

## **NOTICE OF PUBLIC HEARING**

The County Commission of Jefferson County will hold a Public Hearing on **Thursday, October 1, 2015, at 1:30 p.m.** in the County Commission meeting room located at the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

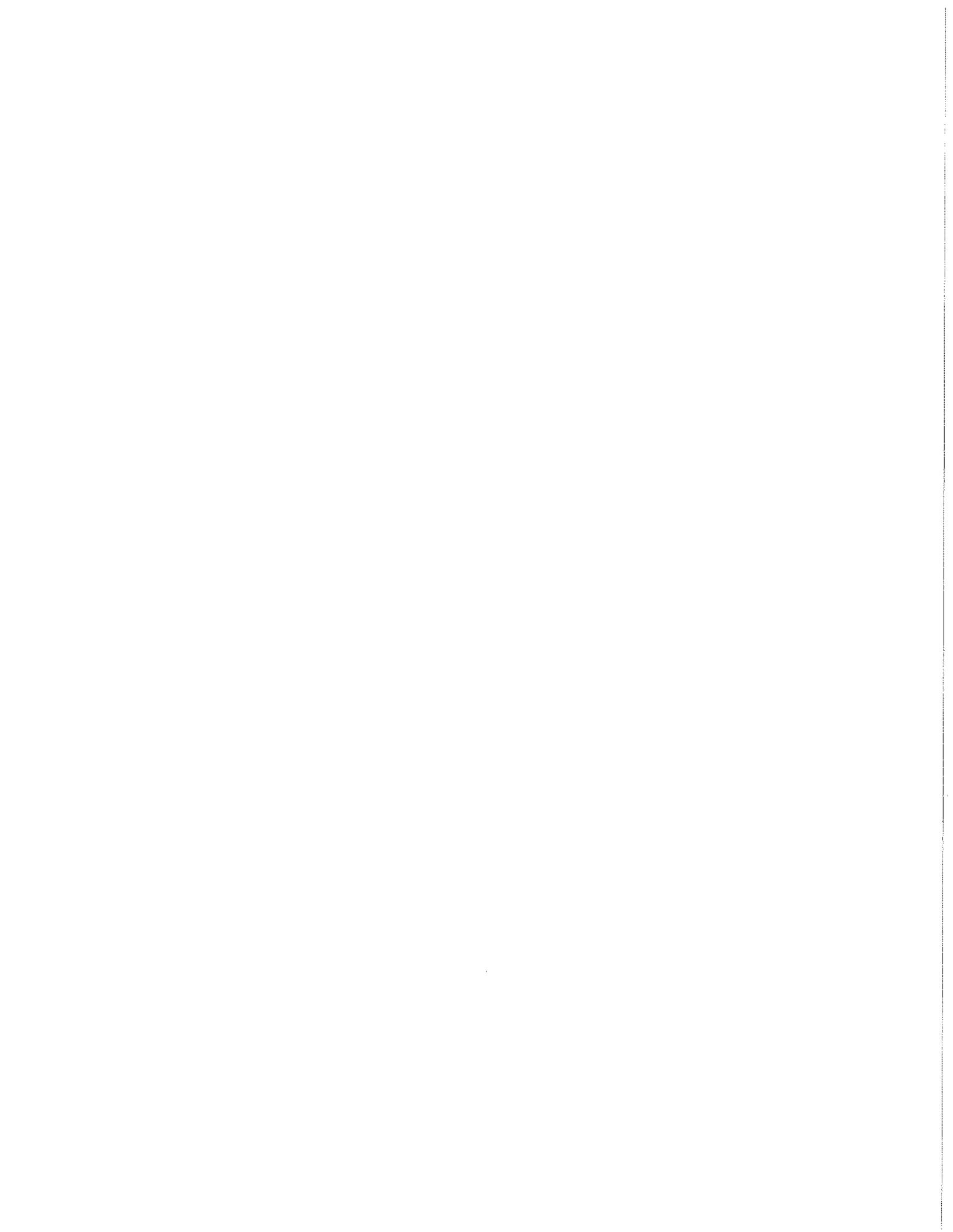
The purpose of the hearing is to receive public input on the proposed text amendment to the Zoning and Land Development Ordinance related to Cultural Facilities, File #ZTA 15-01. The amendment includes changing "Appendix C, Principal Permitted Uses Table", to change Cultural Facilities from Not Permitted (NP) to Permitted (P) within the Residential Growth District.

Anyone wishing to provide written or oral comment may do so at this meeting or send comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

A copy of the proposed information may be obtained on the County website at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

No decisions will be made at this meeting.

By Order of The County  
Commission of Jefferson County  
Jane M. Tabb, President



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



Name: Jennifer Brockman

Department or Organization: Department of Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: July 30, 2015.

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

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

Subject (*Wording to be placed on agenda*): Recommendation from Planning Commission regarding proposed text amendment to Appendix C, Principal Permitted Uses Table of the Jefferson County Zoning and Land Development Ordinance, regarding Cultural Facilities (ZTA 15-01)

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

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. In accordance with Section 12.4 of the Jefferson County Zoning and Land Development Ordinance, the County Commission voted to initiate the requested text amendment to the Ordinance and referred it to the Planning Commission so that they could provide advice on the consistency with the Comprehensive Plan. As a result of the County Commission's action, the Planning Commission scheduled and held a Public Hearing on July 14, 2015.

The staff report prepared for the Planning Commission found that the *Envision Jefferson 2035 Comprehensive Plan* clearly states the importance of locating new libraries near residential neighborhoods and that having an Ordinance which does not permit libraries in the Residential Growth (RG) is contrary to the recommendations and goals of the Plan (staff report attached). At the conclusion of the Public Hearing on July 14, 2015, the Planning Commission voted to recommend to the County Commission that the requested text amendment is consistent with the *2035 Plan*. This recommendation from the Planning Commission is being referred back to the County Commission at this time for your consideration and action.

Section 12.4 of the Jefferson County Zoning Ordinance requires that, subsequent to the recommendation received from the Planning Commission, all text amendments require a Public Hearing before the County Commission prior to a final determination.

Is this a funding request? Y/N NO.

If so, how much? \$

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

I move to schedule a Public Hearing on the Proposed Zoning Text Amendment which would change Cultural Facilities from "Not Permitted" to "Permitted" within the Residential Growth District within Appendix C, Principal Permitted Uses Table of the Jefferson County Zoning and Land Development Ordinance, on \_\_\_\_\_, 2015 at \_\_\_\_\_ p.m.

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

If not attached, explain:

**Attachments:**

- July 14, 2015 Planning Commission Staff report “Proposed amendment to Appendix C, Principal Permitted Uses Table of the Jefferson County Zoning and Land Development Ordinance, regarding Cultural Facilities (ZTA 15-01)”
- Excerpt from Appendix C

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

Contact information: Jennie Brockman

Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3288

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

Click here to enter text.



# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

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Charles Town, WV 25414

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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)**

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.

### **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)

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

