



AGENDA  
Jefferson County Planning Commission  
Tuesday, July 14, 2015, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

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**All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.**

1. Approval of the minutes from the following Planning Commission Meetings:
  - June 9, 2015
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. **Public Hearing:** Proposed text amendment to the Zoning & Land Development Ordinance related to Cultural Facilities, File #ZTA 15-01. The amendment includes changing “Appendix C, Principal Permitted Uses Table”, to change Cultural Facilities from Not Permitted (NP) to Permitted (P) within the Residential Growth District.

**There is no public comment for the remaining items.**

4. Petition by Charles M. Carter for a Zoning Map Amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days (File # Z15-02). This property is currently zoned Rural (R) and the applicant is requesting General Commercial (GC). The property is located on the south side of Martinsburg Pike (Route 45), east of the intersection with Venice Way.
5. (Postponed from the June 9, 2015 PC meeting.) Discussion and review of red-lined edits for the Proposed amendments created by an appointed citizen based committee for the purpose of scheduling a public hearing:
  - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, Division 7 “Mobile/Manufactured Homes Parks and Campgrounds” to remove all reference to campgrounds;
  - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, to create a new Division 8 “Campgrounds” (note this requires relabeling the existing Division 8); and
  - Proposed Amendments to the Jefferson County Zoning and Land Development Ordinance, to create a new Section 8.16 “Campgrounds” under Article 8, “Supplemental Use Regulations”
6. Request for postponement.
7. Reports from Legal Counsel and legal advice to the Planning Commission.
  - a) Active Litigation:
    - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session

- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325
  - Update on request by the County Commission for input from the Planning Commission to determine if a Zoning Map Amendment (Rezoning) request by property owner Twin Oaks Subdivision, LLC, Peter S. Corum and J. Edward Slonaker for Morgan Grove Market is in compliance with the Envision Jefferson 2035 Comprehensive Plan. – Possible Executive Session
8. Director's Report.
9. Planning Commission Exchange and Liaison Reports:
- County Commission
  - Health Department
  - Public Service District
  - Parks and Recreation
  - Jefferson County Development Authority
  - Water Advisory Committee
  - Planning Commission Exchange
  - Historic Landmark Commission
10. President's Report.
11. Actionable Correspondence.
12. Non-Actionable Correspondence.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record.

Feel free to submit your comments to any of the addresses below:

Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414  
Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414  
Email Address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
Fax Number: 304-728-8126

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

**DRAFT**

Jefferson County Planning Commission

June 09, 2015

The Jefferson County Planning Commission met on June 9, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Mike Chapman and Peter Fricke. Staff members present included David Simon, Zoning Administrator; Rhonda Greenholtz, Planning Clerk; Jonathan Saunders, County Engineer; and Nathan Cochran, Legal Counsel. Gary Phalen and Dick Childs were absent with prior notification. Donnie Fisher was not present without prior notification.

Mr. Stolipher called the meeting to order at 7:00 p.m.

1. Approval of the minutes from the following Planning Commission Meetings:

- May 12, 2015

Mr. Steve Stolipher asked if there were any objections to the approval of the meeting minutes. No objections were made. Minutes were approved.

2. Citizens Communications:

Mr. Matt Knott, River Riders, reiterated previous concerns regarding the possible annexation that was discussed at the Public Hearing held on May 12, 2015 regarding the Proposed Urban Growth Boundary for the Town of Bolivar.

- Mr. Rob Glen, Representative for Standard Land Company LLC, submitted a letter to the Planning Commission in opposition to the inclusion of the 405 acre parcel within the Proposed UGB for the Town of Bolivar citing the following reasons:
  - a. This action would be inconsistent with the recently adopted County Comprehensive Plan.
  - b. There has been no outreach or information provided to Standard Land Company by the Town of Bolivar.
  - c. Standard Land Company property was recently rezoned to a flexible zoning category.
  - d. Sewer, water and electric utilities are located on site.
  - e. There is no benefit to the Standard Land Company property being subjected to additional regulation or taxation.

3. Action on a Public Hearing that was held on May 12, 2015 on the proposed Bolivar Urban Growth Boundary. The Public Hearing was closed and no additional public testimony will be taken.

Action was taken on a Motion made by Mr. Peter Fricke which was postponed from the May 12, 2015 Planning Commission meeting after receiving input from legal in response to questions regarding possible annexations of properties located within the Proposed Urban Growth Boundary (UGB) for the corporation of Bolivar.

Mr. Steve Stolipher repeated Agenda Item # 3 from the May 12, 2015 Planning Commission meeting and restated the Motion made by Mr. Peter Fricke: "I move that the Planning Commission advise the County Commission that the proposed Urban Growth Boundary is consistent with the Envision Jefferson 2035 Plan.", which had been seconded at that time.

A vote was taken and failed with a vote of 2 (for) to 4 (opposed). (Mr. Wade Louthan, Mr. Mike Chapman, Mr. Stephen Stolipher, and Mr. Dale Manual opposed.)

Mr. Dale Manuel inquired from Legal Counsel what impact “forced annexation” into the Town of Bolivar would have on affected properties.

Mr. Nathan Cochran, Legal Counsel for Jefferson County stated that the County Commission does not have a say on annexations if the property is located within an UGB. If a particular property is contiguous but outside an UGB or non-contiguous and outside an UGB then the County Commission has to agree with the Town. If an agreement is not made then either party may ask the Court to make a decision on the issue. Mr. Nathan Cochran entered a copy of West Virginia Code 8A, 8.6.4A for the record.

Mr. Mike Chapman stated that the Proposed UGB should have been discussed at the draft stage of the Envision Jefferson 2035 Comprehensive Plan and does not support the motion on the table at this time.

Mr. Robert Hardy, Mayor of Bolivar spoke. As previously stated in the May 12, 2015 Planning Commission meeting there are no intentions of any annexations of properties into the Town of Bolivar. This meeting is for the Planning Commission solely to determine if the UGB is consistent with the Envision Jefferson 2035 Comprehensive Plan.

Mr. Dale Manuel made a motion that the UGB is not in conformance with the Envision Jefferson 2035 Plan and counsel shall prepare a document to the County Commission. Mr. Wade Louthan seconded the motion which passed with a vote of 4 to 2 (Mr. Peter Fricke and Mr. Gene Taylor opposed).

4. A Final Plat Public Hearing was held for Aspen Greens Phase IIA, Lots 21-46 (File #PC 14-01). The project is to consist of 26 Single Family Lots and two meadows on 16.235 acres. The property is located northeast of the intersection and along Old Country Club Road and Flowing Springs Roads. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19; Owner/Developer: Roderick Planes, LLC, Maurice Gladhill.

Mr. Fred Gates, Gates & Associates, stated that all approvals have been granted and as this is simply a formality, he asked if there were any questions concerning the project.

Mr. David Simon spoke that the applicant has addressed any and all concerns and recommend approval of the Final Plat.

Mr. Steve Stolipher opened the floor to public comment.

No public comment was made.

Mr. Steve Stolipher closed the floor to public comment.

Mr. Dale Manuel made a motion to approve the Final Plat for Aspen Greens Phase IIA, Lots 22-46, File # PC14-01. Mike Chapman seconded the motion. A vote was taken which carried unanimously.

Mr. Steve Stolipher recused himself from the following two (2) agenda items citing conflict of interest and handed the meeting over to Mr. Wade Louthan, Vice President

5. A Public Workshop was held for a Concept Plan for 637842 Delaware Corporation, D/B/A Kent Cartridge Manufacturing Facility (File #S15-02). The Concept Plan includes a 20,000 square foot expansion for warehousing and storage of an existing ammunition manufacturing facility. The property located on a 173.58 acre parcel. The property is located at 795 Hite Road in Kearneysville and is designated as Tax District: Middleway (07); Tax Map: 8; Parcel 4; Zoned: Rural; Size: 173.58 Ac.

Mr. Wade Louthan asked for any discussion.

No discussion was had.

Mr. Wade Louthan opened the floor for Public Comment.

Ms. Linda Barnhart, Representative of 637842 Delaware Corp. D/B/A/ Kent Cartridge spoke. Kent Cartridge has been in operation for 31 years. The engineer Jason Gerhart with Gordon is present to answer any questions regarding the proposed expansion. Mr. John Reisenweber was also present to speak on behalf of the project.

Mr. John Reisenweber, Executive Director for the Jefferson County Development Authority spoke in favor of the proposed expansion. A letter to the Planning Commission in support of the project was submitted as part of the record.

Mr. Dale Manuel cited a letter submitted to the Planning Department by the Jefferson County Historical Landmarks Commission stating there were no objections to the proposed Concept Plan.

Mr. Dale Manuel made a motion to approve the Concept Plan for the 637842 Delaware Corp. D/B/A/ Kent Cartridge. Mr. Peter Fricke seconded the motion. A vote was taken which carried unanimously.

6. A Public Hearing was held for a request by applicant 637842 Delaware Cartridge D/B/A Kent Cartridge (File #PCW15-01), for a waiver from the requirements of Section 20.203 (1), and Division 26.200 the Jefferson County Subdivision and Land Development Regulations which would require this project to process as a Major Site Plan, to process as a Minor Site Plan. The property is located at 795 Hite Road in Kearneysville and is designated as Tax District: Middleway (07); Tax Map: 8; Parcel 4; Zoned: Rural; Size: 173.58 Ac.

Mr. Wade Louthan asked for any discussion.

No discussion was had.

Mr. Peter Fricke asked that the Planning Department staff recommendation be presented.

Mr. David Simon presented the staff recommendation for the waiver request. Kent Cartridge is placed in a unique situation as the building currently has a large existing footprint which places them in a "grey zone" between what qualifies as a "Minor Site Plan" vs. a "Major Site Plan". Kent Cartridge has met all standards and has documented all of the situations asked of them. Planning staff recommends approval of the waiver request to process as a Minor Site Plan.

Mr. Dale Manuel asked if there were any objections from the public to allow this request.

No objections were presented.

Mr. Dale Manuel made a motion to approve the waiver request by 637842 Delaware Corp. D/B/A Kent Cartridge to process as a Minor Site Plan. Mr. Peter Fricke seconded the motion. A vote was taken which carried unanimously.

Mr. Steve Stolipher returned to the room and the meeting was turned back over to him.

7. A Public Hearing was held for a request by applicant Mark-Colonial Hills, LLC (PCV#15-03) for a variance from the requirements of Article 8, Section 8.2.e.3 of the 1979 Jefferson County Subdivision Ordinance. The applicant is requesting a reduction in the requirement for the minimum road frontage from 80' to 70' to permit two additional single family lots. The property is located on

the east side of Potomac Farms Drive (Jefferson County Route 245) in Shepherdstown and is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel 10; Zoned: Residential Growth; Size: 27.15 Ac.

Mr. Ryan Perks, Alpha Associates, presented the request for the applicant. Mr. Ryan Perks was joined by Mr. Bob Kinsley and Mr. Rick Fink, Owner/Developer. Reduction of the required lot road frontage will reduce the size of the lots and allow for the increase of 11 additional lots not two (2) as the agenda stated. If this variance is approved, an amendment to the Community Impact Statement will be required because it will result in an increase in the number of lots and the density.

Mr. David Simon stated the Planning Department Staff report supports the request for the reduction of the minimum road frontage from 80' to 70'.

Mr. Steve Stolipher opened the floor for public comment.

No public comment was made.

Mr. Steve Stolipher closed the floor to public comment.

Mr. Mike Chapman made a motion to approve the variance request. Mr. Dale Manuel seconded the motion. A vote was taken which carried unanimously.

8. Request for postponements: Request to postpone the discussion and red-line edits for the proposed amendments created by an appointed citizen based committee regarding Campgrounds. Due to short staffing and time constraints relevant to other pressing issues, staff has not had time to investigate and prepare material for review. This item will be placed on the July 14, 2015, 7:00 pm scheduled Planning Commission meeting.
9. Reports from Legal Counsel and legal advice to the Planning Commission:
  - a) Active Litigation:
    - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session Mr. Nathan Cochran recused himself from this item citing conflict of interest. This item can be discussed when Legal Counsel Ms. Lydia Lehman is present.
    - Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session.

Mr. Dale Manuel made a motion to enter into executive session at 7:50 PM. Mr. Gene Taylor seconded the motion. A vote was taken, which carried unanimously.

Mr. Mike Chapman made a motion to come out of executive session at 8:02 PM. Mr. Dale Manuel seconded the motion. A vote was taken, which carried unanimously.

Mr. Dale Manuel made a motion that Legal Counsel continue to defend the Planning Commission in the law suit that has been brought against the Planning Commission by the Shiloh Citizens Association. Mr. Gene Taylor seconded the motion. A vote was taken which carried unanimously.

10. Directors Report:

- The next regular Planning Commission meeting is scheduled for July 14, 2015

11. Planning Commission and Liaison reports:

- None

12. President Report:

- None

13. Actionable Correspondence:

- None

14. Non Actionable Correspondence:

- None

Mr. Steve Stolipher motioned to adjourn the meeting at 8:15 p.m. A vote was taken and passed unanimously.



# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

P.O. Box 338

Charles Town, WV 25414

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

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## MEMO

**To:** Jefferson County Planning Commission

**From:** Jennifer M. Brockman, AICP  
Director of Planning and Zoning

**Date:** July 14, 2015

**RE:** Proposed amendment to Appendix C, Principal Permitted Uses Table of the Jefferson County Zoning and Land Development Ordinance, regarding Cultural Facilities (ZTA 15-01)

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On June 18, 2015 the Shepherdstown Library Board petitioned the County Commission for a Zoning Ordinance text amendment to change Cultural Facilities from “Not Permitted” to “Permitted” within the Residential Growth District. The County Commission voted unanimously to initiate the requested text amendment to the Ordinance. As a result of the County Commission’s action, a Public Hearing was scheduled for the July 14, 2015 Planning Commission meeting.

### Overview

Currently, Appendix C of the Jefferson County Zoning Ordinance lists Cultural Facilities as “Not Permitted” in the Residential Growth District (see Appendix C, Principal Permitted Uses [attached]). The Zoning Ordinance defines a Principal Permitted Use as “Any use which is or may be lawfully established in a particular district, approved by the Departments of Planning and Zoning without requirement of Development Review System review or approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance.”

A Cultural Facility is defined in the Zoning Ordinance as “A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest.”

It should be noted that according to Section 5.4 of the Zoning Ordinance, “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.”

### Planning Commission Role

In accordance with Section 12.4 of the Jefferson County Land Development and Zoning Ordinance, a text amendment proposed by a board other than the Planning Commission may be made by written request to the County Commission, who can choose to initiate the text amendment. If the County

Commission agrees to initiate the amendment, it is required to refer the proposed amendment to the Planning Commission in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended, in order for the Planning Commission to provide advice to the County Commission on the consistency of the proposed text amendment with the Comprehensive Plan. The Planning Commission may hold a hearing regarding the request in order to make an informed recommendation to the County Commission.

**Relevant Sections of the Envision Jefferson 2035 Comprehensive Plan**

One of the five primary Elements of the Envision Jefferson 2035 Comprehensive Plan is the “Education and Public Libraries” Element. This element discusses the role and importance of libraries in the development of a well-balanced community. The Plan discusses how the role of libraries has changed from being a depository of books and electronic media to community centers of information serving a wide range of community needs, including acting as localized centers for employment and job training activities. The following goal and recommendation relate to the need to locate libraries in areas that serve the residential populations:

**Goal #23: Ensure that a High Quality Library and Information Technology Service is Available to Residents of Jefferson County.**

**Objective #3:** Encourage the construction of new library facilities in areas within municipalities, UGBs, PGAs, or Villages, preferably in walkable proximity to residential neighborhoods, retail areas, services, and recreational areas.

**Public Library Recommendations (Goal 23)**

- |           |   |
|-----------|---|
| <b>3.</b> | Collaborate with applicable municipal or County agencies to identify potential library sites, prioritizing locations in close proximity to schools, neighborhoods, and village or town centers. |
|-----------|---|

**Conclusion**

The Envision Jefferson 2035 Comprehensive Plan clearly states the importance of locating new libraries near residential neighborhoods. Having an Ordinance which does not permit libraries in the Residential Growth (RG) is contrary to the recommendations and goals of the Plan. The recommended text amendment is consistent with the 2035 Plan.

**Attachments**

- ❖ June 18, 2015 CC Agenda Item #14, Shepherdstown Library Submission (5 pages)

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



Name: **Kristen Stolipher**

Department or Organization: **Gordon, on behalf of the Shepherdstown Library**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **Thursday, June 18th**

*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*): Text amendment to Jefferson County Zoning Ordinance, "Appendix C, Principal Permitted Uses Table", to change Cultural Facilities from Not Permitted to Permitted within the Residential Growth District.

Please provide the County Commission with a description of your request or presentation, including any background information: Text amendment to Jefferson County Zoning Ordinance, "Appendix C, Principal Permitted Uses Table", to change Cultural Facilities from Not Permitted to Permitted within the Residential Growth District.

By definition in the ordinance, libraries fall under the category of Cultural facilities. Under the 2009 Subdivision regulations, libraries were not specifically referenced, however private or public schools as well as public service establishments were permitted in the Residential Growth District. We are currently in the process of preparing a site plan for the construction of the Shepherdstown Library located on Lowe Drive in Shepherdstown.

Is this a funding request? Y/N

If so, how much? N/A

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): We would ask that the County Commission schedule a public hearing for a text amendment of the Jefferson County Zoning Ordinance to modify Appendix C to change the NP (Not Permitted) to P (Permitted) on the Permitted uses table.

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

If not attached, explain: Attached

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

Contact information:

Email address: [kstolipher@gordon.us.com](mailto:kstolipher@gordon.us.com) Phone Number: 304-725-8456

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

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

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	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	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	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	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	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	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 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	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	PC	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
Heliport	NP	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	PC	
<b>Industrial</b>													Sec. 8.9
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	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	
Heavy Equipment Repair	NP	NP	PC	PC	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

Convenience Store, Limited <sup>27</sup>	A convenience store not exceeding 1,500 square feet of retail floor, with hours of operation limited to the period between 6:00 A.M. and 11:00 P.M.
Convention Center <sup>27</sup>	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.
Cottage Industry <sup>8, 24</sup>	An occupation conducted at a residential premises, as described in Article 4A of this Ordinance.
Country Inn <sup>23</sup>	A private residence at least 50 years old that offers sleeping accommodations to lodgers in 30 or fewer rooms for rent. For the purpose of this definition, a lodger means a person who rents a room in a country inn establishment for fewer than 30 consecutive days. The land use may include a restaurant open to the general public as well as to guests.
Cultural Facility <sup>23</sup>	A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest.
Custom Manufacturing <sup>27</sup>	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.
Day Care Center, Large <sup>23</sup>	A facility: (1) licensed by the state, if applicable; (2) providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction.
Day Care Center, Small <sup>23</sup>	A facility: (1) in a dwelling unit; (2) licensed by the state, if applicable; (3) providing care for five or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are not included in the total; and (4) which may include some instruction.
Department <sup>22</sup>	The Jefferson County Planning and Zoning Department.
Development	The subdivision of land; construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, installation of a sign; and any mining, landfill or land disturbance, such as grading, paving and excavation.
Development Review System	A numerical rating system designed to assess a particular site's development potential based on soils and amenity criteria cited within this Ordinance.

Driswood Elementary School have the opportunity to incorporate this concept into their development plans as well as any development that may occur in the Shenandoah Junction PGA/School Based Growth Area surrounding TA Lowery Elementary School, Wildwood Middle School and Jefferson High School.

Jefferson County schools are primarily funded by property taxes and a voter approved excess levy that is required to be renewed every five years. These taxes are not limited in the manner that impact fee funds are limited. The specific use of excess levy funds is set out in the election notice to ensure the JCBOE is able to meet the desired quality of services and facilities for its students. Additional funding is available in Jefferson County through impact fees for schools which has allowed the JCBOE the ability to match state funds for construction projects. These matching funds have enabled Jefferson County to advance on the state priority list for building funds. It is important to note that impact fees are only able to be used on capital improvements that relate directly to cost of providing additional resources due to the growth generated by students in new homes built in the County.

Jefferson County, like other communities, recognizes the need to provide additional community amenities and services, such as community centers, libraries, and parks: to assist in improving the health and welfare of the community, to enhance the quality of life, and in some cases, to serve as a tool for attracting tourism to the County.

Communities have also recognized that in order to have schools continue to serve as community centers, it is important to work with the school board to plan for facilities to be used by both the student population and the community at large. Numerous communities have been able to successfully co-locate facilities on a school site and resolve issues related to the liability, safety, financing, and staffing of joint use facilities. There are several examples in West Virginia where shared library, recreation and health services for schools and communities have been coordinated. For the most part, the primary agency for action would be the JCBOE and other entities that are not under the control of the County Commission. County officials and staff, however, could serve in an advisory role in the implementation process.

It is also critical to note that the County school system and local higher education institutions have an important role in helping to prepare a well-educated and trained work force for existing and future employers in Jefferson County. Working collaboratively with the Jefferson County Development Authority to be aware of local workforce development needs will assist both the schools and the employers in developing a well prepared work force. Based on general and educational planning principles and the public input received by County staff, the following recommendations are provided.

*Envision 2035 Comprehensive Plan*

libraries have increased and the County Library Boards have made efforts to address the space needs through the construction and expansion of the South Jefferson Public Library and the future construction of a new library in the Shepherdstown area. The allocation of space within existing libraries to support not only study efforts and small group meetings, but also to support larger scale programming efforts such as movies, entertainment, and as a meeting place for community groups, is something that libraries are working to address, particularly in rural communities and in areas with increasing population growth.

<b>Public Library Recommendations (Goal 23)</b>	
1.	Continue to identify ways to affordably provide traditional and virtual library services; a bookmobile service that can serve village areas, senior centers and underserved areas; and educational entertainment options to residents of Jefferson County.
2.	Identify ways to improve library services on the Blue Ridge Mountain.
3.	Collaborate with applicable municipal or County agencies to identify potential library sites, prioritizing locations in close proximity to schools, neighborhoods, and village or town centers.
4.	Identify funding sources for both capital and operating needs that would allow for the expansion of library services and facilities.
	a. Consider the creation of a countywide library foundation to provide funding for library needs.
5.	Encourage libraries to maximize existing library facilities and to explore possibilities for expansion at existing sites.



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning and Zoning**

116 East Washington Street, P.O. Box 338  
 Charles Town, WV 25414

File Number: #715-02  
 Staff Initials: dfc  
 Application Fee: \$ 1,250.00

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228  
 Fax: (304) 728-8126

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, 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 WV State Code. All Amendments to the Zoning 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.

**Property owner information**

Name: Charles M. Carter  
 Mailing Address: 7174 Martinsburg Pike, Shepherdstown, WV 25443  
 Phone Number: 304/676-8607 Email: \_\_\_\_\_

**Applicant contact information**

Name: Harry F. (Butch) Catrow, Jr.  
 Mailing Address: 443 Sandpiper Lane, Shepherdstown, WV 25443  
 Phone Number: 304/676-8607 Email: hgcatrow@aol.com

**Applicant representative**

Name: Annette Van Hilst, R.A., The Crossroads Group  
 Mailing Address: 22 Van Clevesville Road, Kearneysvelli, WV 25430  
 Phone Number: 571/428-7054 Email: agvh@frontiernet.net

**Physical property details**

Physical Address: 7174 Martinsburg Pike  
 City: Shepherdstown State: WV Zip Code: 25443  
 Tax District: Shepherdstown Map No: 7 Parcel No: 23 and 32.1  
 Parcel Size: 3.85 & 0.16 acres = 4.01 Deed Book: 161 & 275 Page No: 264 & 194

**Current Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RECEIVED JUL 07 2015 JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING		Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (O/C)
Place Received Date Stamp Here		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Proposed Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

*Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.*

No Proposed Use. The General Commercial Zone was not available in the past. However, the General Commercial Zone is now authorized for this area in both the 2015 Comprehensive Plan and the Current Zoning Ordinance. As discussed with the Director and Staff, the property will also be used to provide an access point to the growth area in the rear of this property which is owned by the Applicant. Some property will also be merged to this property as discussed.

*Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.*

See Attached

*Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.*

See Attached

*Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?*

*Yes, I request that the Planning and Zoning Staff present the petition*

*No, I prefer to present the petition*

**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

Yes No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

CM CARTER JR.

7/1/15

Hayden Carter

7-1-15

Signature of Property Owner

Date

Signature of Property Owner

Date

The 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 Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. 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 forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

*Recommended*

*Not Recommended*

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

*Approved*

*Disapproved*

**Final Determination/Other Comments**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#71502

MAP AMENDMENT REQUEST  
Article 12, Jefferson County Zoning Ordinance  
Charles M. Carter  
July 1, 2015

**Owner:**

Charles M. Carter  
7174 Martinsburg Pike  
Shepherdstown, WV 25443

RECEIVED

JUL 07 2015

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

**Applicant:**

Harry F. (Butch) Catrow, Jr.  
443 Sandpiper Lane  
Shepherdstown, WV 25443  
304/676-8607

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance, as amended.

**Map Amendment Definition:**

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

**Substantiation for the Request:**

1. The properties owned by Mr. Carter are currently zoned Residential Growth and the Owner and the Applicant are seeking a map amendment to the General Commercial District. As explained in this Application, the Applicants believe that this change is consistent and compatible with the 2015 Jefferson County Comprehensive Plan. This Comprehensive Plan compatibility is evidenced by the fact that the County Commission specifically added these properties into the Preferred Growth Area and Commercial area upon request of the owner during the recently completed Envision 2035 Comprehensive Plan effort;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The most significant change was the construction of the Connector Road which functions as a bypass around Shepherdstown. Other changes in the neighborhood include the development of the Maddex Commercial Area (Food Lion, etc.); the construction of the Clarion Conference Hotel and National Training Center; the enhancement to the entrance to the western campus of Shepherd University; and, the rezoning of the Lowe Parcel on the Connector Road to Residential/Commercial and Light Industrial. These changes are addressed in this Petition;
3. The General Commercial District is a newly created District and both the Comprehensive Plan and current Zoning Ordinance endorses this District for these properties. The property will still be considered in the Growth Area and will connect to the area that will remain Residential Growth by Easement or ROW for interconnectivity;
4. The properties were located in the 2004 Comprehensive Plan Growth Area and are now located in the 2015 Comprehensive Plan's Preferred Growth Area. Currently, these properties are located in the existing Residential Growth District, which allows for extremely high density residential development; and,
5. The properties were previously used for commercial purposes. In fact, the owner thought the property was already zoned for commercial because of the previous uses. The uses on the property in the past included a tavern and a retail establishment.

**Tax District, Map and Parcel Number:**

Shepherdstown Tax District, Map 7, Parcels 23 and 32.1

**Deed Book Reference:**

Parcel 23: Deed Book 161 at Page 264  
Parcel 32.1: Deed Book 275 at Page 194

**Sketch Plat:**

Attached

**Tract Size:**

Parcel 23: 3.85 Acres  
Parcel 32.1: 0.16 Acre  
Total: 4.01 Acres

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

*A. Comprehensive Plan Compatibility*

According to page 13 of the 2105 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcels are within one of these PGAs. As a matter of fact, because of the properties' history, current zoning, past designation in the 2004 Comprehensive Plan, these properties were specifically added to this PGA during the just completed Comprehensive Plan Process. The County Commission added the properties as a result of the attached letter by Mr. Carter. The purpose of Mr. Carter's letter and the County Commission's action was a precursor to this map amendment request. It is only natural that map amendments are requested shortly after the adoption of a new Comprehensive Plan.

Along with the new Comprehensive Plan, the Zoning Ordinance has been amended over the last several years to slowly evolve into a more traditional zoning ordinance that has more available zones and districts. These amendments included the creation of the General Commercial District. This district is for low to medium level commercial development along primary and good secondary roadways. As the owner requested a commercial and/or residential classification in the new Plan and the County Commission granted the request, the owner picked the most appropriate district for this property. The Zoning Ordinance specifically states that the General Commercial Zone should be utilized in the following locations:

“B. Location. This zoning category is intended for use 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.”

As previously described, the subject property is in the Growth Area in the 2004 Comprehensive Plan and is properly located on the future land use map (Guide) as Commercial and/or Residential in the 2015 Comprehensive Plan. As also stated, the property was specifically included into these areas by the County Commission at Mr. Carter's request. So, while many properties on the map were located generally, Mr. Carter's and Mr. Catrow's properties were specifically located by the County Commission for this purpose.

The subject property is located in the most developable category in the County's jurisdiction on the Future Land Development Map on Page 15 of the Plan (attached). The property is also shown in the Shepherdstown Area's PGA and listed as Commercial/Residential on the attached Future Land Use Guide.

Finally, with regard to maps, the property is currently located in one of the most intense available zones on the existing Zoning Map. This property has been located in the high density Residential Growth District in Jefferson County since the adoption of Zoning in 1988. This portion of the Zoning Map is also attached.

All three maps show that this property continues to be slated for urban level development. The requested General Commercial District would really be no more impacting than a high density residential development such as apartments for which the property is currently zoned. The connection with the property to the rear will allow any growth in that area to have direct access to this commercial area. This is what the Commission intended when it was added.

Page 20 of the Comprehensive Plan describes this PGA as follows:

**"a. Shepherdstown PGA**  
*(an area located south and west of Shepherdstown)*

This PGA is defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown's Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area."

Such description makes it clear that this Map Amendment Request is very consistent with the New Envision Jefferson 2035 Comprehensive Plan.

The new 2015 Comprehensive Plan (Page 25) also strongly encourages that the newer zones that have been created, such as the requested General Commercial

District be utilized instead of the Mixed Use Zone and the Residential Growth Zone. The Comprehensive Plan states that the older zones should be discouraged because they allow too much flexibility and broadness in these categories. Accordingly, the Plan encourages rezoning requests for the newer categories such as General Commercial. The County Commission specifically adopted the separate commercial districts to limit the broadness of an all-encompassing Residential Growth or Mixed Use classification. This aspect, again, demonstrates that the requested map amendment is consistent with the Comprehensive Plan.

The following recommendations are found in the Urban Level Development Recommendations Table starting on Page 30 of the Plan:

**“5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.**

**a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.**

**c. Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations.**

**7. Encourage the location of new infrastructure (water, sewer, utilities) within municipalities, UGBs, PGAs, or Villages.**

**a. Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available.**

**14. Require all commercial/industrial zoning map amendment requests to utilize new zoning categories adopted on June 1, 2014 (or later) and discourage the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.**

**a. Encourage any development in a zone that permits mixed use to be developed according to the Mixed Residential/Commercial or Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance.”**

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan by both the narrative (Page 69) and recommendations (starting on Page 70):

**“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas**

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses.” (Page 69)

Recommendations:

“5. Create a business friendly environment in Jefferson County.

6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, the 2004 Comprehensive Plan Growth Area Map, the original 1988 Zoning Classification and the Current Zoning Map, this map amendment is extremely consistent and compatible with the Plan. The adjacency of the Carter Property and the Catrow property was discussed during this process. The Carter and Catrow properties were added specifically to the growth area with Catrow to remain residential and Carter to be added to the Commercial area. The interconnectivity of these properties through a ROW or Easement will meet the goals of the Comprehensive Plan

***B. Change of Neighborhood***

The neighborhood has undergone significant changes since the zoning ordinance was adopted. In 1988, the Shepherdstown Wastewater Treatment Plant was nearing capacity and that is probably one of the reasons that more land wasn't zoned for commercial and mixed uses at that time. That Shepherdstown Treatment Facility is now nearing the completion of a major upgrade and can now support additional growth. Another major change in the neighborhood is that the Route 45 Connector Road (Potomac Farms Drive) was constructed in 2000/2001. This change will be further discussed in the Change of Transportation Characteristics' part of the petition. Finally, since 1988, the neighborhood has added a significant amount of residential units in several subdivisions including Maddex, Kensington, the Crofts, Tollhouse Woods and

Colonial Hills. Along with this residential growth, other commercial areas have also developed since 1988, leaving a deficit of available commercial land in and around the growth areas of the County.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the Residential/Light Industrial/Commercial District or General Commercial District:

1. Availability of Public Utilities:

Public Water is already near this neighborhood and Wastewater facilities can be extended to this neighborhood now that the Shepherdstown Wastewater Treatment Plant has expanded its capacity. It has long been the goal of Shepherdstown to extend its sewer services along Route 45. This map amendment would allow the applicant to participate in that extension. As stated earlier, several of the Comprehensive Plan's primary objectives are to build out the Preferred Growth Areas and serve them with Public Water and Wastewater.

In this case, the water is already available in the area and sewer expectations are reasonable. There would be no unreasonable costs to the community, since the additional utility customers would allow the Town to add to their customer base.

2. Growth in the Area:

Several large residential projects have been developed in this area that would certainly benefit from the additional commercial growth that would be permitted with this map amendment. Four of these, Colonial Hills, Tollhouse Woods, Kensington Townhouses and Maddex Subdivision, are residential developments that are approved with a significant number of residential units. Although the Maddex development has a limited amount of commercial services available to the residents in the Maddex Subdivision, Colonial Hills, Tollhouse Woods, the Crofts and Kensington Townhouses are approved mostly as a residential developments. When built out, these developments would most certainly need nearby commercial services available to their residents. Due to the limited area of Shepherdstown and the traffic congestion and parking problems within the town, it is important that commercial services be made available to the residents outside of town. As with the construction of the Connector Route, the new commercial services will help with this downtown congestion and back-up at the four way stop sign in town. Furthermore, these new commercial services should not have a negative impact on the businesses within the Central Business District of Shepherdstown, because of the unique collection of eclectic shops that are already in town. As

exhibited in other growth areas, such as Arlington and Alexandria, Virginia, these types of shops continue to thrive in their downtowns.

The other significant development in the area that was built after the zoning ordinance was adopted is the Clarion Conference Hotel and National Training Center. This hotel and conference center hosts major federal government training programs and conferences. The people attending these functions would also benefit from the availability of commercial services in the area.

The primary area that is zoned for commercial uses in the Shepherdstown Growth area is essentially developed. There was very little area in the Shepherdstown Growth Area that was zoned mixed use or commercial when the zoning ordinance was adopted. Most of that area was the Maddex Farm area that is now either fully developed commercially or already platted into residential lots. From this standpoint, it is vital to change some of the residential land into a commercial zone. Otherwise, commercial growth in the Shepherdstown Growth Area will not be able to meet the demands of the residentially zoned and/or developed properties in that growth area. This map amendment is a perfect opportunity to take some property slated for residential use and allow it to develop commercially. This map amendment would provide a balance of land available for both residential and commercial development.

*C. Change of Transportation Characteristics:*

Please note that this property is already zoned Residential Growth. As such, there should be little significant difference in traffic from this property if it is rezoned to General Commercial. A commercial development would have a more favorable outcome regarding traffic since some of the existing residential subdivision and dwellings local residents could utilize the new commercial services available if the property is rezoned.

Since the adoption of the original Zoning Ordinance, the major change to this area from a transportation standpoint happened when Potomac Farms Drive (Alternate Route 45) was constructed just east of this property. The addition of this road, along with the expanded entrance into the western campus of Shepherd University, has considerably changed the transportation characteristics of the neighborhood. These two improvements have allowed traffic to bypass Shepherdstown to keep pass through and local traffic away from the more congested areas of downtown. The addition of commercial services in the western suburb of Shepherdstown should further reduce commercial traffic in the downtown area of Shepherdstown, without negatively affecting the unique collection of shops in town. The proposed connection through the property to the properties in the rear will also help with growth management.

*D. Pre-Existing Uses on the Property*

The owner of the property is an older resident who believed that his property was already zoned for commercial use. He believed this because he previously used the property as a tavern and a retail sales establishment. These uses existed when zoning was originally adopted and he just thought that his property would remain approved for commercial uses. If he knew that the commercial grandfathered uses would terminate after a year, he would have tried to maintain a commercial use in the facility.

Once the owner found out that the new Comprehensive Plan was being written, he thought that he could correct that oversight. After submitting the attached letter, the County Commission agreed that this area should be approved as a PGA with a commercial and/or residential use. Accordingly, he is requesting that the property be shifted into the newly created General Commercial District.

*E. Current Recommendations in the Future Land Use Guide and Maps in the Envision 2035 Comprehensive Plan Support this Request:*

As stated in the Comprehensive Plan Compatibility portion of this request, after the very carefully scrutinized Maps and Guides were approved by the County Commission, it was anticipated that this property would be added to a commercial zone. These Plan Maps support this request as compatible and consistent with the Comprehensive Plan. As a matter of fact, this map amendment request is the culmination of the process that Mr. Carter began last year with his participation in the Envision Jefferson 2035 process.

*F. Conclusion:*

Mr. Carter and Mr. Catrow respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2015 Envision Jefferson Comprehensive Plan; the property was included in the 2004 Growth Area and is now included in the 2015 Preferred Growth Area; the property is shown as Commercial and/or Residential on the Future Land Use Guide (Map); the positive changes in the transportation characteristics in the area, especially the construction of the Route 45 Connector Route (Potomac Farm Road); the changes in the neighborhood from when the original zoning ordinance was adopted; the fact that the property was used commercially in the past and is located on a major transportation route between Shepherdstown and Martinsburg; the Zoning Ordinance supports this General Commercial District in this location; and, the fact that the property has access to Public Water and Sewer extensions. This map amendment will change the zoning classification on the Applicant's property from the Residential Growth District to the General Commercial District.

CHARLES M CARTER JR

Charles M. Carter

7/6/15

Date

Harry E Catrow

Harry E. Catrow, Jr.

7-7-15

Date

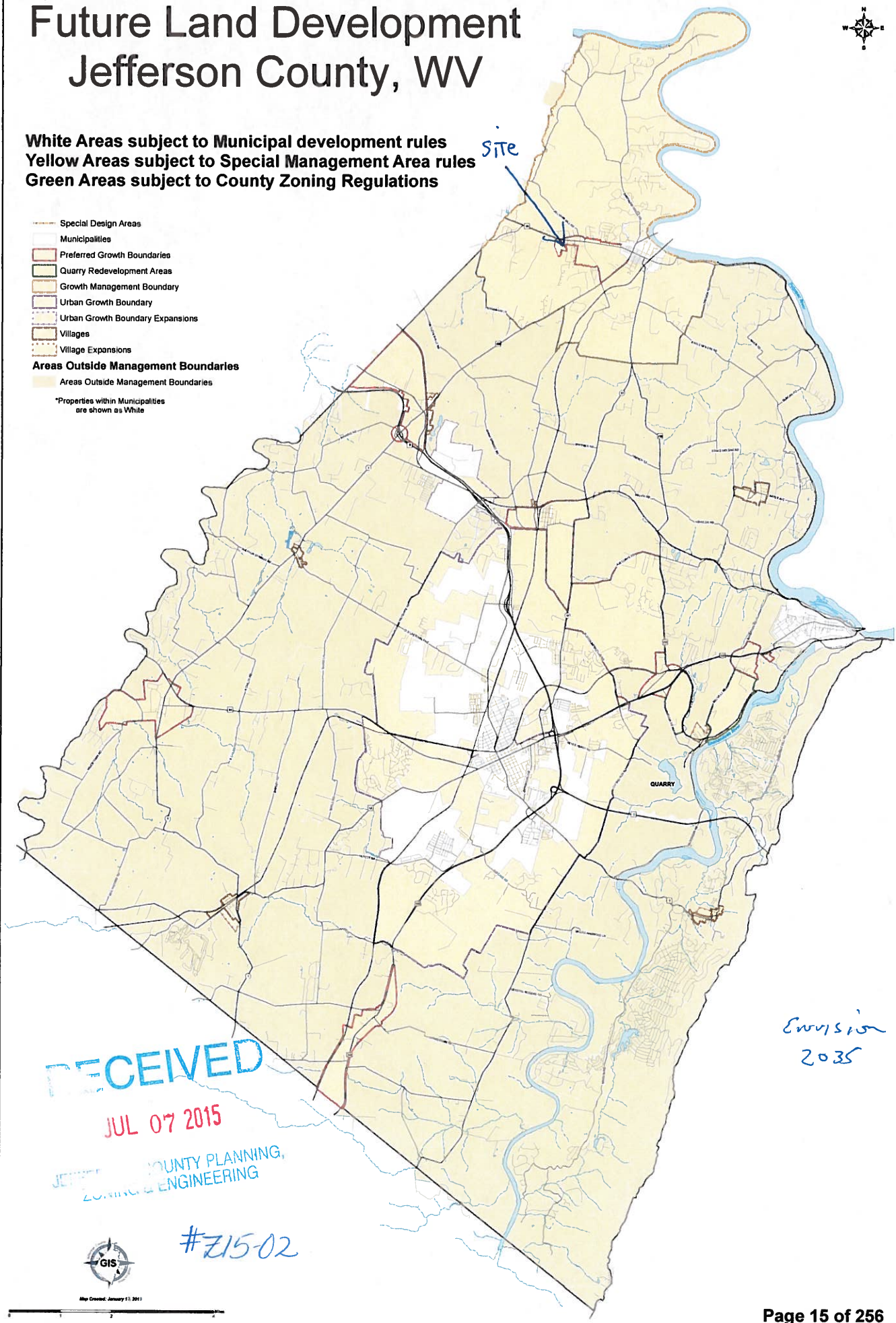
# Future Land Development Jefferson County, WV



**White Areas** subject to Municipal development rules  
**Yellow Areas** subject to Special Management Area rules  
**Green Areas** subject to County Zoning Regulations

- Special Design Areas
  - Municipalities
  - Preferred Growth Boundaries
  - Quarry Redevelopment Areas
  - Growth Management Boundary
  - Urban Growth Boundary
  - Urban Growth Boundary Expansions
  - Villages
  - Village Expansions
  - Areas Outside Management Boundaries**
  - Areas Outside Management Boundaries
- \*Properties within Municipalities  
are shown as White

Site



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JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

#715-02

EMVISION  
2035



Map Created: January 11, 2011



#215-02



#715-02

Mr. Charles Carter  
7174 Martinsburg Pike  
Shepherdstown, WV 25443

November 5, 2014

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

Dear Commissioners,

I am the owner of two properties that directly front on Route 45. These properties are Parcels 32.1 and 23 on Tax Map 7 in the Shepherdstown District. My neighbor recently told me that a new plan was being written that may have a negative impact on my property. I believe that my property is currently zoned Residential Growth and is also shown in the Shepherdstown Growth Area in the current 2004 Comprehensive Plan. My property was also used commercially for many years. The commercial uses included a bar and a gun shop. Although I am zoned for Residential Growth, it would seem more logical that my property would be either residential or commercial in the new plan since it fronts on Martinsburg Pike and is located in an area that is mixed use.

I am told that in the proposed plan, the Future Land Use Map has my property outside of all of the preferred growth areas. I take issue with the fact that my property isn't in the preferred growth area or shown as commercial/residential on the new map. This is very odd, especially since my property: was used commercially in the past; is located in the Residential Growth District; is located in the current Comprehensive Plan's Shepherdstown Growth Area; fronts on a major road; and, is shown adjacent to the proposed Preferred Growth Area and property slated for commercial and residential development on the Future Land Use Map. Any of these reasons by themselves would make it logical to place my property back into the Growth Area and shown as Commercial/Residential on the Future Land Use Map.

This entire area is slated for growth in the current ordinance and comprehensive plans; so, I don't know why this new growth area is going to be before my property. I have had people interested in purchasing my property because of the zoning, but now the new designation on the map will reduce the value of my property. I don't think this is fair and would respectfully ask that my land be included in the Preferred Growth Area and shown as Commercial/Residential. These two areas are immediately next to my property. Why would the line stop there, when I am in the current growth area?

Please take this request in consideration before you vote on the Plan and designate my property appropriately. Thank you.

Sincerely,

Charles Carter

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JUL 07 2015

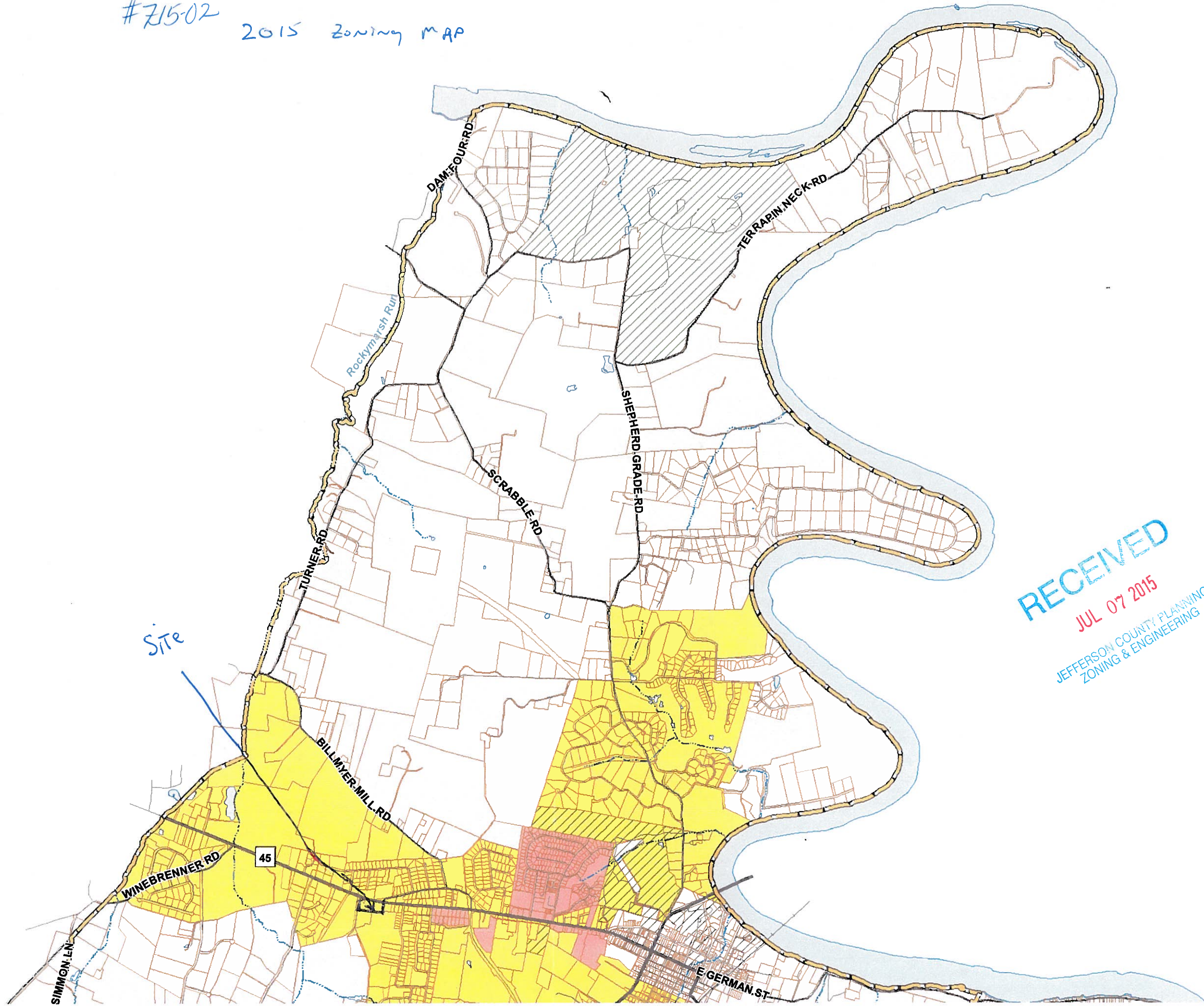
JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING



#715-02

#715-02 2015 Zoning MAP

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W



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ZONING & ENGINEERING

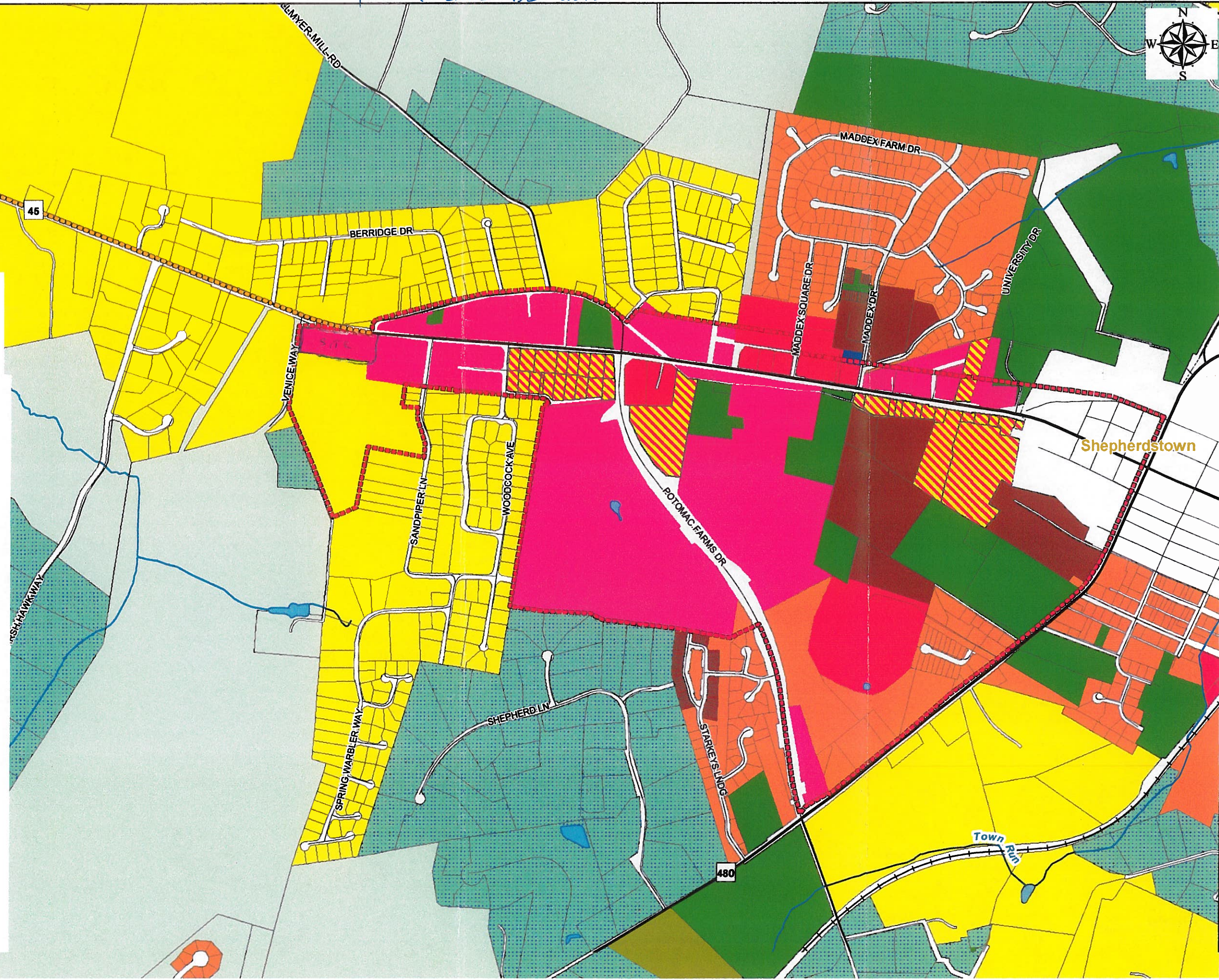
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FUTURE LAND USE GUIDE



# Shepherdstown PGA

- Special Design Areas
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Urban Growth Boundaries
- Urban Growth Boundary Expansions
- Villages
- Village Expansions
- Towns
- Farmland Preservation
- Future Land Use**
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course



Shepherdstown





# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

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## MEMO

**To:** Jefferson County Planning Commission

**From:** Jennifer M. Brockman, AICP  
Director of Planning and Zoning

**Date:** July 14, 2015

**RE:** Proposed amendment to the Jefferson County Zoning and Land Development Ordinance creating a new Section 8.16 Campgrounds (ZTA 15-02) and proposed amendments to the Jefferson County Subdivision and Land Development Regulations regarding the development of Campgrounds (STA15-04)

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On February 10, 2015, the Jefferson County Planning Commission voted to appoint a citizen-based committee to develop proposed language regarding rural campground facility standards and processes in both the Jefferson County Zoning and Land Development Ordinance and Jefferson County Subdivision and Land Development Regulations and recommend a draft amendment to the Planning Commission. The appointees included Annette Gavin, Mike Shepp, Duane Marcus, Janis Schiltz, Randy Creller, Wayne Bishop, Jim Gibson, Mark Dyck, and Glen Hetzell.

On May 12, 2015, the proposed amendments to the Jefferson County Zoning and Land Development Ordinance and the Jefferson County Subdivision and Land Development Regulations were given to the Planning Commission for their consideration. Staff has taken the recommended amendments and developed a red-lined version of the existing Ordinance and Regulations to enable the Planning Commission to see the recommendations in context and determine whether a public hearing should be scheduled.

On the attached documents, the colored text and strike-throughs are the “track changes” which include the recommendations from the Citizen’s Committee regarding campgrounds in the Zoning Ordinance and Subdivision Regulations. Highlighted areas are additions or comments that staff made in order to put their recommendations in context or to provide some staff direction.

It is important to note that the role of the Zoning Ordinance is to define the land use; to state where it is permitted; and to define setbacks and location criteria (the “what” and “where”). The role of the Subdivision Regulations is to define the development standards and process for a permitted use (the “how”).

### Attachments

- ❖ Recommended amendments from the Citizen Committee May 12, 2015 (Sub Regs and Zoning)
- ❖ ZTA15-02 Proposed amendments to Jefferson Co. Zoning Ordinance (redlined for public hearing)
- ❖ STA15-04 Proposed amendments to Jefferson Co. Subdivision Regulations Ordinance (redline for public hearing)

## Article 8

### Section 8.16 Campgrounds (New)

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations.

#### A. Permitted Uses

- a. Campsites, cabins, campers and recreational vehicles sites.
- b. Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.
- c. Caretaker residence
- d. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses related to the campground.
- e. Campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers.
- f. A campground shall not be used as a primary residence on either a temporary or permanent basis.

#### B. Development Guidelines

- a. Campgrounds shall be located on properties a minimum of 10 acres in size.
- b. A variance to the minimum campground size may be granted by the Board of Zoning Appeals.
- c. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.
- d. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards. A variance to this standard may be granted by the Board of Zoning Approvals.
- e. All campsites shall be located a minimum of 200' from existing residential dwellings.
- f. All campsites shall be visually screened from existing residential dwellings within 500'.
- g. Campsites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.
- h. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.
- i. Campsites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
- j. Campgrounds may be served by well and drain fields.

#### C. Regulatory Approval

- a. Campgrounds uses must submit a concept plan and be approved by the Board of Zoning Appeals pursuant to a public hearing.
- b. Upon approval of the concept plan a site plan must be processed in accordance with Jefferson County regulations.
- c. All state regulations pertaining to the operation and licensing of a campground must be followed.

**Proposed Amendments (ZTA 15-02) to  
Jefferson County Zoning and Land Development Ordinance  
Amendments adopted by the County Commission, June 1, 2014**

**ARTICLE 2: DEFINITIONS**

**Section 2.2 Terms Defined**

Campground<sup>27</sup> 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 campground 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). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of this Ordinance and relevant sections of the Subdivision Regulations.

**Comment [JB1]:** Staff added highlighted areas in text

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

**Section 8.16 Campgrounds**

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC) and Rural (R) zoning districts.

A. The following uses are identified as Permitted Uses within a campground:

1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.
3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses related to the campground.
5. Campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers.
6. A campground shall not be used as a primary residence on either a temporary or permanent basis.

**Comment [JB2]:** Staff comment: maybe this should be recommended for campgrounds in the rural zone but in the commercial zone, longer stays could be permitted, at least for a certain percentage of the sites

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.
2. A variance to the minimum campground size may be granted by the Board of Zoning Appeals.

**Comment [JB3]:** Staff comment: The statements about variances are not necessary as they are defined in the ordinance as a whole and apply to any dimensional provisions

3. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.
4. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards. A variance to this standard may be granted by the Board of Zoning Approvals Appeals.
5. All camp sites shall be located a minimum of 200' from existing residential dwellings.
6. All camp sites shall be visually screened from existing residential dwellings within 500'.
7. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.
8. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.
9. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
10. Campgrounds may be served by well and drain fields.

**Comment [JB4]:** Staff comment: BZA statement not necessary

C. Regulatory Approval

1. Campgrounds uses must submit a Concept Plan and be approved by the Board of Zoning Appeals Planning Commission pursuant to a public hearing.
2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

**Comment [JB5]:** Staff recommended change: Concept plans are generally approved by the Planning Commission, not the BZA. The BZA is involved if someone want t vary from the Zoning r requirements or if the use is considered a Conditional Use or Special exception.

APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23, 27</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
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	P	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	PC	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	NP	NP	NP	P	P	NP	
Campground	NP PC	P	NP	NP	NP	NP P	NP	P NP	NP	P	P	NP	Sec. 8.16
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	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	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	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	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	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	PC	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	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	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	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	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	NP	P	NP	NP	NP	P	P	NP	

**Comment [JB6]:** Staff comment: Note that the Ordinance currently permits campgrounds in NC (conditionally), GC, PND, RLIC and IC. The Committee was not specific to what zones they recommend that campgrounds should be permitted in but did state verbally that they would like for campgrounds to occur in the Rural zone. Staff has added it as "P" in Rural and changed it to "NP" in NC and PND. It is still listed as "P" in GC, RLIC, and IC.

**Introduction** – campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. The use of these private facilities does not post a transferable risk to Jefferson County, whose primary responsibility lies in the requirement to ensure the following;

1. Safe access and egress to state roads (WVDOT, JC Engineering)
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering department, JC Public Service District, WV Health Department)

## **Division 8.0 Campgrounds**

### **Section 8.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results.
- B. West Virginia regulations pertaining to campgrounds apply to all facilities.

### **Section 8.2 Campground Requirements**

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance. If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply.
- B. Dimensional Requirements
  1. All campsites shall be a minimum of 20' apart.
  2. The area of each campsite shall be a minimum of 1,200 square feet.
  3. No more than 15 campsites per acre are permitted.
  4. Each campsite shall provide an adequate stand for the placement of a camping unit. A campsite stand shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a 3 percent slope in any direction. No more than one camping unit shall be placed on or above a campsite.
- C. Road and Requirements
  1. Campground roads that serve have less than 300 vehicle trips per day;
    - a. Existing roads may be used to access campsites without meeting road standards.
    - b. May have asphalt or gravel surface.
    - c. 12 foot width with 3 foot pull off areas that allow larger vehicles to pass.
    - d. Maximum slope 15%
    - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
    - f. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
  2. Campground roads that serve more than 300 vehicle trips per day;
    - a. May have asphalt or gravel surface
    - b. 15 foot minimum width.
    - c. 15% maximum slopes

- d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
- e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

D. Parking

1. Campsites accessed by vehicles shall provide a level parking area.
2. If parking is not provided at the camp site, one space per camp site shall be provided.
3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.

E. Sanitation

1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
2. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500' of all campsites.
3. Each campsite shall be provided with a sanitary, covered garbage can.
4. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.
5. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed plus capacity to accommodate any public buildings.

F. Power

1. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

G. Fire Pits

1. If fire pits are provided for camp site they must be shown on the site plan. A detail of the fire pit must be provided.

H. Exceptions

1. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.

**Proposed Amendment (STA15-04) to  
Subdivision and Land Development Regulations  
(Effective January 1, 2014)**

C

**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 campground 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). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of the Zoning Ordinance and relevant sections of these Regulations.

**Comment [JB1]:** Staff edits are highlighted in yellow – staff recommends adding a definition to the Sub Regs similar to that in the Zoning Ordinance

**Division 7.0 Mobile/Manufactured Home Parks & Campgrounds**

**Section 7.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 7.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Mobile/Manufactured home parks and campgrounds are subdivisions with special requirements of their own. The provisions of Division 7.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 7.0, then the requirement of Division 7.0 shall apply.

**Section 7.3 Campground Requirements**

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance. The requirements and standards of this Section Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards: The use of these private facilities does not post a transferable risk to Jefferson County, whose primary responsibility lies in the requirement to ensure the following:

1. Safe access and egress to state roads (WVDOT, JC Engineering)
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering department, JC Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning

**Comment [JB2]:** Staff Comment: The committee recommended taking Campgrounds out this Division and making it Division 8, separating it from Mobile Home Parks. This can be done but Division 8 is already in use and it may require renumbering multiple sections – this should be discussed prior to advertising the public hearing.

Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.16 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of ~~1,500~~ 1,200 square feet not to include road rights-of-way or road easement.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road right-of-way.
4. No more than 15 campsites per acre are permitted.
5. All campsites shall be a minimum of 20' apart.
6. ~~C.~~ Each campsite shall provide an adequate stand ~~pad~~ for the placement of a camping unit. A campsite stand shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a 3 percent slope in any direction.
7. No more than one camping unit shall be placed on or above a campsite.

**Comment [JB3]:** Staff added – copied from new provisions in Zoning Ordinance

**Comment [JB4]:** Staff comment: Campgrounds are typically processed as site plans held in single ownership. In such case roads would be in an easement located on the site and not created as a separate dedicated right-of-way. Staff recommends changing this to platted road easement.

**Comment [JB5]:** The term “stand” is in the current regs, but staff is not sure that is the best term to be used – is “pad” better?

~~D.~~ A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.

**Comment [JB6]:** Moved and modified to E2 below

~~C.E.~~ Road and Access Requirements

1. Campground roads that serve have less than 300 vehicle trips per day shall meet the following standards:
  - a. Existing roads may be used to access campsites without meeting road standards.
  - b. May have asphalt or gravel surface.
  - c. 12 foot width with 3 foot pull off areas that allow larger vehicles to pass.
  - d. Maximum slope 15%
  - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
  - f. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 300 vehicle trips per day:
  - a. May have asphalt or gravel surface
  - b. 15 foot minimum width.
  - c. Maximum slope 15%
  - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
  - e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

**Comment [JB7]:** 12 foot is too narrow unless this a one way road – PC may want to consult with Engineering before considering this standard. If this is for one-way roads, may want to add the standards deleted from M below

**Comment [JB8]:** Again too narrow for two cars to pass

~~Main entrance and primary looping roads as determined by the County Engineer within a campground, shall be minimum 22 feet wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, Residential Subdivision with more than 12 lots.~~

**Comment [JB9]:** Staff has some concern that there does not seem to be a differentiation between main entrance and primary loop and other camp site access roads. Perhaps for the campgrounds roads in C2

~~F.~~ Roads within a campground that are not main entrance or primary looping roads as determined by the County Engineer shall be a minimum of 20 feet wide gravel with

shoulders and ditch ~~lines are required~~, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, *Residential Subdivision with a maximum of 12 lots*.

D.G. Parking Requirements

1. Campsites accessed by vehicles shall provide ~~one~~ level parking area at each site.
2. If parking is not provided at the camp site, one space per camp site shall be provided in a common parking area.
3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.

~~Convenient off street parking shall be provided at the rate of 1 space at each campsite; plus 3 additional spaces for each 50 campsites to be located at or near the campground office. Each parking space shall have a minimum dimension of 9 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.~~

Comment [JB10]: Staff recommends retaining these sentences.

E.H. Sanitation

1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
2. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500' of all campsites.
3. Each campsite shall be provided with a sanitary, covered garbage can.
4. I. — A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.
5. J. — As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed ~~plus 25 percent again to accommodate the tent area (if any)~~, plus capacity to accommodate any public buildings ~~an allowance for a sewerage dump station and a water refill station.~~

~~F.K.~~ All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

~~L. — Road rights of way in a campground shall be a minimum of 50 feet in width.~~

~~M. — One way roads shall be at least 12 feet in width with 3 foot wide gravel shoulders. Drainage ditch lines 1 1/2 feet deep shall be provided at a 4:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.~~

~~N. — Fire Pits (if provided) for campsite must be shown on the site plan. A detail of the fire pit must also be provided.~~

~~O. — Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.~~



# Jefferson County, West Virginia

## Departments of Planning and Zoning

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## Director's Report Planning Commission Meeting July 14, 2015

### 1) Upcoming Planning Commission Issues:

- a) Planning Commission discussion/action on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) – Need to initiate discussion with relevant county agencies when All Good Festival 2015 after-action report is complete for input into the draft ordinance (September PC Meeting?)
- b) Joint PC/CC Public Hearing for Zoning Map Amendment for Morgan Grove Market properties (8/11/15 7 pm)

### 2) Upcoming CC Actions relevant to Planning and Zoning:

- a) The Corporation of Bolivar has requested the establishment of an Urban Growth Boundary under the provision of WV State Code 8-6-4a. Legal staff recommended that the Planning Commission hold a Public Hearing to make a recommendation regarding adding this Boundary line to the County Zoning Map to the County Commission (*PC moved to inform the CC that the proposed bolivar UGB is not in conformance with the Envision Jefferson 2035 Plan 6/9/15 – CC action TBD*)

### 3) Upcoming PC meetings

#### a) Next Regular Meeting: **August 11, 2015**

- Joint PC/CC Public Hearing re: Morgan's Grove Market/Twin Oaks Subdivision Zoning Map Amendment
- Concept Plan Middleway Dollar General
- Concept Plan Advanced Auto
- Waiver Request Advanced Auto
- Possible Charles M. Carter Zoning Map Amendment (PC direction required)
- Possible Zoning Text Amendment Public Hearing re: campgrounds (PC direction required)