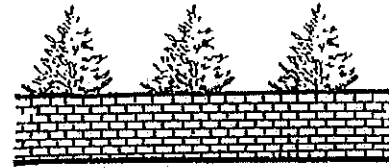
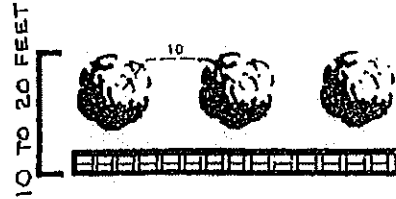
TOP VIEW OF PLANTINGS



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 COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990	<b>screenplanting narrow buffer</b>	REVISIONS:	DETAIL No.	
				M	
			COUNTY		-54
			ENGINEER		



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

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

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

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

#	Source	Section or Topic	Request	Comment	Staff Recommendation
12	Mark Dyck	5.11, Neighborhood Commercial (NC)	A gas station is a critical community business and should be permitted within the NC district as a PC use. The limited gas station definition is too small to be commercially viable.	The Neighborhood Commercial District is intended for a limited set of commercial uses that may be appropriate in locations where more intensive development is not appropriate. Staff recommends that a Gas Station and a Gas Station, Large not be included as a permitted or conditional use in this district. (Property owners would continue to have the option of a Conditional Use Permit.)	No change recommended. Continue to show Gas Station, Limited as a permitted use in this category.
13	Bernard Simmons (letter)	5.11, Neighborhood Commercial (NC)	Concern that the NC district does not require setbacks.	Setbacks are required in the NC district, with the exception of side yard setbacks when a non-residential NC development is adjacent to a commercial or industrial use.  Staff concurs that this allowance should be clarified in Appendix C.	Add a footnote to Appendix B to the side yard setback for the NC and Office/Commercial Mixed Use districts, stating: <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>  In Appendix B, amend rear yard setback for the NC and Office/Commercial Mixed Use districts to 25’ 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.  The original staff recommendation was to limit total square footage (per building) to 3,000 square feet. Based on Gordon & Associates previous comment (increase square footage to allow for a multi-level building) staff changed the recommendation to a building footprint of 3,500 square feet.	No change recommended.

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

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

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

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

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

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

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

#	Source	Section or Topic	Request	Comment	Staff Recommendation
					Commercial District.
36	Staff	Appendix C	One of the new land uses, Heavy Equipment Repair, is currently shown as conditional in the Industrial - Commercial District. Staff finds that this use is a standard industrial use and should be permitted.		In Appendix C, amend permitted status of Heavy Equipment Repair in the Industrial - Commercial District from PC to <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:  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:  Residential - Light Industrial – Commercial, General Commercial, Highway Commercial, Light Industrial, Industrial – Commercial, Planned Neighborhood Development, Office/Commercial Mixed Use.  In Section 2.2, add the following definition:  <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>  In Section 2.2, add the following sentence to the definition of School, University or College:  <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  Existing, proposed language (does not appear in currently adopted ordinance):  A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet.	Based on market research, the threshold for the square footage of a large retail store should be increased.	In Section 2.2, amend the definition of Retail Store, Large to:  <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>  Amend the General Commercial purpose statement to include the following text:  The uses in this district may be characterized by medium-to-large buildings (up to <del>50,000</del> <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."  Based on the use of "Residential Growth District" in Section 4.6B, staff finds that a "residential district" means the Residential Growth District.	Amend Section 4.6A.1 to read:  "Any lot in <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:  "Any uses ( <u>not including parking</u> ) or buildings subject to compliance with this section"  Amend Section 4.6B to read:  "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.  <b>Existing, proposed language (does not appear in currently adopted ordinance):</b> A. The Soils Assessment of a proposed development is not applied when:  1. the development is proposed to be located in an existing building, on an existing paved or disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.	The intent of this proposed amendment is that the re-use (or modest expansion) of a developed site would not require soils evaluation as part of the LESA process for a Conditional Use Permit. However, this proposed amendment should be made more specific, so that it will be clear that the land use is limited to an existing building or paved area, or a modest expansion.	The Soils Assessment of a proposed development is not applied when:  2. the <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.	<p>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.</p>	<p>Staff will continue to seek the guidance of County Commission and Planning Commission regarding the Department's annual work plan.</p>
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

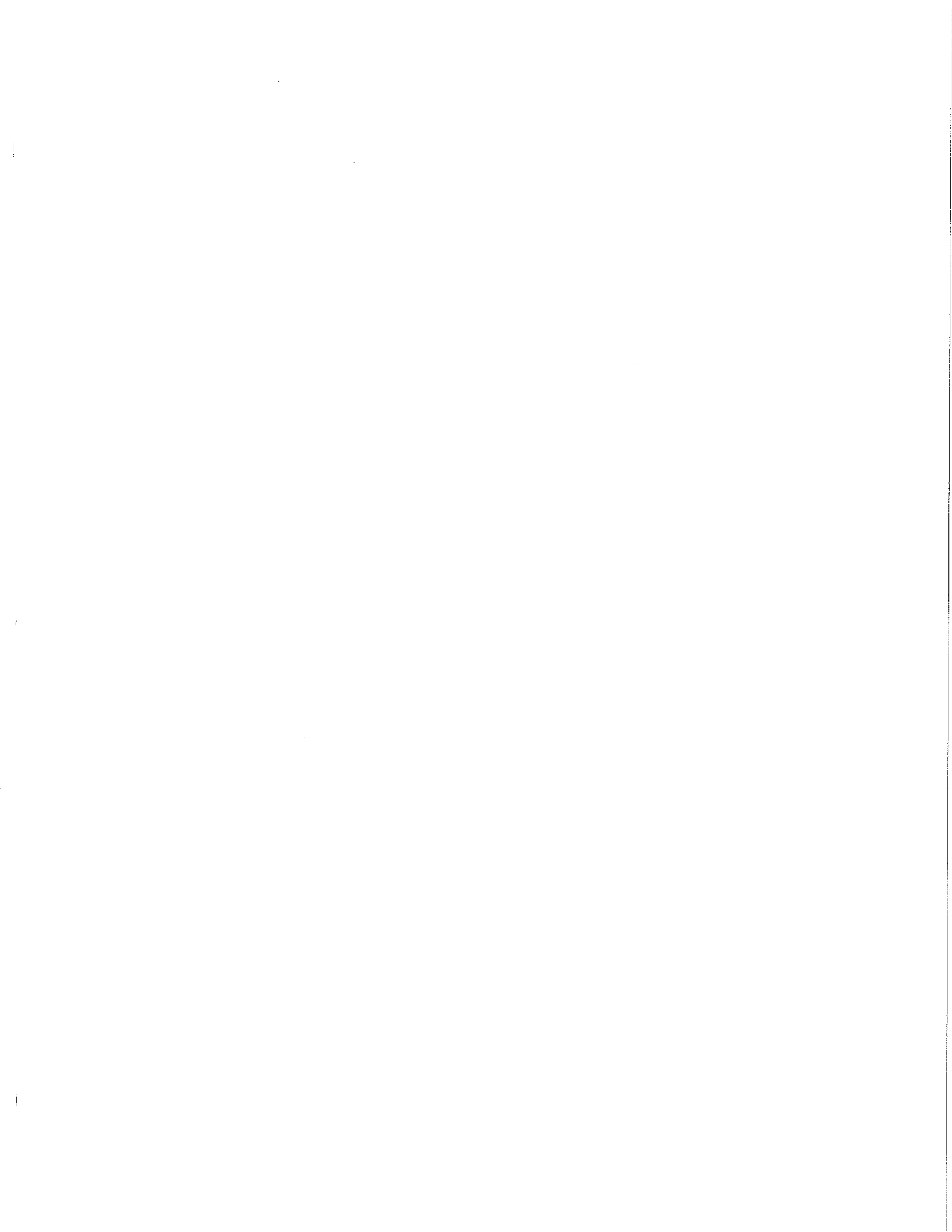
Highlighted text / ~~highlighted text~~ = Text changed following the most recent version of the draft ordinance amendments available to the public (in the 8/16/12 County Commission agenda packet)

[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.
<u>Retail Food Convenience Store, Limited<sup>23</sup></u>	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/-eCommercial-zone~~ District and the Major Industrial District. The Development Review System does not supersede this prohibition.<sup>5</sup>
- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Provided, however, that such use shall only be permitted in the ~~Industrial/-Commercial Zone-District and the Major Industrial District~~ and shall be processed through the Development Review System (Article 6 and 7).<sup>6, 23</sup>

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

- I. No sales of fireworks are permitted outside ~~the commercial zones~~ of the Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.<sup>8, 23</sup>
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.<sup>12</sup>
- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District and the Major Industrial District ~~not be permitted in the Rural Village, Residential Growth and Residential Light Industrial Commercial Districts.~~<sup>23</sup>

No conditional use permit shall be approved for any of these adult uses in a zoning district other than the Industrial - Commercial District or the Major Industrial District. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.<sup>15, 16</sup>
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.<sup>23</sup>
- M. Heavy industrial uses listed in Section 5.6(B) of this Ordinance are permitted only in the Industrial - Commercial District and the Major Industrial District and require approval via the Development Review System.<sup>23</sup>

#### Section 4.5 Agricultural Uses Permitted Generally

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

#### Section 4.6 Distance Requirements

- A. Industrial uses are subject to this subsection, unless otherwise specified in this ordinance. Any uses (not including parking) or buildings subject to compliance with this section shall be located at least 200 feet from:
  1. Any lot in ~~a the~~ 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 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. Presechool~~
- ~~23.1. Wireless Telecommunication Facilities pursuant to Article 4B~~

B. Minimum Lot Area, Height, and Yard Requirements

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

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

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

\*Subject to Section 9.2

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1. Light Industrial Uses~~

~~2. Heavy Industrial Uses~~

~~3. Commercial Uses~~

~~4. Day Care Center, Small~~

~~5. Day Care Center, Large~~

~~6. Home Occupation, Level 1~~

~~7. Home Occupation, Level 2~~

~~8. Cottage Industry~~

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

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

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

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

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

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

C. Height Regulations

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

D. Development Standards

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

<u>1. Front yard building setback</u>	
Commercial sites	25 feet
Industrial sites	50 feet

<u>2. Side yard building setback</u>	
Commercial sites greater than 1.5 acres	50 feet
Commercial sites 1.5 acres and smaller	25 feet
Industrial sites	50 feet

<u>3. Rear yard building setback</u>	
Commercial sites greater than 1.5 acres	50 feet
Commercial sites 1.5 acres and smaller	25 feet
Industrial sites	50 feet

<u>4. Parking, Driveway and Internal Access Drive Front Setbacks</u>	
Commercial sites greater than 1.5 acres	15 feet
Commercial sites 1.5 acres and smaller	15 feet
Industrial sites	25 feet

<u>5. Parking, Driveway and Internal Access Drive Side and Rear Setbacks</u>	
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>19</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. Landseaping business outside of Planning Commission approved subdivisions<sup>15</sup>~~
- ~~26. Veterinary services outside of Planning Commission approved subdivisions<sup>15</sup>~~
- ~~27. Feed and/or Farm Supply Center~~
- ~~28. Agricultural Repair Center<sup>15</sup>~~
- ~~29. Kennels (subject to the requirements for such a use in Article 8)<sup>15</sup>~~
- ~~30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)<sup>20</sup>~~
- ~~31. Agricultural Tourism~~
- ~~32. Farm Vacation Enterprise~~
- ~~33. Farm Brewery or Winery~~
- ~~34. Rental of Existing Farm Building for commercial storage (structure must have existed for 5 years)~~
- ~~35.1. Preschool~~

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

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

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

Land Use	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50

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

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

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

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

#### C. Height Regulations

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

#### D. Maximum Number of Lots Allowed

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

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

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

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

#### 2. Clustering

##### a. Purpose and Intent

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

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

##### b. Requirements

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

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

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

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

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

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

- ~~1. Light Industrial Uses~~
- ~~2. Commercial Uses~~
- ~~3. Medical/Dental/Optical Office, Small~~
- ~~4. Barber/Beauty Shop, Limited~~
- ~~5. Antique Shop~~
- ~~6. ATM~~
- ~~7. Branch Bank~~
- ~~8. Kennel (subject to the requirements for such use in Article 8)~~
- ~~9. Dry Cleaner~~
- ~~10. Florist~~
- ~~11. Restaurant, Limited~~
- ~~12. Restaurant, Fast Food, Limited~~
- ~~13. Veterinary Services~~

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

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

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

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

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

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

1. All sections of this ordinance applying to the ~~r~~Residential ~~g~~Growth district with the exception of Section 5.4(a) will apply to residential uses in this District.

2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a). All commercial or industrial uses~~ Either use must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5, 7, 23</sup>

3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>23</sup> This requirement shall not apply to a building located within a shopping center shown on an approved site plan. [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]

4. Proposed uses in this zone ~~do not have to comply with~~ are exempt from the distance requirements in Sections 4.6 (a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7</sup>

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

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

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

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

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

~~1. Dwelling, Single Family~~

~~2. Dwelling, Duplex~~

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

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

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

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

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

**C. Setbacks**

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

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

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

~~2. Commercial~~

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

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

3.2. Existing Structures

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

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

### Section 5.11 Neighborhood Commercial (NC) District

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

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

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

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

#### C. Permitted Uses

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

#### D. Site Development Standards

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

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

E. Additional Requirements

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

Section 5.12 General Commercial (GC) District

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

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

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

1. Properties located on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.

2. Properties currently zoned Residential Light Industrial Commercial or Industrial Commercial.

#### C. Permitted Uses

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

#### D. Site Development Standards

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

#### E. Additional Requirements

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

### Section 5.13 Highway Commercial District

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

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

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

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

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

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

C. Permitted Uses

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

D. Site Development Standards

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

E. Additional Requirements

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

## Section 5.14 Light Industrial District

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

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

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

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

C. Permitted Uses

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

D. Site Development Standards

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

E. Additional Requirements

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

## Section 5.15 Major Industrial District

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

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

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

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

C. Permitted Uses

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

D. Site Development Standards

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

E. Additional Requirements

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

### Section 5.16 Planned Neighborhood Development District

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

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

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

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

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

#### C. Permitted Uses

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

#### D. Site Development Standards

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

#### E. Additional Requirements

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

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

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

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

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

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

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

#### F. Review and Approval Process

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

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

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

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

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

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

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

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

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

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

4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.

- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other

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

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

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

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

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

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

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

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

### C. Permitted Uses

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

### D. Site Development Standards

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

### E. Additional Requirements

1. ~~At least 75% of~~ 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 as 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.

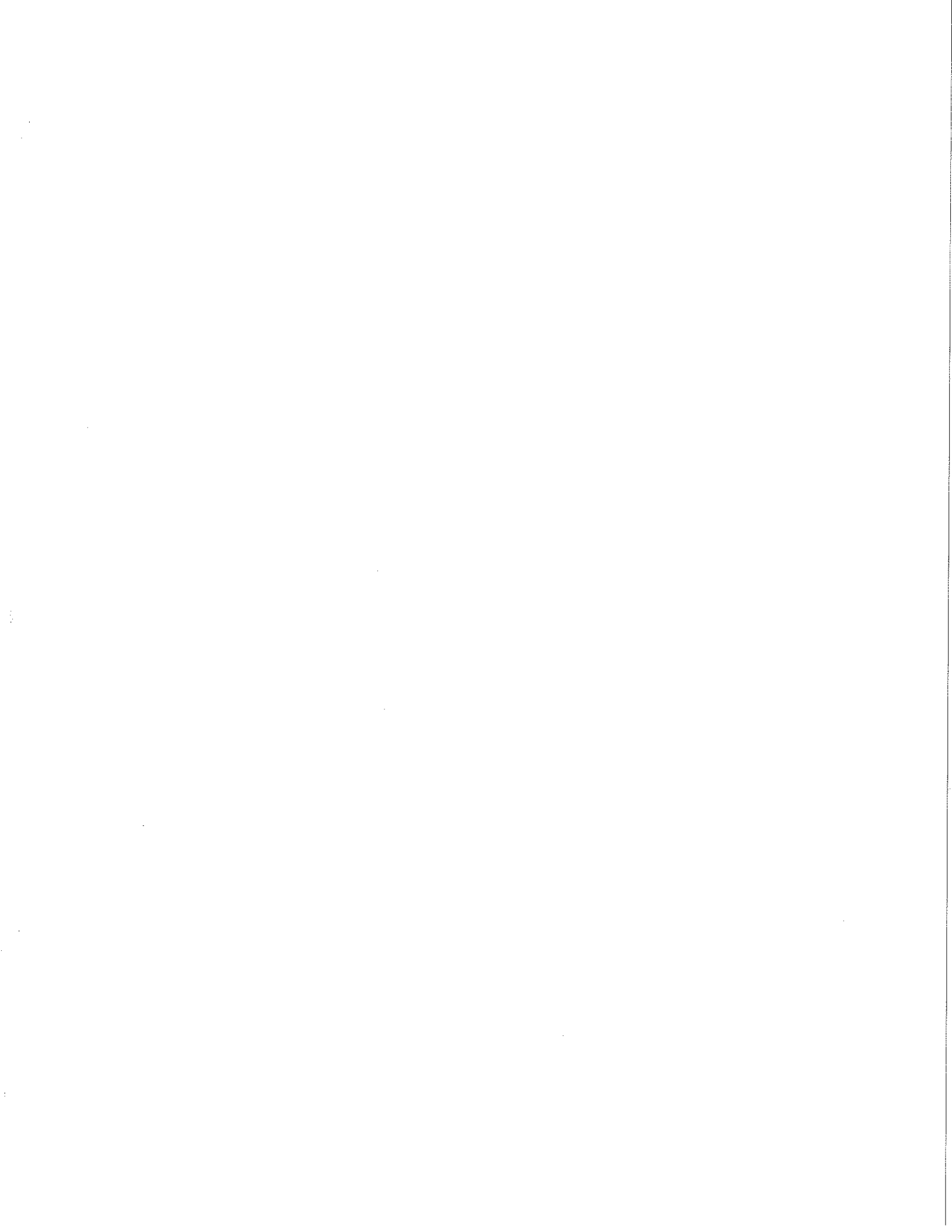
**B. Map Amendments by the Planning Commission**

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				
		Public/Central water or sewer	3,200	7,500	N/A	40	25	15**	15	20				
	Duplex dwelling unit	Public/Central water and sewer	N/A	10,000	N/A	"	"	"	"	"				
		Public/Central water or sewer	1,400	3,500	N/A	40	25	12**	15	20				
	Townhouse	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30			12' side, 15' front & rear	12' side, 15' front & rear
	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 <sup>§</sup>												
Industrial-Commercial	Residential uses	See Residential Growth												
Neighborhood Commercial	Residential uses	See Residential Growth. Article 5 also provide supplemental standards for certain development types in this district.												
General Commercial	Residential uses	See Residential Growth. Article 5 also provide supplemental standards for certain development types in this district.												
Highway Commercial	Residential uses	N/A												
Light Industrial	Residential uses	N/A												
Major Industrial	Residential uses	N/A												
Office / Commercial Mixed Use	Residential uses	See Residential Growth												
Planned Development	Residential uses	See Residential Growth. Note: the Planning Commission may amend site development standards for a land use in the Planned Neighborhood Development district pursuant to to Article 5 of this Ordinance.												

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

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

All dimensions are in feet unless otherwise indicated.

\* Maximum height subject to Section 9.2

\*\*Exterior side only

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

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

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

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

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

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

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

Zoning District	Development Type <sup>o</sup>	Min. Lot Area (MLA)	Min. Lot Width	Max. Building Height*	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:								
														Commercial Use			Industrial Use					
												a Residential district, or any lot with a residence, school, church, or institution of human care	Front	Side	Rear	Front	Side	Rear				
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25'			15	4	4	75	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25'	50' (or 25' if adjacent to industrial use)		15	10	10	75	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)	
	Industrial	3 acres***	N/A	75	90%	50' (or 25' if adjacent to industrial use)			25	25' (or 20' if adjacent to industrial use)		200	200(U) and 20(S)			25(S)	20(S)	20(S)	N/A	20(S)	20(S)	
Residential / Light Industrial / Commercial	Commercial or Industrial	N/A	N/A	60	80%	See Industrial - Commercial District																
Rural	Churches	2 acres	200	35	N/A	25	50	50				N/A	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)	
	Schools, Grades K-12	Grades K-4: 10 acres+ Grades 5-8: 20 acres+ Grades 9-12: 30 acres+	500	35	N/A	100			See Parking/Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, based on lot size) in the Industrial - Commercial District.			N/A				N/A	N/A	N/A	N/A	N/A	N/A	
	Hospitals	10 acres	500	35	N/A	100						N/A	N/A			N/A	N/A	N/A	N/A	N/A	N/A	
	Other Rural principal permitted uses	40,000 sq. ft.	100	35	N/A	40	50	50				N/A	If a commercial or industrial use, see Industrial - Commercial District; otherwise N/A									
	Commercial or Industrial**	See Industrial-Commercial District																				
Village District	Commercial <sup>‡</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) 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) 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)]  
 †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: 5.10e]  
 ‡Setback may be reduced if adjacent to industrial use.  
 ‡‡For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.  
 ‡‡‡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.  
 ‡‡‡‡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.  
 ‡‡‡‡‡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.  
 ‡‡‡‡‡‡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	<del>PNP</del>	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	<del>PNP</del>	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	<del>NP</del> P	P	<del>NP</del> 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	<del>PC</del> 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	<del>CNP</del>	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	<del>NP</del> 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	<del>PC</del> P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

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

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

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

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

P = Permitted use

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

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

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

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP	
Manufacturing, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	PC <sup>2</sup>	NP	NP	NP	NP	NP	PC <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP	
Shooting Range, Outdoor	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	<del>P</del> PC	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	PC	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Commercial Sawmills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Explosive manufacture or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Garbage or dead animal reduction or processing; Landfills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Jails and Prisons	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Petroleum products refining or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	PNP	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	

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

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

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

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Bail Bond Services	NP	P	P	P	P	NP	NP	NP	NP	PC	P	NP	
<del>Branch</del> Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with drive-through facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar / Nightclub	PC	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Campground	PC	P	NP	NP	NP	P	P	NP	NP	P	P	NP	
Commercial Uses <i>[use was formerly shown as deleted]</i>	*	*	*	*	*	*	*	*	**	P	P	*	Sec. 8.9
Car Wash	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	P	PC	PC	NP	NP	PC	P	NP	
Contractor with no outdoor storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with outdoor storage	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
<del>Retail Food</del> Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	P	NP	NP	<del>PC</del>	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	<del>PNP</del>	<del>PPC</del>	NP	NP	NP	NP	NP	<del>PPC</del>	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	
<del>Non</del> 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.

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

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Non-Profit Community Centers	P	P	P	P	PC	P	P	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Personal Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Professional Office	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food	PC	P	P	P	PC	P	P	NP	NP	<del>PPC</del>	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	<del>PPC</del>	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 craftpersons, who may offer instruction in the creation of art works.
Automobile parts, supplies and tire stores	Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.
Automobile repair, sales and service	The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.
Automobile, light truck and light trailer rentals, indoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas. <b>This use is conducted indoors with no outdoor storage of vehicles to be rented.</b>
Automobile, light truck and light trailer rentals, outdoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.
Bail Bond Services	An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.
Bank with drive-through facility	A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.
Bar / Nightclub	An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.

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

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

	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

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

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

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

Retail Sales and Services, General

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

Retail Store, Large

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

School, Vocational or Professional

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

Shipping and Mailing Services

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

Shooting Range, Indoor

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

Shooting Range, Outdoor

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

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

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

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

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

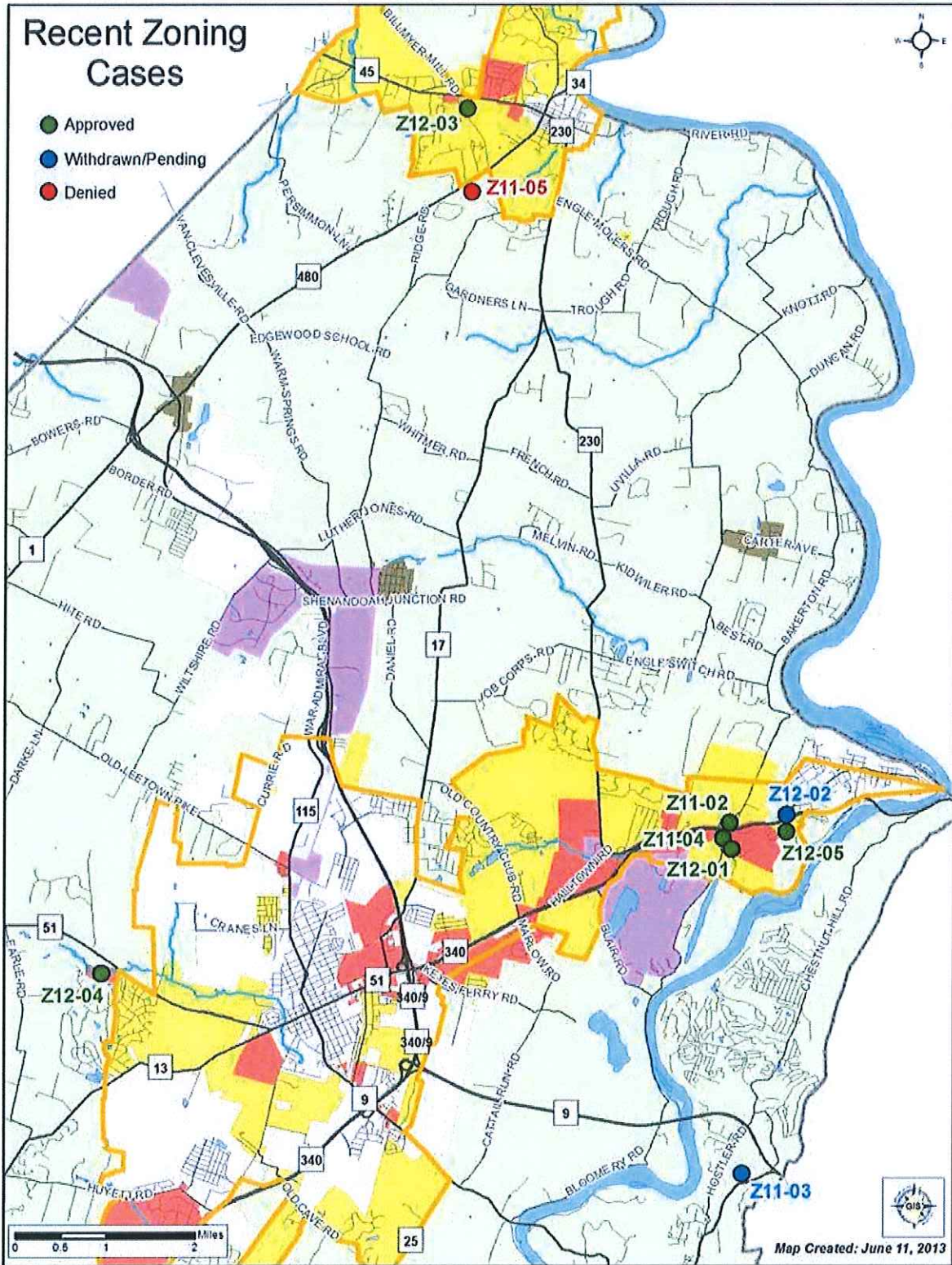
**Vehicle Storage** The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.

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

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

# Recent Zoning Cases

- Approved
- Withdrawn/Pending
- Denied



Map Created: June 11, 2013

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: \_\_\_\_\_

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

*Jan 2 2014  
Jan 16 2014  
Jan 23, 2014  
6:30 PM*

Subject: **Follow up Workshop/Discussion to 11-21-13 Public Hearing input on proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance; including changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17– Discussion and possible Action**

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

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

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

Section 5.8B

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

Section 6.3

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

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

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

#### Section 6.5

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

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

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

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

All Development Standards and/or Minimum Lot Area, Lot Width and Yard Requirements replaced with the statement “Setbacks, height and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.”

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

**I move to approve the Proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance; including changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17;**

**OR**

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

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

**Attachments:**

- Matrix outlining comments received**
- Scanned comments received**

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

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

November 21, 2013

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

Dear County Commissioners:

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

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

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Jennie Brockman  
Director, Planning and Zoning

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

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

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

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

Your submission:

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

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

---

Jennie Brockman  
Director, Planning and Zoning

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

Dear Planning Commission,

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

Cindy Spath  
Shepherdstown

[Sent from Yahoo Mail on Android](#)

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

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Jennie Brockman  
Director, Planning and Zoning

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**From:** 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: commissionerpholand@gmail.com,dmanuel@frontiernet.net,walterpellish@me.com,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  
Petitti Garden Centers, OH  
Pike Nurseries, GA  
Southern Homes & Gardens, AL

PO 873

Charles Town, WV 25414

304/728-3791

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

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Jennie Brockman  
Director, Planning and Zoning

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

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

November 21, 2013

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

Dear County Commissioners:

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

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

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Jennie Brockman  
Director, Planning and Zoning

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

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

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

Thank you.

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

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

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Jennie Brockman  
Director, Planning and Zoning

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

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**From:** Lynn Yellott [mailto:[lynnyellott@gmail.com](mailto:lynnyellott@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:

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

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

Lynn Yellott, Shepherdstown



Jefferson County  
Development Authority

November 21, 2013

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

Dear Commissioner Manuel,

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

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

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

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

Sincerely,

John W. Reisenweber  
Executive Director

PO BOX 237  
CHARLES TOWN  
WV 25414

304.728.3255  
304.725.3133 fax

www.JCDA.net

11/21/13 PH on New Zoning Categories

① Cathy Vance

- thinks changes help
- but bcs Camp Plan is in process, this should happen 1<sup>st</sup>

② Kathy Loftin

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

③ Bernard Simmons

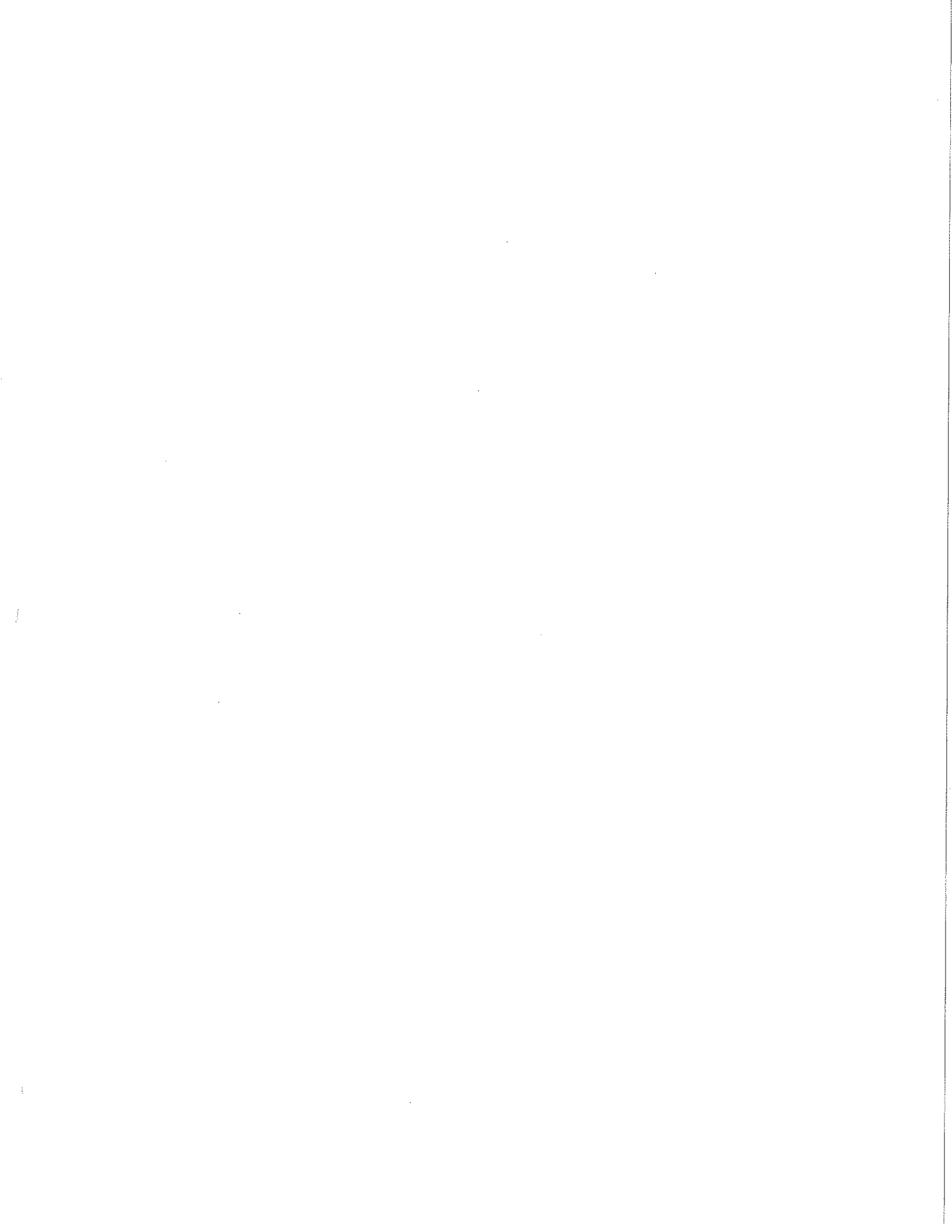
- ~~too~~ too much growth
- no pl in town - 340 corridor is a mess
- to many wells

④ Ted Schiltz

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

COB 12/5/13 - written comments

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



**JEFFERSON COUNTY  
DEPARTMENTAL MEMORANDUM**

**TO:** Jefferson County Commission, County Administrator

**FROM:** Elizabeth Wheeler, Administrator

**DATE:** March 31, 2014

**SUBJECT:** Jefferson County Farmland Protection Board  
Quarterly (Q4 2013, Q1 2014) Update Report

**1. PROJECTS UNDERTAKEN:**

- a. Strategic Plan: Strategic Plan completed, distributed to individuals and funders, up on website. Strategic Plan Annual Workplan reviewed quarterly with Board.
- b. Easement Applications: Received twelve (12) new inquiries from landowners October – March. One FY 14 landowner is in application for 119 acres.
- c. Easement funding: NRCS FY13 matching funding approved for 77-acre property with 95% prime soils. Landowner is donating approximately 46% of the easement value (\$250,000). All Jefferson County work and approvals are completed. NRCS has not yet advanced the project.
- d. Fall 2013 monitoring of twenty-one (21) properties completed, all in compliance with easement terms.

**2. PROJECTS PROPOSED/UNDERWAY:**

- a. Grant proposal submitted for development of outreach to landowners in core and study areas of three Civil War Battlefields identified by the National Park Service / American Battlefield Protection Program: Shepherdstown, Summit Point, Smithfield Crossing (Middleway). Notification of award due in July 2014.
- b. Photographic portraits of two landowners in easement program completed, and the third is due in late spring 2014. Images will be used in website, and collateral materials. Pending the results of this initial project, more subjects may be added.
- c. Spring 2014 monitoring of seventeen (17) properties underway March – April
- d. Website update underway in collaboration with WV Agricultural Lands Protection Authority.

**4. ITEMS REQUIRING COMMISSION ATTENTION:**

- a. Approval of Conservation Easement Purchase TBA: Property ZZ: 119 acres, 92% Prime and Important soils, \$178,500 match from JCFPB, \$178,500 match from NRCS



Jefferson County Homeland Security and Emergency Management  
28 Industrial Blvd., Suite 101  
Kearneysville, WV 25430

Jefferson County Commissioners:

**Dale Manuel, President**  
**Wall Polish, Vice President**  
**Patsy Noiland**  
**Jane Tabb**  
**Lyn Widmyer**

Jefferson County Homeland Security and Emergency Management Steering Committee:

**John Storwood, Chair, Chamber of Commerce Representative**  
**Ed Smith, Vice Chair, Fire and Rescue Representative**  
**Jeff Joffries, Health Representative**  
**Katherine Dunbar, Non-Governmental Organization Representative**  
**Mason Carter, Jefferson County Department of Engineering Representative**  
**Jeffrey A. Polczynski, EPH, Jefferson County Emergency Communications Center Representative**  
**Jane Tabb, County Commission Representative**  
**Kelly Parsons, Private Industry Representative**  
**Pete Dougherty, Sheriff, Law Enforcement Representative**  
**Chuck Ellison, Utilities Representative**  
**John Reisenweber, Jefferson County Development Authority Representative**  
**Sanford "Sandy" Green, Region 3 Homeland Security Area Liaison**  
**Holly Morgan Frye, Shepherd University Service Learning Program Education Representative**

Staff:

**Barbara J. Miller, CEM, CFM**  
**Director**  
**304-728-3290-Office**  
**304-283-4227-Mobile**  
**bmiller@jeffersoncountywv.org**

**Terrl Mehling**  
**Planner/Program Manager/Deputy Director**  
**304-728-3329-Office**  
**304-278-8233-Mobile**  
**tmehling@jeffersoncountywv.org**

**Justica A. Owens**  
**Administrative Assistant/Public Information Officer/Volunteer Coordinator**  
**304-724-8914-Office**  
**304-279-8135-Mobile**  
**jowens@jeffersoncountywv.org**

Fax: 204-728-3320

**Jefferson County Homeland Security and Emergency Management**  
**Quarterly Report to the Jefferson County Commission**  
**Third Quarter, 2014 (January-March, 2013)**

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Projects Completed:

- EOC Activation for Snowstorm PAX on February 13/14.
- Hosted a Virtual Tabletop Exercise with FEMA at the U.S. Customs and Border Protection Advanced Training Center in Harpers Ferry on March 19.
- Chaired the WV Emergency Management Council meeting in Charleston on February 7, 2014.
- Participated in Eastern Panhandle Emergency Management Association meetings in Morgan and Hardy Counties.
- Participated in planning meetings for the 2014 WV Homeland Security Region 3 Disaster Exercise Series.
- Participated in the Jefferson County Department of Health's Threat Preparedness annual review on February 27.
- Held Steering Committee meetings in January and February.
- Held Counter Terrorism Committee meetings in January, February and March.
- Held a Quarterly Partnership Meeting January 29 at the Hollywood Casino at Charles Town Races.
- Attended Annual Fire Department Dinners at Citizens, Independent, Shepherdstown, and Middleway.
- Hosted the National Weather Service Basic Stormspotter Class at Shepherdstown Fire Department on February 27.
- Held Community Emergency Response Team Training (CERT) 6 graduates
- Held Media Day at the Jefferson County EOC on February 4
- Presented on Emergency Preparedness and Fire Safety to members of Shepherdstown Area Independent Living (SAIL) on January 17.
- Presented at the Jefferson County Sheriff's Monthly Meeting about Family Disaster Preparedness.

- Participated in the Regional Neighbors Network by conference call meetings. Members from throughout the United States. These were held in January, February, and March.
- Participated in the National Weather Service meeting with Kyle Struckmann. December 23, 2013
- Attended County Executive Management Meetings
- Tested Ham Radios (Monthly)
- Tested all JCHSEM equipment (Quarterly)
- Maintained the JCHSEM Facebook page, Twitter and press releases to local media with appropriate Public Information and Preparedness Tips.
- Monthly JCHSEM Newsletter sent electronically
- Completed, had approved by County Commission, and distributed, the Jefferson County 2013 Emergency Operations Plan.
- Worked on Departmental FY-2015 budget.
- Wrote a grant proposal for \$2385 for the JCHSEM Disaster Ready Kids Program. Approved by County Commission and Awarded by West Virginia State Administrative Agency.
- Wrote a grant proposal for \$50,000 to replace the laptop computers in the Emergency Operations Center. Approved by County Commission and Awarded by West Virginia State Administrative Agency.
- Worked with WVU Hospital-Jefferson Medical Center to develop a grant proposal for the hospital to replace a decontamination tent and supplies. The grant proposal for \$53,000 was approved by County Commission and Awarded by West Virginia State Administrative Agency.
- Closed out the \$3,000 Community Participation Grant.

*Projects Working on Now:*

- Preparing for the third in series of Emergency Management Leadership Training that will be held in May at FEMA's Emergency Management Institute.
- Working with the LEPC (Local Emergency Planning Committee) to revise their by-laws, preliminary planning for their next Mass Fatalities Conference, and working with their website contractor to redesign their website. Also working with

another LEPC contractor and other local agencies on a Gap Needs Assessment for Hazardous Materials Capabilities.

- Researching the possibility of using state Mitigation Grants to purchase generators for critical infrastructure facilities.

Things the County Commission Should be aware of:

- Quarterly Partnership Luncheon will be held on April 23 at Noon at The Bavarian Inn in Shepherdstown.
- Date for the WV Homeland Security Region 3 Tabletop Exercise will be May 1. Place within Region 3 To Be Announced. The Functional Exercise will be held in July, date and place to be announced.
- Date for the WV Homeland Security Region 3 Full Scale Exercise will be September 20th. Various exercise activities will be held throughout WV Homeland Security Region 3.
- Director Miller has been invited as a guest of FEMA to participate and speak at the 39th Annual Natural Hazards Research and Applications Workshop, Natural Hazard Mitigation Association Practitioners Symposium, and Resilient Neighbors Network meetings in Broomfield, Colorado June 22-28. There is no cost to the County Government for this trip.

**NOTICE OF SPECIAL SESSION OF THE COUNTY COMMISSION OF  
JEFFERSON COUNTY**

**TO LAY THE LEVY**

The County Commission of Jefferson County, will hold a Special Session on Tuesday, April 15, 2014, at 10:00 a.m. in the County Commission Meeting Room located at the Old Charles Town Library Meeting Room, 200 E. Washington Street, (Samuel Street Entrance) Charles Town, West Virginia 25414.

The purpose of the Special Session is to officially Lay the Levy.

The public is invited to attend.

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

## **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, April 17, 2014**, or as soon thereafter as the Commission may decide:

**Jefferson County Development Authority - five (5) three-year terms ending April 5, 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:**

**March 12, 19, 26 - 2014**

**April 2, 9 - 2014**

**THANKS - JEFFERSON COUNTY COMMISSION**

# Impact Fee Status Report

## March 2014

### Office of Impact Fees

#### Summary

Date Range: Sunday 1 through Monday 31 March 2014

Report Date: 3 April 2014

Process Number Range: 1400022 - 1400051

Total Applications: 30

Total Non-Exempt: 29

*Of which:*

Commercial: 0

Residential: 29

*Of which:*

County: 7

Municipal: 22

Total Exempt: 1

*Of which:*

Commercial: 0

Residential: 1

*Of which:*

County: 1

Municipal: 0

Tables 1 through 7 summarize impact fee processing for March 2014. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

**Table 1. Form 100 Tallies**

	Exempt	Commercial	Residential	Total
1 – 31 March 2014	1	0	29	30
Fees collected		\$0	\$341,866.00	\$341,866.00
<i>Of which</i>				
School Impact Fee			\$301,402.00	\$301,402.00
Law Enforcement Fee		\$0	\$1,834.00	\$1,834.00
Parks & Recreation Fee			\$20,038.00	\$20,038.00
Fire & EMS Fee		\$0	\$18,592.00	\$18,592.00

**Table 2. Financial Data – Office of Impact Fees General Account (3111776)**

Description	Amount
Opening Statement Balance (1 March 2014)	\$51,785.16
March Deposits (1 – 31 March 2014)	\$341,866.00
School February Transactions (withdraws via transfer on 19 Jan. 2014)	(\$45,457.66)
Law February Transactions (withdraws via transfer on 19 Jan. 2014)	(\$524.29)
Parks & Rec February Trans. (withdraws via transfer on 19 Jan. 2014)	(\$3,009.75)
Fire & EMS February Trans. (withdraws via transfer on 19 Jan. 2014)	(\$2,793.46)
Interest Earned (31 March 2014)	\$45.58
<b>Ending Statement Balance (31 March 2014)</b>	<b>\$341,911.58</b>
<i>Outstanding Credits (deposits through 1 April 2014)</i>	<i>\$0.00</i>

**Table 3. Financial Data – School Impact Fee Account (3107582)**

Description	Amount
Opening Balance (1 March 2014)	\$437,156.59
February Transactions (deposits via transfer on 19 March 2014)	\$45,457.66
Interest Earned (31 March 2014)	\$135.61
<b>Ending Balance (31 March 2014)</b>	<b>\$482,749.86</b>

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

Description	Amount
Opening Balance (1 March 2014)	\$22,545.43
February Transactions (deposits via transfer on 19 March 2014)	\$524.29
Interest Earned (31 March 2014)	\$6.77
<b>Ending Balance (31 March 2014)</b>	<b>\$23,076.49</b>

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

Description	Amount
Opening Balance (1 March 2014)	\$423,676.45
February Transactions (deposits via transfer on 19 March 2014)	\$3,009.75
Interest Earned (31 March 2014)	\$126.32
<b>Ending Balance (31 March 2014)</b>	<b>\$426,812.52</b>

**Table 6. Financial Data – Fire & EMS Impact Fee Account (3122816)**

Description	Amount
Opening Balance (1 March 2014)	\$188,752.01
February Transactions (deposits via transfer on 19 March 2014)	\$2,793.46
Requisition 14R0101 - Middleway Generator	(\$27,368.00)
Interest Earned (31 March 2014)	\$49.64
<b>Ending Balance (31 March 2014)</b>	<b>\$164,227.11</b>

**Table 7. Total Impact Fees as of 1 April 2014 /1**

Description	Amount
Office of Impact Fees General Account	\$341,911.58
School Impact Fee Account	\$482,749.86
Law Enforcement Fee Account	\$23,076.49
Parks & Recreation Impact Fee Account	\$426,812.52
Fire & EMS Impact Fee Account	\$164,227.11
<b>Total Impact Fees</b>	<b>\$1,438,777.56</b>

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

**Table 8. Pending March 2014 Fee Transfers /1**

Account	31 Jan. 2014 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$482,749.86	\$301,442.11	\$784,191.97
Law Enforcement Fee Account	\$23,076.49	\$1,834.46	\$24,910.95
Parks & Recreation Impact Fee Account	\$426,812.52	\$20,040.73	\$446,853.25
Fire & EMS Impact Fee Account	\$164,227.11	\$18,594.28	\$182,821.39
<b>Total Impact Fees</b>	<b>\$1,096,865.98</b>	<b>\$341,911.58</b>	<b>\$1,438,777.56</b>

/1 This table represents each of the impact fee category account totals as of 31 March 2014 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in March 2014 are listed in table 1 of the General Account (3111776); these transactions will be processed in April 2014. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.



## Form 100 Transaction Summary

### Jefferson County Government – Office of Impact Fees

#### *Impact Fee Applications Processed between dates Sunday 1 through Monday 31 March 2014*

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
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#### Exempt Applications

1400036	03/21/2014	Jackson	Linnea	06 Kabletown	529	733	10	8.2	\$0.00	03/21/2014	Form 200
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**Category Count: 1**

**Category Total      \$0.00**

#### Non-Exempt Applications

1400022	03/05/2014	Varner	Luke	07 Middleway	1131	326	29A	7	\$13,070.00	03/05/2014	N/A
1400023	03/06/2014	Stanley	Charles	09 Shepherdstown	1039	21	16	9.5	\$13,070.00	03/06/2014	N/A
1400024	03/11/2014	Commercial		03 Charles Town	1042	27	10C	21.1	\$12,808.00	03/11/2014	N/A
1400025	03/11/2014	Commercial		03 Charles Town	1042	27	10C	21.1	\$12,808.00	03/11/2014	N/A
1400026	03/11/2014	Commercial		03 Charles Town	1042	27	10C	21.1	\$12,808.00	03/11/2014	N/A
1400027	03/11/2014	Commerical		03 Charles Town	1042	27	10C	21.1	\$9,668.00	03/11/2014	N/A
1400028	03/11/2014	Commercial		03 Charles Town	1042	27	10C	21.1	\$9,668.00	03/11/2014	N/A
1400029	03/14/2014	Raymond	James	09 Shepherdstown	1037	144	18	6.1	\$13,070.00	03/14/2014	N/A
1400030	03/14/2014	Dan Ryan		04 Harpers Ferry	1131	426	9D	85	\$13,070.00	03/14/2014	N/A
1400031	03/14/2014	Dan Ryan		08 Ranson Corp			8C	233	\$12,808.00	03/14/2014	N/A
1400032	03/18/2014	Thomas	John	09 Shepherdstown	975	69	8C	258	\$13,070.00	03/18/2014	N/A
1400033	03/18/2014	Dan Ryan		03 Charles Town			11D	107	\$12,808.00	03/18/2014	N/A
1400034	03/18/2014	Dan Ryan		03 Charles Town			11D	75	\$12,808.00	03/18/2014	N/A
1400035	03/21/2014	Lutton	Brian	02 Charles Town	1138	188	20A	36	\$13,070.00	03/21/2014	N/A
1400037	03/21/2014	Julie Duval	Arcadia	03 Charles Town	23	67	12A	163	\$12,808.00	03/21/2014	N/A
1400038	03/21/2014	Julie Duval	Arcadia	03 Charles Town	23	67	12A	119	\$12,808.00	03/21/2014	N/A
1400039	03/24/2014	Julie Duval	Arcadia	03 Charles Town	23	67	12A	118	\$12,808.00	03/24/2014	N/A
1400040	03/24/2014	Julie Duval	Arcadia	03 Charles Town	23	67	12A	165	\$12,808.00	03/24/2014	N/A
1400041	03/27/2014	Julie Duval	Arcadia	03 Charles Town	23	67	12A	121	\$12,808.00	03/27/2014	N/A
1400042	03/28/2014	Parker	William	07 Middleway	1137	178	18	171.2	\$13,070.00	03/28/2014	N/A

Process Number	Date	Tract Name	Tract Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
<b>Non-Exempt Applications</b>											
1400043	03/28/2014	Dan Ryan		03 Charles Town	.	.	11D	106	\$12,808.00	03/28/2014	N/A
1400044	03/28/2014	Dan Ryan		08 Ranson Corp	.	.	8C	407	\$9,668.00	03/28/2014	N/A
1400045	03/28/2014	Dan Ryan		08 Ranson Corp	.	.	8C	408	\$9,668.00	03/28/2014	N/A
1400046	03/28/2014	Dan Ryan		08 Ranson Corp	.	.	8C	409	\$9,668.00	03/28/2014	N/A
1400047	03/28/2014	Dan Ryan		08 Ranson Corp	.	.	8C	410	\$9,668.00	03/28/2014	N/A
1400048	03/28/2014	Dan Ryan		08 Ranson Corp	.	.	8C	411	\$9,668.00	03/28/2014	N/A
1400049	03/28/2014	Dan Ryan		08 Ranson Corp	.	.	8C	412	\$9,668.00	03/28/2014	N/A
1400050	03/28/2014	Dan Ryan		08 Ranson Corp	.	.	8C	413	\$9,668.00	03/28/2014	N/A
1400051	03/28/2014	Dan Ryan		08 Ranson Corp	.	.	8C	414	\$9,668.00	03/28/2014	N/A
<b>Category Count: 29</b>									<b>Category Total \$341,866.00</b>		
<b>TOTAL APPLICATIONS: 30</b>									<b>Grand Total \$341,866.00</b>		

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason *DM*  
DATE: Thursday, 3 April 2014  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Schools Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of March 2014.

This transfer consists of two components:

- Impact Fee Process Numbers **1400022** through **1400051**, inclusive. Within this range there were 29 non-exempt impact fee payments. This amounts to **\$301,402.00**.
- Interest earned by the Office of Impact Fees General Account in March 2014 amounts to **\$45.58**, of which **\$40.11** is attributed to fees collected for Schools.

**As per the attached invoice, the total amount of this transfer is \$301,442.11.**

**Check # 940**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice****Number:** 14013**Date:** 4/3/2014**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number****Vendor Number**

<b>Description</b>	<b>Amount</b>
Impact Fee payments collected for month of March 2014 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582).	\$301,402.00
Interest earned by the Office of Impact Fees General Account March 2014.	\$40.11
Impact Fee Process Numbers 1400022 through 1400051, inclusive. Within this range, there were 29 non-exempt impact fee payments.	
<b>Total: \$301,442.11</b>	

**Notes/Comments** Transfer of funds into School Impact Fee Account (3107582).**Check Number:** 940



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 940

Trace 20140403:48947.55

Date 4/3/2014

Series 1

Recipient Sheriff of Jefferson County

Amount \$301,402.00

Account 3107582

Signature 1 Walt Pellish

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for School Impact Fees Collected in March 2014.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
3/6/2014	1400022	2003-3	11/24/2005	\$11,358.00
3/7/2014	1400023	2003-3	11/24/2005	\$11,358.00
3/12/2014	1400024	2003-3	11/24/2005	\$11,358.00
3/12/2014	1400025	2003-3	11/24/2005	\$11,358.00
3/12/2014	1400026	2003-3	11/24/2005	\$11,358.00
3/12/2014	1400027	2003-3	11/24/2005	\$8,560.00
3/12/2014	1400028	2003-3	11/24/2005	\$8,560.00
3/18/2014	1400029	2003-3	11/24/2005	\$11,358.00
3/18/2014	1400030	2003-3	11/24/2005	\$11,358.00
3/18/2014	1400031	2003-3	11/24/2005	\$11,358.00
3/19/2014	1400032	2003-3	11/24/2005	\$11,358.00
3/19/2014	1400033	2003-3	11/24/2005	\$11,358.00
3/19/2014	1400034	2003-3	11/24/2005	\$11,358.00
3/24/2014	1400035	2003-3	11/24/2005	\$11,358.00
	1400036	2003-3	11/24/2005	\$11,358.00
3/24/2014	1400038	2003-3	11/24/2005	\$11,358.00
3/25/2014	1400039	2003-3	11/24/2005	\$11,358.00
3/25/2014	1400040	2003-3	11/24/2005	\$11,358.00
3/28/2014	1400041	2003-3	11/24/2005	\$11,358.00
3/28/2014	1400042	2003-3	11/24/2005	\$11,358.00
3/28/2014	1400043	2003-3	11/24/2005	\$11,358.00
3/28/2014	1400044	2003-3	11/24/2005	\$8,560.00
3/28/2014	1400045	2003-3	11/24/2005	\$8,560.00
3/28/2014	1400046	2003-3	11/24/2005	\$8,560.00
3/28/2014	1400047	2003-3	11/24/2005	\$8,560.00
3/28/2014	1400048	2003-3	11/24/2005	\$8,560.00
3/28/2014	1400049	2003-3	11/24/2005	\$8,560.00
3/28/2014	1400050	2003-3	11/24/2005	\$8,560.00
3/28/2014	1400051	2003-3	11/24/2005	\$8,560.00

**Total amount for this withdraw \$301,402.00**

**Total amount for this account** \$301,402.00  
**Total amount all accounts** \$301,402.00

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason *DM*  
DATE: Thursday, 3 April 2014  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of March 2014.

This transfer consists of two components:

- Impact Fee Process Numbers **1400022** through **1400051**, inclusive. Within this range there were 7 non-exempt impact fee payments. This amounts to **\$1,834.00**.
- Interest earned by the Office of Impact Fees General Account in March 2014 amounts to **\$45.58**, of which **\$0.46** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$1,834.46.**

**Check # 941**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 14014  
**Date:** 4/3/2014

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

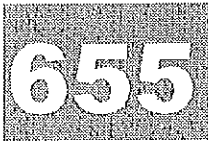
**Description**

**Amount**

Impact Fee payments collected for month of March 2014 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120).	\$1,834.00
Interest earned by the Office of Impact Fees General Account March 2014.	\$0.46
Impact Fee Process Numbers 1400022 through 1400051, inclusive. Within this range, there were 7 non-exempt impact fee payments.	
<b>Total:</b>	<b>\$1,834.46</b>

**Notes/Comments** Transfer of funds into Law Enforcement Impact Fee Account (3120120).

**Check Number:** 941



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 941

Trace 20140403:49014.37

Date 4/3/2014 Series 2

Recipient Sheriff of Jefferson County

Amount \$1,834.00

Account 3120120

Signature 1 Walt Pellish

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Law Enforcement Impact Fees Collected in March 2014.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
3/6/2014	1400022	2005-1	3/22/2005	\$262.00
3/7/2014	1400023	2005-1	3/22/2005	\$262.00
3/12/2014	1400024	2005-1	3/22/2005	\$0.00
3/12/2014	1400025	2005-1	3/22/2005	\$0.00
3/12/2014	1400026	2005-1	3/22/2005	\$0.00
3/12/2014	1400027	2005-1	3/22/2005	\$0.00
3/12/2014	1400028	2005-1	3/22/2005	\$0.00
3/18/2014	1400029	2005-1	3/22/2005	\$262.00
3/18/2014	1400030	2005-1	3/22/2005	\$262.00
3/18/2014	1400031	2005-1	3/22/2005	\$0.00
3/19/2014	1400032	2005-1	3/22/2005	\$262.00
3/19/2014	1400033	2005-1	3/22/2005	\$0.00
3/19/2014	1400034	2005-1	3/22/2005	\$0.00
3/24/2014	1400035	2005-1	3/22/2005	\$262.00
	1400036	2005-1	3/22/2005	\$0.00
3/24/2014	1400038	2005-1	3/22/2005	\$0.00
3/25/2014	1400039	2005-1	3/22/2005	\$0.00
3/25/2014	1400040	2005-1	3/22/2005	\$0.00
3/28/2014	1400041	2005-1	3/22/2005	\$0.00
3/28/2014	1400042	2005-1	3/22/2005	\$262.00
3/28/2014	1400043	2005-1	3/22/2005	\$0.00
3/28/2014	1400044	2005-1	3/22/2005	\$0.00
3/28/2014	1400045	2005-1	3/22/2005	\$0.00
3/28/2014	1400046	2005-1	3/22/2005	\$0.00
3/28/2014	1400047	2005-1	3/22/2005	\$0.00
3/28/2014	1400048	2005-1	3/22/2005	\$0.00
3/28/2014	1400049	2005-1	3/22/2005	\$0.00
3/28/2014	1400050	2005-1	3/22/2005	\$0.00
3/28/2014	1400051	2005-1	3/22/2005	\$0.00
<b>Total amount for this withdraw</b>				<b>\$1,834.00</b>

<b>Total amount for this account</b>	\$1,834.00
<b>Total amount all accounts</b>	\$1,834.00

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason *MM*  
DATE: Thursday, 3 April 2014  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of March 2014.

This transfer consists of two components:

- Impact Fee Process Numbers **1400022** through **1400051**, inclusive. Within this range there were 29 non-exempt impact fee payments. This amounts to **\$20,038.00**.
- Interest earned by the Office of Impact Fees General Account in March 2014 amounts to **\$45.58**, of which **\$2.73** is attributed to fees collected for Parks & Recreation.

**As per the attached invoice, the total amount of this transfer is \$20,040.73.**

**Check # 942**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 14015

**Date:** 4/3/2014

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of March 2014 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). \$20,038.00

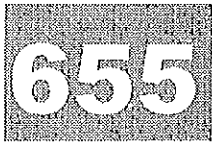
Interest earned by the Office of Impact Fees General Account March 2014. \$2.73

Impact Fee Process Numbers 1400022 through 1400051, inclusive. Within this range, there were 29 non-exempt impact fee payments.

**Total: \$20,040.73**

**Notes/Comments** Transfer of funds into Parks & Recreation Impact Fee Account (3122808).

**Check Number:** 942



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 942

Trace 20140403:49062.28

Date 4/3/2014

Series 3

Recipient Sheriff of Jefferson County

Amount \$20,038.00

Account 3122808

Signature 1 Walt Pellish

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Parks and Rec Impact Fees Collected in March 2014.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
3/6/2014	1400022	2005-2	5/12/2005	\$752.00
3/7/2014	1400023	2005-2	5/12/2005	\$752.00
3/12/2014	1400024	2005-2	5/12/2005	\$752.00
3/12/2014	1400025	2005-2	5/12/2005	\$752.00
3/12/2014	1400026	2005-2	5/12/2005	\$752.00
3/12/2014	1400027	2005-2	5/12/2005	\$575.00
3/12/2014	1400028	2005-2	5/12/2005	\$575.00
3/18/2014	1400029	2005-2	5/12/2005	\$752.00
3/18/2014	1400030	2005-2	5/12/2005	\$752.00
3/18/2014	1400031	2005-2	5/12/2005	\$752.00
3/19/2014	1400032	2005-2	5/12/2005	\$752.00
3/19/2014	1400033	2005-2	5/12/2005	\$752.00
3/19/2014	1400034	2005-2	5/12/2005	\$752.00
3/24/2014	1400035	2005-2	5/12/2005	\$752.00
	1400036	2005-2	5/12/2005	\$752.00
3/24/2014	1400038	2005-2	5/12/2005	\$752.00
3/25/2014	1400039	2005-2	5/12/2005	\$752.00
3/25/2014	1400040	2005-2	5/12/2005	\$752.00
3/28/2014	1400041	2005-2	5/12/2005	\$752.00
3/28/2014	1400042	2005-2	5/12/2005	\$752.00
3/28/2014	1400043	2005-2	5/12/2005	\$752.00
3/28/2014	1400044	2005-2	5/12/2005	\$575.00
3/28/2014	1400045	2005-2	5/12/2005	\$575.00
3/28/2014	1400046	2005-2	5/12/2005	\$575.00
3/28/2014	1400047	2005-2	5/12/2005	\$575.00
3/28/2014	1400048	2005-2	5/12/2005	\$575.00
3/28/2014	1400049	2005-2	5/12/2005	\$575.00
3/28/2014	1400050	2005-2	5/12/2005	\$575.00
3/28/2014	1400051	2005-2	5/12/2005	\$575.00

**Total amount for this withdraw \$20,038.00**

<b>Total amount for this account</b>	\$20,038.00
<b>Total amount all accounts</b>	\$20,038.00

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

COPY

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason *DM*  
DATE: Thursday, 3 April 2014  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Fire & EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of March 2014.

This transfer consists of two components:

- Impact Fee Process Numbers **1400022** through **1400051**, inclusive. Within this range there were 29 non-exempt impact fee payments. This amounts to **\$18,592.00**.
- Interest earned by the Office of Impact Fees General Account in March 2014 amounts to **\$45.58**, of which **\$2.28** is attributed to fees collected for Fire & EMS.

**As per the attached invoice, the total amount of this transfer is \$18,594.28.**

**Check # 943**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 14016

**Date:** 4/3/2014

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

Description	Amount
Impact Fee payments collected for month of March 2014 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Fire & EMS Impact Fees Bank Account (3122816).	\$18,592.00
Interest earned by the Office of Impact Fees General Account March 2014.	\$2.28
Impact Fee Process Numbers 1400022 through 1400051, inclusive. Within this range, there were 29 non-exempt impact fee payments.	
	<b>Total: \$18,594.28</b>

**Notes/Comments** Transfer of funds into Fire & EMS Impact Fee Account (3122816).

**Check Number:** 943



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 943

Trace 20140403:49099.27

Date 4/3/2014

Series 4

Recipient Sheriff of Jefferson County

Amount \$18,592.00

Account 3122816

Signature 1 Walt Pellish

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Fire and EMS Impact Fees Collected in March 2014.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
3/6/2014	1400022	2005-3	5/12/2005	\$698.00
3/7/2014	1400023	2005-3	5/12/2005	\$698.00
3/12/2014	1400024	2005-3	5/12/2005	\$698.00
3/12/2014	1400025	2005-3	5/12/2005	\$698.00
3/12/2014	1400026	2005-3	5/12/2005	\$698.00
3/12/2014	1400027	2005-3	5/12/2005	\$533.00
3/12/2014	1400028	2005-3	5/12/2005	\$533.00
3/18/2014	1400029	2005-3	5/12/2005	\$698.00
3/18/2014	1400030	2005-3	5/12/2005	\$698.00
3/18/2014	1400031	2005-3	5/12/2005	\$698.00
3/19/2014	1400032	2005-3	5/12/2005	\$698.00
3/19/2014	1400033	2005-3	5/12/2005	\$698.00
3/19/2014	1400034	2005-3	5/12/2005	\$698.00
3/24/2014	1400035	2005-3	5/12/2005	\$698.00
	1400036	2005-3	5/12/2005	\$698.00
3/24/2014	1400038	2005-3	5/12/2005	\$698.00
3/25/2014	1400039	2005-3	5/12/2005	\$698.00
3/25/2014	1400040	2005-3	5/12/2005	\$698.00
3/28/2014	1400041	2005-3	5/12/2005	\$698.00
3/28/2014	1400042	2005-3	5/12/2005	\$698.00
3/28/2014	1400043	2005-3	5/12/2005	\$698.00
3/28/2014	1400044	2005-3	5/12/2005	\$533.00
3/28/2014	1400045	2005-3	5/12/2005	\$533.00
3/28/2014	1400046	2005-3	5/12/2005	\$533.00
3/28/2014	1400047	2005-3	5/12/2005	\$533.00
3/28/2014	1400048	2005-3	5/12/2005	\$533.00
3/28/2014	1400049	2005-3	5/12/2005	\$533.00
3/28/2014	1400050	2005-3	5/12/2005	\$533.00
3/28/2014	1400051	2005-3	5/12/2005	\$533.00

**Total amount for this withdraw \$18,592.00**

<b>Total amount for this account</b>	\$18,592.00
<b>Total amount all accounts</b>	\$18,592.00

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

<b>Week Ending Date</b>	<b>Week Ending</b>
	March 29, 2014
	FY14
<b>To be Deposited on:</b>	April 4, 2014
<b>Amount Played</b>	<b>60,082,458.52</b>
<b>Amount Won</b>	<b>53,924,435.59</b>
<b>Amount Promo</b>	<b>231,685.00</b>
<b>MWAP Contribution</b>	<b><u>3,351.39</u></b>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>5,922,986.54</u></b>
<b>Administrative Costs @ 4%</b>	<b>0.00</b>
<b>Excess Lottery Fund @ 4%</b>	<b><u>236,919.47</u></b>
<b>Net Terminal Revenue</b>	<b><u>5,686,067.07</u></b>
<b>Surcharge @ 10%</b>	<b>568,606.70</b>
<b>State Share Excess @ 58%</b>	<b>329,791.89</b>
<b>Track Share of Capital Reinvestment @ 42%</b>	<b>238,814.81</b>
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	<b>229262.22</b>
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	<b>9552.59</b>
<b>Adjusted Net Terminal Revenue</b>	<b><u>5,117,460.37</u></b>
<b>Racetrack @ 46.50% / 42%</b>	<b>2,149,333.36</b>
<b>Lottery Fund @ 30% / 0%</b>	<b>0.00</b>
<b>Excess Lottery Fund @ 0% / 41%</b>	<b>2,098,158.77</b>
<b>Race Track Purses @ 7% / 14% / 8%</b>	<b>409,396.83</b>
<b>Workers' Compensation Debt Reduction @ 7% / 0%</b>	<b>0.00</b>
<b>Employee Pension Fund @ 1% / .5%</b>	<b>25,587.30</b>
<b>Greyhound Development @ .75%</b>	<b>38,380.95</b>
<b>Thoroughbred Development @ .75%</b>	<b>38,380.95</b>
<b>Racing Commission @ 1%</b>	<b>51,174.60</b>
<b>County/Municipality @ 2%</b>	<b>102,349.20</b>
<b>3% Funds:</b>	
<b>Tourism Promotion Fund @ 1.375%</b>	<b>70,365.08</b>
<b>Development Office Promotion Fund @ .375%</b>	<b>19,190.48</b>
<b>Research Challenge Fund @ .5%</b>	<b>25,587.30</b>
<b>Capitol Renovation and Improvement Fund @ .6875%</b>	<b>35,182.54</b>
<b>2004 Capitol Complex Parking Garage Fund @ .0625%</b>	<b>3,198.41</b>
<b>1% Funds:</b>	
<b>State Capitol Complex Parking Garage @ 1%</b>	<b>0.00</b>
<b>Cultural Facilities and Capitol Resources @ .5%</b>	<b>0.00</b>
<b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>	<b><u>51,174.60</u></b>
	<b><u>5,117,460.37</u></b>

**WEST VIRGINIA LOTTERY**  
**First Benchmark**  
**Charles Town**  
**County / City Split**  
**Fiscal Year 2014**

Charles Town  
1999 Net Terminal Revenue     \$   45,603,174  
Benchmark Goal @ 2%           \$   912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
6 days ending: 07/06/13	\$ 123,196.88	\$ 123,196.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/13/13	\$ 128,060.40	\$ 128,060.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/20/13	\$ 115,128.84	\$ 115,128.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/27/13	\$ 123,049.56	\$ 123,049.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/03/13	\$ 116,180.80	\$ 116,180.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/10/13	\$ 120,078.64	\$ 120,078.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/17/13	\$ 124,888.56	\$ 124,888.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/24/13	\$ 118,284.44	\$ 89,882.12	\$ 28,402.32	\$ 2,252.30	\$ 11,332.53	\$ 616.33	\$ 9,565.90	\$ 4,635.26
08/31/13	\$ 117,826.36	\$ 58,913.18	\$ 58,913.18	\$ 4,671.81	\$ 23,506.36	\$ 1,278.42	\$ 19,841.96	\$ 8,814.63
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	\$ 8,958.66
10/05/13	\$ 111,901.48	\$ 55,950.74	\$ 55,950.74	\$ 4,438.89	\$ 22,324.35	\$ 1,214.13	\$ 18,844.21	\$ 9,131.16
10/12/13	\$ 111,675.84	\$ 55,837.92	\$ 55,837.92	\$ 4,427.95	\$ 22,279.33	\$ 1,211.68	\$ 18,806.21	\$ 9,112.75
10/19/13	\$ 122,654.40	\$ 61,327.20	\$ 61,327.20	\$ 4,863.25	\$ 24,469.55	\$ 1,330.80	\$ 20,655.00	\$ 10,008.80
10/26/13	\$ 105,708.12	\$ 52,854.06	\$ 52,854.06	\$ 4,191.33	\$ 21,088.77	\$ 1,146.93	\$ 17,801.25	\$ 8,625.78
11/02/13	\$ 115,087.08	\$ 57,543.54	\$ 57,543.54	\$ 4,563.20	\$ 22,959.87	\$ 1,248.70	\$ 19,380.68	\$ 9,391.11
11/09/13	\$ 109,333.52	\$ 54,666.76	\$ 54,666.76	\$ 4,335.07	\$ 21,812.04	\$ 1,186.27	\$ 18,411.76	\$ 8,921.62
11/16/13	\$ 112,991.92	\$ 56,495.96	\$ 56,495.96	\$ 4,480.13	\$ 22,541.89	\$ 1,225.96	\$ 19,027.84	\$ 9,220.14
11/23/13	\$ 97,257.24	\$ 48,628.62	\$ 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	\$ 2,317.86	\$ 11,662.38	\$ 634.27	\$ 9,844.33	\$ 4,770.18
12/21/13	\$ 89,162.04	\$ 44,581.02	\$ 44,581.02	\$ 3,535.27	\$ 17,787.83	\$ 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	\$ 15,138.44	\$ 823.21	\$ 12,776.62	\$ 6,191.15
01/18/14	\$ 98,837.28	\$ 49,418.64	\$ 49,418.64	\$ 3,918.90	\$ 19,718.04	\$ 1,072.38	\$ 16,844.20	\$ 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
02/01/14	\$ 95,363.20	\$ 47,681.60	\$ 47,681.60	\$ 3,781.15	\$ 19,024.96	\$ 1,034.69	\$ 16,059.16	\$ 7,781.64
02/08/14	\$ 90,869.04	\$ 45,434.52	\$ 45,434.52	\$ 3,602.96	\$ 18,128.37	\$ 965.93	\$ 15,302.35	\$ 7,414.91
02/15/14	\$ 82,152.16	\$ 41,076.08	\$ 41,076.08	\$ 3,257.33	\$ 16,389.36	\$ 891.35	\$ 13,834.42	\$ 6,703.62
02/22/14	\$ 123,047.96	\$ 61,523.98	\$ 61,523.98	\$ 4,878.85	\$ 24,548.07	\$ 1,335.07	\$ 20,721.28	\$ 10,040.71
03/01/14	\$ 115,489.56	\$ 57,744.78	\$ 57,744.78	\$ 4,579.16	\$ 23,040.17	\$ 1,253.06	\$ 19,448.44	\$ 9,423.95
03/08/14	\$ 100,879.88	\$ 50,439.94	\$ 50,439.94	\$ 3,999.89	\$ 20,125.53	\$ 1,094.55	\$ 16,988.17	\$ 8,231.80
03/15/14	\$ 108,829.32	\$ 54,414.66	\$ 54,414.66	\$ 4,315.08	\$ 21,711.45	\$ 1,180.80	\$ 18,326.86	\$ 8,880.47
03/22/14	\$ 101,469.24	\$ 50,734.62	\$ 50,734.62	\$ 4,023.26	\$ 20,243.11	\$ 1,100.94	\$ 17,087.42	\$ 8,279.89
03/29/14	\$ 102,349.20	\$ 51,174.60	\$ 51,174.60	\$ 4,058.15	\$ 20,418.67	\$ 1,110.49	\$ 17,235.60	\$ 8,351.69
Subtotal	\$ 4,226,175.12	\$ 2,569,119.30	\$ 1,657,055.82	\$ 131,404.52	\$ 661,165.30	\$ 35,958.11	\$ 558,096.38	\$ 270,431.51

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	02/01/2014	47,681.60
02/06/2010	37,155.14	02/05/2011	60,777.44	02/04/2012	72,154.66	02/09/2013	52,222.20	02/08/2014	45,434.52
02/13/2010	44,334.00	02/12/2011	67,471.84	02/11/2012	66,429.04	02/16/2013	64,243.52	02/15/2014	41,076.08
02/20/2010	76,946.12	02/19/2011	72,018.54	02/18/2012	77,455.88	02/23/2013	64,115.70	02/22/2014	61,523.98
02/27/2010	72,024.40	02/26/2011	75,544.02	02/25/2012	77,611.78	03/02/2013	62,602.74	03/01/2014	57,744.78
03/06/2010	76,936.85	03/05/2011	74,535.34	03/03/2012	75,963.86	03/09/2013	59,213.26	03/08/2014	50,439.94

03/13/2010	71,007.37	03/12/2011	66,979.48	03/10/2012	76,808.62	03/16/2013	62,366.36	03/15/2014	54,414.66
03/20/2010	74,335.38	03/19/2011	73,113.26	03/17/2012	76,883.92	03/23/2013	59,841.02	03/22/2014	50,734.62
03/27/2010	69,941.88	03/26/2011	68,490.80	03/24/2012	72,108.36	03/30/2013	57,567.98	03/29/2014	51,174.60
04/03/2010	70,636.28	04/02/2011	70,846.58	03/31/2012	74,244.22	04/06/2013	63,108.84		
04/10/2010	69,692.79	04/09/2011	67,076.78	04/07/2012	75,382.98	04/13/2013	56,849.30		
04/17/2010	69,335.92	04/16/2011	64,698.56	04/14/2012	71,065.34	04/20/2013	55,432.12		
04/24/2010	68,714.11	04/23/2011	67,674.14	04/21/2012	68,055.08	04/27/2013	58,612.74		
05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66	05/04/2013	61,102.92		
05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30	05/11/2013	57,428.70		
05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92	05/18/2013	61,172.80		
05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36	05/25/2013	57,131.24		
05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66		
06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74		
06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52		
06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12	06/22/2013	54,690.28		
06/26/2010	63,950.29	06/25/2011	65,470.44	06/23/2012	55,921.30	06/29/2013	55,991.38		
06/30/2010	29,667.19	06/30/2011	34,351.16	06/30/2012	58,207.40	06/30/2013	11,509.54		

<b>TOTALS</b>	<b>4041141.56</b>	<b>4016541.01</b>	<b>4124906.8</b>	<b>3580645.18</b>	<b>2,569,119.30</b>
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## Table Game Revenue

<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	99,274.36
September, 2010	94,247.84	August, 2011	137,473.92	August, 2012	133,245.83	August, 2013	111,427.75
October, 2010	105,903.60	September, 2011	110,375.25	September, 2012	127,532.40	September, 2013	80,857.74
November, 2010	108,717.67	October, 2011	124,273.94	October, 2012	126,482.02	October, 2013	81,066.09
December, 2010	118,721.11	November, 2011	121,118.87	November, 2012	134,443.93	November, 2013	79,853.94
January, 2011	106,189.21	December, 2011	140,509.93	December, 2012	146,677.92	December, 2013	79,617.31
February, 2011	105,776.45	January, 2012	137,812.68	January, 2013	132,650.35	January, 2014	75,093.81
March, 2011	120,927.10	February, 2012	142,770.01	February, 2013	121,636.62	February, 2014	75,170.90
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>682361.9</b>

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

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25
September, 2011	331,125.75	September, 2012	382,597.20	September, 2013	242,573.22
October, 2011	372,821.82	October, 2012	379,446.06	October, 2013	243,198.27
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82
December, 2011	421,529.79	December, 2012	440,033.75	December, 2013	238,851.93
January, 2012	413,438.04	January, 2013	397,951.05	January, 2014	225,281.43
February, 2012	428,310.03	February, 2013	381,857.07	February, 2014	225,512.70
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>2,047,085.70</b>