



AGENDA

Jefferson County Planning Commission
Tuesday, November 10, 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.

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:
 - October 13, 2015
 - October 27, 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. Request for postponement.
4. Review and approval of the 2016 Planning Commission Meeting Schedule.
5. **Public Hearing:** Request by DR Acquisitions, LLC for a variance from the 1979 Subdivision Ordinance, Section 8.2.a.14 (File #PCV15-04). The request is for a reduction in diameter for the cul-de-sac on Wilderness Court from 80' to 65'. Property location: north side of Route 340 (Sheridan Estates). Tax District: Harpers Ferry (04); Tax Map: 9D; Zoned: Residential Growth.

There is no public comment for the remaining items.

6. Discussion and possible recommendation to the County Commission the proposed text amendments to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations regarding campground standards (File #STA15-04 and ZTA15-02).
7. Discussion and possible recommendation to the County Commission regarding the proposed draft Zoning Ordinance Text Amendment RE: Mass Event Regulations (File #ZTA14-02).
8. Review and Discussion of proposed draft redlined edits to Article 12 of the Zoning Ordinance RE: Zoning Map and Text Amendments (File #ZTA15-03).
 - Possible handout during meeting.
9. Discussion and possible action related to document submission policy (SS).
10. 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 # 11-C-325 Possible Executive Session
 - Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session.
11. Director's Report.

12. 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

13. President's Report.

14. Actionable Correspondence.

15. 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.

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. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

DRAFT MINUTES

Jefferson County Planning Commission

October 13, 2015

The Jefferson County Planning Commission met on October 13, 2015, with the following Commission members present: Stephen Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Donnie Fisher, Mike Chapman, Dale Manuel, Dick Childs, Gary Phalen, and Peter Fricke. Staff members present included Jennie Brockman, Director of Planning and Zoning; David Simon, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Alexandra Beaulieu, Office/Project Manager.

Mr. Stolipher called the meeting to order at 7:02 PM.

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

- September 8, 2015

The minutes were approved with no objections.

- September 22, 2015

Mr. Stolipher requested that the minutes be amended to include the full recusal statement he read before Agenda Item #2. He provided staff with a written copy of his recusal statement. The amended minutes were approved with no objections.

2. Citizen Communications.

Mr. Bob Aitcheson spoke in reference to Agenda Item #6 regarding campgrounds in rural areas (see written comments submitted under Non-Actionable Correspondence of the agenda packet).

Mr. Doug Rockwell spoke in reference to Agenda Item #6 regarding campgrounds in rural areas (see written comments submitted under Non-Actionable Correspondence of the agenda packet).

Mr. Mark Dyck spoke in reference to Agenda Item #6 regarding campgrounds in rural areas and specifically addressed Mr. Aitcheson's letter addressed to the Planning Commission dated 10-13-15.

3. Public Workshop: Concept Plan Review for Shepherdstown Public Library (File #S15-05). The proposed project consists of the new construction of a 13,500 square foot public library building and associated parking. The property is located on Lowe Drive adjacent to the Clarion Hotel and Conference Center in Shepherdstown. Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 11; Zoned: Residential Growth; Size: 4.33 acres (after proposed mergers).

Mr. Stolipher recused himself from this agenda item due to a conflict of interest. Mr. Louthan presided over this portion of the meeting.

Mr. Simon provided an overview of the staff report. He stated that based on the requirements of the Subdivision Regulations, staff had determined the Concept Plan to be complete. Mr. Simon stated that a few outstanding issues should be discussed during the workshop pertaining to landscape buffers, the extension of Lowe Drive, the extension of water and sewer utilities, stormwater management, and ADA compliance. He noted that the Planning Commission should provide direction as to whether the proposed project should process as a Minor or Major Site Plan based on the discussion during the Workshop.

Mr. Louthan opened the floor to public comment. There was no public comment. Mr. Louthan invited the applicant to speak.

Ms. Kristen Stolipher represented the applicant and provided an overview of the Concept Plan. Ms. Stolipher addressed Staff's concerns pertaining to the extension of Lowe Drive. She stated that Lowe

Drive is not a DOH roadway but that there has been discussion to have Lowe Drive accepted in the DOH roadway system. Ms. Stolipher also addressed Staff's concerns pertaining to ADA access. She noted that ADA access would be on the left side of the site as the other side was too steep.

Mr. Manuel motioned to approve the Concept Plan with staff's conditions. Mr. Phalen seconded the motion. The motion carried unanimously.

Mr. Chapman requested clarification regarding condition of approval #4, pertaining to whether the project would process as a Minor or Major Site plan. Ms. Brockman stated that if the applicant has to extend Lowe Drive and water and sewer utilities to their site, then they would be required to process as a Major Site Plan.

4. Public Hearing: Proposed draft redlined amendment to the Subdivision and Land Development Regulations RE: Subdivision and Site Plan Processes (File #STA15-05).

Ms. Brockman provided an overview of the proposed amendment. She noted that the Planning Commission appointed a citizen's based committee to draft an amendment that would align County processing regulations with State requirements. Ms. Brockman stated that the committee provided an overview of the proposed amendments at the September 22, 2015 Planning Commission meeting. She noted that the biggest change in their proposed amendment is to remove the public hearing process from the Final Plat stage of a Major Subdivision. Ms. Brockman stated that all public input would be provided at the beginning of the process during the Concept Plan and Preliminary Plat stages. She also stated that another significant change was the Committee's proposal to broaden what is considered a Minor Site Plan from a project that is 50,000 square feet to 250,000 square feet.

Mr. Stolipher opened the floor to public comment. There was no public comment.

Mr. Phalen motioned to recommend the proposed text amendment STA15-05 to the County Commission for consideration and approval. Mr. Louthan seconded the motion, which carried unanimously.

5. Public Hearing: Request by applicant Amy Secrist (File #PCW15-03) for a waiver from Appendix B, Sections 2.5(M) and 9.5 of the Subdivision Regulations requiring off-street parking to be paved. The request is to utilize the existing gravel parking lot for the proposed reuse of the vacant building for a private school (Morgan Academy). Property location: the West side of Route 230 / Shepherdstown Pike in Shepherdstown and is formerly known as the Big Arm Bar & Grill. Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 37; Zoned: Residential Growth; Size: 13.4 acres.

Mr. Simon provided an overview of the staff report. He noted that the applicant will need to meet the number of parking spaces as required by the Zoning Ordinance. He also stated that at least one ADA-compliant parking space would be required in compliance with the Engineering Department.

Mr. Saunders provided an overview of the Engineering report. He stated that in addition to Staff's recommendations, the applicant will also be required to show that a minimum of 6" of gravel exists on the school's proposed parking area.

Mr. Stolipher invited the applicant to speak.

Ms. Secrist provided an overview of her proposed project. She stated that she would like to renovate the site to allow Morgan Academy to occupy the building for use as a private school for 40 students. Ms. Secrist stated that she had ample space for parking and that 6" of gravel would not be an issue, as the property has a great deal of gravel in reserve throughout the site.

Mr. Fricke inquired as to how the applicant was proposing to address Stormwater Management.

Ms. Secrist stated that there would not be an increase in impervious area.

Mr. Saunders stated that as the project has been presented, no Stormwater Management would be required. However, if the applicant has to process a Site Plan, which would be required if any square footage was added to the building, then stormwater management would be required.

Mr. Stolipher opened the floor to public comment.

Mr. Stolipher noted for the record that a letter had been submitted by Mr. Richard Anderson.

Ms. Bernadine Somers, owner of Morgan Academy, spoke in favor of the proposed project.

Mr. Chapman motioned to grant the waiver request with the two conditions of approval as recommended by Staff. Mr. Phalen seconded the motion, which carried unanimously.

6. Discussion and possible recommendation to the County Commission regarding the public input received on the proposed text amendments to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations regarding campground standards (File #STA15-04 and ZTA15-02).

Mr. Stolipher reviewed the comments matrix provided in the agenda packet item by item. The Planning Commission discussed the comments and requested that staff take the comments and implement them into a revised version of the draft amendment for discussion at the November meeting. See the attached matrix for a summary of the Planning Commission's comments regarding each item in the matrix.

Mr. Childs motioned to place the revised draft Campground text amendment (File #STA15-04 and ZTA 15-02) on the November 10, 2015 agenda for review. Mr. Phalen seconded the motion, which carried unanimously.

7. Discussion and possible recommendation to the County Commission regarding the proposed draft Zoning Ordinance Text Amendment RE: Mass Event Regulations (File #ZTA14-02).

Mr. Manuel motioned to postpone this item until the next meeting.

Mr. Stolipher recused himself from the discussion.

The Planning Commission voted unanimously to postpone this item. Mr. Louthan called for a five minute break.

The meeting reconvened at 9:32 PM.

8. Review and discussion of proposed draft redlined edits to Article 12 of the Zoning Ordinance RE: Zoning Map and Text Amendments (File #ZTA15-03).

Ms. Brockman stated that she and Ms. Lehman had met to discuss the amendment and that Ms. Lehman was researching a couple of topics related to State Code. Ms. Brockman stated that their intent would be to have a draft submitted to the Planning Commission for the November meeting.

9. Request for postponement.

Agenda Item #7: Discussion and possible recommendation to the County Commission regarding the proposed draft Zoning Ordinance Text Amendment RE: Mass Event Regulations (File: #ZTA14-02) was postponed until October 27, 2015.

10. Reports from Legal Counsel and legal advice to the Planning Commission.

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case #11-C-325 Possible Executive Session
 - Ms. Lehman prepared a handout to be distributed to the Planning Commission in her absence. Mr. Simon distributed the handout at the beginning of the meeting.
- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case #15-C-129 – Possible Executive Session
 - Mr. Cochran provided an update on Case #15-C-129. He stated that the Court dismissed the case against the Planning Commission.

11. Director's Report.

Ms. Brockman provided an overview of pending text amendments. She also reviewed upcoming Planning Commission meeting dates.

12. Planning Commission Exchange and Liaison Reports.

Mr. Fricke provided an update on behalf of the Historic Landmarks Commission.

Mr. Stolipher asked if any of the other Planning Commission members had reports. No one had any reports or updates.

Mr. Fricke motioned to schedule a special meeting on October 27, 2015 to discuss the proposed text amendment pertaining to Mass Event Regulations (File #ZTA14-02). Mr. Manuel seconded the motion, which carried unanimously.

Mr. Stolipher stated that he would recuse himself from the meeting. Mr. Chapman stated that he had a schedule conflict and would not be able to attend the meeting.

13. President's Report. None

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence.

- Letter from Maral Strathearn, dated 09-18-15 RE: Campgrounds in rural areas
- Email from Cathy Vance, dated 09-29-15 RE: Campgrounds in rural areas
- Letter from Bob Aitcheson, dated 10-07-15 RE: Campgrounds in rural areas
- Letter from Doug Rockwell, dated 10-07-15 RE: Campgrounds in rural areas

Mr. Stolipher called to adjourn the meeting at 9:42 PM.

**Proposed Zoning Text Amendment regarding Campgrounds in the Rural District –
Zoning and Land Development Ordinance and Subdivision and Land Development Regulations
Public Comments Received at 09/08/15 Planning Commission Public Hearing**

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
	ZONING ORDINANCE			
1		Review and consider NFPA 1194 standards. County should certainly comply with national standards but no reason to exceed or modify them.	Reasonable suggestion.	Use as a reference for minimum standards.
2	Zoning Ordinance	There needs to be different standards in the requirements between Rural and the three commercial districts identified in the Zoning Ordinance where campgrounds would be permitted (GC, RLIC, and IC).	Staff concurs.	The PC discussed this item at length and determined that it would be best to differentiate guidelines for campgrounds in the Rural and Commercial districts. E.G.: developed campgrounds (KOA as an example) in the commercial district; primitive or semi-developed campgrounds (tent camping, minimum facilities such as bathhouse) in the rural district. Mr. Chapman referenced the NFPA definitions for developed, primitive, semi-developed, and semi-primitive campgrounds.
			*Note: the referenced "NFPA 1194" document as referenced by Mr. Chapman was purchased by an individual Planning Commissioner in his individual capacity. At this point in time, staff has not obtained a copy of the referenced document and cannot reproduce copies due to the document being copyright protected; however, it is available for review online at http://www.nfpa.org .	

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
3	<p>Section 2.2 Terms defined.</p> <p>Campground: “An area of premises <u>in single ownership</u> operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient trailers, self-propelled campers, tents, cabins and/or lodges. ...”</p>	<p>Questioned the use of the term “in single ownership”</p>	<p>The purpose of this provision was to require the campground development to be on a single parcel of land rather than multiple parcels with their own setback requirements. Single ownership does not preclude ownership by multiple investors and could be worded differently.</p>	<p>No objections. Staff will amend definition to clarify intent that campground occur on a single parcel rather than multiple parcels.</p>
4	<p>Section 2.2 Terms defined.</p> <p>Campground: “An area of premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient trailers, self-propelled campers, tents, cabins and/or lodges. ...”</p>	<p>The intent of the committee was to allow permanent cabin structures in addition to cabins like the KOA has on their property. Consider adding definition of “Cabin” to the proposal.</p> <p>Proposed definition of Cabin: “A temporary or permanent structure for the purposes expressly permitted in Article ___ of the zoning Ordinance and Article ___ of the Subdivision regulations. Cabins are intended for temporary occupancy, not permanent residency; and shall not sleep more than 8 people per cabin. Cabins shall not be sold separately from the parent parcel without further processing under the appropriate land use ordinances in effect at that time. This structure shall at least provide a sleeping and bathroom area with appropriate campground health department approval for water and wastewater services. A permanent structure shall be built to current applicable Jefferson County Building code with the issuance of a Building Permit. A cabin permitted under the Campground articles of the Jefferson County Ordinances, shall not need to be located on a</p>	<p>A definition of cabin is a reasonable request. It should be noted that many campgrounds provide a “camping cabin” which is in essence just a sleeping cabin replacing the use of a tent, but the sites still require camp stoves and outdoor meal preparation and the use of a common bathhouse. We may want to differentiate between these types of cabins.</p>	<p>No objections. Staff will add “Cabin” and “Camping Cabin” to the definitions.</p>

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
		separate parcel and multiple cabins can be located on the same parcel as the parent parcel.		
5	<p>Section 2.2 Terms Defined Campground</p> <p>An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsites pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for <u>seasonal occupancy, as opposed to permanent year-round occupancy.</u></p>	Questioned whether this implied that permanent and year round were the same thing, noting that some campgrounds may be used year round by transient guest who are not permanent residents.	Staff believes that the current wording clearly differentiates between seasonal occupancy (which is temporary) and permanent occupancy. The term temporary could be added to the definition.	No objections. Keep proposed text as is.
6	<p>Section 2.2 Terms Defined Campground</p> <p>An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsites pads for seasonal accommodations for transient occupancy or use by tourists occupying <u>camping units such as trailers, self-propelled campers, tents, cabins and/or lodges.</u> 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.</p>		<p>Recommend deleting “such as trailers, self-propelled campers, tents, cabins and/or lodges” from the definition of campground and developing a separate definition for “camping unit” such as:</p> <p>“individual units designed for temporary occupancy such trailers, self-propelled campers, recreational vehicles, tents, cabins, fifth wheels, pop-up campers, and/or lodges”</p> <p>Also suggest changing the term “tourist” to “guests” or “customers”</p>	No objections. Amend text to reflect staff’s recommendation.

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
7	Section 2.2 Terms Defined	Clarify that caretaker residence is clearly incidental to the overall campground use and does not set precedence for other permanent residences.	Note that the Zoning Ordinance already includes a definition as follows: "Caretaker Residence: An accessory residential structure for the use of a caretaker or security guard." This could be broadened to include the phrase "Permanent or temporary residential structure that is secondary or accessory to the primary use of the property....." or similar language	No objections. Broaden definition to include staff's recommendation.
8	Section 8.16.A.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."	It would be impossible for the County to keep track of the number of days an individual is using a campground in 4 or 5 different campgrounds around the County. Consider removing this standard.	The purpose of this requirement is to ensure that campgrounds do not become permanent residential settings which lack adequate infrastructure for such use. FYI: The Flood Plain Ordinance defines a Recreational Vehicle and states that an RV may be placed in the Flood Plain only if it is fully licensed and ready for highway use and may be located on the site for less than 180 days to be temporary.	Extend length of stay to 180 days, which is consistent with Floodplain Ordinance. (Staff will get the exact language from the Floodplain Compliance Officer.)
9	Section 8.16.A.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."	Include recreational park trailers as found in the national code. This is a strong growth area in the campground industry and parks within the county should not be restricted from meeting this modern market demand.		PC had no comments. Addressed above.

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
10	Section 8.16.A	No more than six individuals may use or occupy a campsite in a Rural District.		PC did not accept this public comment. They believe the business owner will monitor the number of people permitted on a campsite as part of their business model.
11	Section 8.16.A.4 & 5	<p>These sections need more detail as to the types of recreational areas that may be permitted and/or rented out to the general public --</p> <p>Accessory Uses to Campgrounds should be clearly incidental to the use as the campground and have restrictions to ensure events cannot be held on the site that exceeds the expectation of a traditional campground facility.</p> <p>Consider including retail stores and food service for the needs of the campers; trails; fire pits; pavilions; limited size amphitheatres; etc.</p>	Staff concurs that this needs to be clarified including additional uses that are permitted and limiting the size of some types of uses (or requiring separate approval)	<p>Add language to clarify that if a campground hosts an event or activity that meets the definition of "Mass Event" or falls under another provision within the Zoning Ordinance, campground would have to process as a "Mass Event" or "Seasonal Use".</p> <p>Festivals/gatherings would not be an accessory use to Campgrounds.</p> <p>Discussion pertaining to primitive/Rural campgrounds came up again. The Planning Commission stated that there should be a restriction from permitting retail stores, food service, or amphitheatres in the Rural District. Fire pits and trails would be permitted in the Rural District. Such amenities would be permitted for a campground located in a Commercial District.</p>

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
12	Zoning Ordinance Section 8.16.B – Development Guidelines	Proposed setbacks for General Commercial, Residential-Light Industrial-Commercial, and Industrial Commercial districts: “Perimeter of campgrounds shall be defined by fencing, posting, natural boundaries or other methods to prevent unintentional trespass. All campsites shall be located a minimum of 200’ from existing residential dwellings and if within 500’ of an existing dwelling shall be screened for visibility, glare, and noise.”		Change the term “private property” and “residential dwelling” to “property lines”. “When campsites or amenities are within 1,000’ 500’ of a private property line, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass.”
13	Section 8.16.B.1.a and b “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.” “All campsites shall be located a minimum of 200’ from existing residential dwellings.”	Do the 200’ setbacks from dwellings and the 1000’ barrier requirement apply to hotels and other hospitality enterprises or just to campgrounds?	Setbacks would be different for facilities that are primarily indoors vs facilities which are primarily outdoors.	“All campsites shall be located a minimum of 200’ 500’ from existing residential dwellings property lines and visually screened.” 8.16.B.1(c) should be deleted because it is the same as (a).

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
14	Section 8.16.B.1.a	<p>Proposed setbacks for Rural district:</p> <p>"All campgrounds shall be located at least 1000' from adjoining property boundaries.</p> <p>All campgrounds shall be screened by a planting of trees, shrubs or other plant material, or a fence or both to serve as a barrier to visibility, glare, and noise."</p>		See above comments.
15	Section 8.16.B.2 "All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards."	Existing roads, driveways, easements, or rights of way can continue to be used to serve the farm, family lots, or the existing residences without being upgraded to the new standards. If a campground is only on a certain area of a farm, then it can share the access with the other activities along the farm lane or easement without the need for upgrading.		Amend text to read "All campgrounds shall have direct access from WV State roads." or roads that meet the Jefferson County Subdivision Ordinance standards."
16	Section 8.16.B.3	<p>Restrict camping within 500' of either river to tent camping only. No above ground structure, building or amenity, other than aforesaid tents, shall be erected, constructed or allowed within 500' of the river. Campsites may only be used between May 1 and October 31. Other than by the forces of nature, no change or alteration of the topography is permitted within 100' of the river.</p> <p>Campsites located within 500' or within the floodplain of either river must comply with all applicable federal, state, and county laws, ordinances and regulations.</p>	<p>Staff met with Mason Carter, the floodplain compliance officer, who stated that floodplain regulations allow certain types of permanent structures to be built within the floodplain, but they have to be built to specific standards and certified that they meet floodplain requirements. It is reasonable to restrict the camping within a set distance of the rivers to tent camping.</p> <p>Mr. Carter also stated that per floodplain regulations, RVs can be in the floodplain, provided they are still on wheels and not on site for more than 180 days.</p> <p>Mr. Carter felt it was sufficient for the</p>	No objections. Use current language as proposed by committee.

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
			Subdivision Regulations and/or Zoning Ordinance to state that "camp sites may be located within floodplain areas, provided all floodplain regulations applying to permanent structures are followed" (Zoning Ordinance, Section 8.16.B.23)	
17	Section 8.16.B1.b "A campsites shall be located a minimum of 200 feet from existing residential dwellings."	Change language to state that Also recommends that campsites shall be located a minimum of 200' from any property line (no the dwelling itself).	Staff concurs	No comment. Addressed above.
18	Section 8.16.B	There should be a minimum of 200 feet between the property lines of campgrounds and the property lines of subdivisions.	This would be difficult to enforce; however there could be a greater setback requirement if adjacent to a major residential subdivision, if desired.	No comment. Addressed above.
	SUBDIVISION REGULATION AMENDMENTS			
19	Section 8.2.A Campground Requirements	Amend proposed language in Section 8.2 of the Subdivision Regulations to delete "All campground facilities shall be designed in a manner which meets the following standards:" and replace with the following language: "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:"	It is difficult to balance public health safety and welfare with the desire for flexibility. Engineering should be involved in this discussion.	Change text to read: "...All campground facilities should be designed in a manner that complies with State and County Regulations, and meets the minimum requirements of NFPA 1194 standards." Delete the list of items 1-6

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20	Section 8.2.A.1 Safe access and egress to state roads	Questioned whether this meant that campgrounds are only permitted with direct access to state roads	Staff interprets this to mean that the internal campground access road would have to have direct access to a state road.	As discussed above, this item will be deleted and the section will be amended to a concise statement as noted above.
21	Section 8.2.B.1 "Campgrounds shall be located on properties of 10 acres in size and shall meet the setback requirements in Section 8.16 of the Zoning Ordinance."	The 10 acre size limitation is proposed to be in the [Subdivision Regulations] and Zoning Ordinance. It should only be in the Zoning Ordinance so that [the BZA is] the only body that needs to grant the variance. Clarify in the proposed amendments that properties less than 10 acres are not prohibited if the BZA grants a variance.	Minimum lot size is normally a Zoning provision. Section 8.2.B(1) of the Sub Regs could be amended as follows: "Campgrounds shall be located and shall meet setbacks as required in Section 8.16 of the Zoning Ordinance."	Move "Campgrounds shall be located on properties of a minimum of 10 acres in size." To the Zoning Ordinance. Amend the Subdivision Regulations Section 8.2.B.1 to read: "Campgrounds shall be located on properties of a minimum of 10 acres in size and shall meet setback requirements in Section 8.16 of the Zoning Ordinance."
22	Section 8.2.B.4, "Dimensional Requirements" "No more than 15 campsites per acre are permitted."	The maximum number of campsites per acre should be in the Zoning Ordinance, not the Subdivision [Regulations].	Density is normally a Zoning provision. This can be moved to Section 8.16B of the proposed Zoning Ordinance Amendment.	No objections. Staff will relocate this requirement to the Zoning Ordinance.

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
23	Section 8.2.B.4 "No more than 15 campsites per acre are permitted."	County's proposal limits no more than 15 sites on an acre. Modern campgrounds provide larger sites for larger RVs and smaller sites for others.	The standard of 15 campsites per acre would be maximum number based the entire proposed campground and there could be larger and smaller site in different sections of the campground based on the needs to the campground facility. Again it may be that a different standard would apply in rural vs commercial zones.	Amend to read, "No more than 15 campsites per acre are permitted, which shall be averaged over the total acreage of the campground."
24	Section 8.2.B-O	There should be different standards for campgrounds for tents, RVs and cabins	This may address some of the public's concerns related to road adequacy and impact to adjacent uses.	No action; keep the proposed amendment as it is written by the Committee.
25	Section 8.2.B.5	NFPA calls for 10' between stands while County's proposal calls for a minimum of 20' apart. If a stand is 10' wide, then standards may be the same; however, County's standards call for stands to be 15' wide which is wider than the national standard.	I think it should be clear that this effort was intended to develop a provision for allowing for the development of campgrounds in the Rural Zoning district. Typically rural campgrounds would be lower density and smaller than those found in more commercial areas. Staff recommends considering two standards related to the zoning categories (Rural vs GC, RLIC, and IC).	Keep the proposed amendment as it is written. 20' is reasonable for the Rural district.
26	Section 8.2.C.2 "Campground roads that serve more than 300 vehicle trips per day.....15 foot minimum width....."	300 vehicles per day is excessive. Pull-offs are not wide enough to accommodate RVs.	The purpose of the 300 vehicle trips per day standard is to differentiate between the design of the internal campground road that would need to be constructed. Only those serving less than 300 vpd allow a 12 foot road with three foot pull-off areas.	No changes. Keep the proposed amendment as it is written by the Committee.

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
27	Section 8.2.D	Parking standards should remain flexible as proposed by the committee. Additional parking and/or surfacing requirements require more land and makes the area appear less rural.	Prior to the Public Hearing, staff had recommended including the language that required the public parking areas near the office or public facilities be required to meet parking standards. This language was included in the version for the Public Hearing but did not come from the committee. It is still staff's recommendation but it could be modified for campgrounds under a certain number of sites.	No changes. Keep the proposed amendment as it is written by the Committee. 8.2. D.2 to read "If parking is not provided at the campsite, 1.5 one spaces per campsite shall be provided in a common parking area."
28	Section 8.E.3 & E.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." "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."	Requiring a garbage can at each site is excessive. The national standard is for a dump station for every 100 RV sites that do not provide a sewer hookup. NFPA 1194 National Code for RV Parks states "one sanitary disposal station shall be provided for each 100 RV sites...."	The draft ordinance states that a campsite <u>may</u> include trash collection but otherwise sanitary covered trash receptacles must be provided within 500' of all campsite. Consider increasing the number of RV sites per sewerage dump station.	Keep the proposed amendment as it is written by the Committee. Change 8.E.2 to read "A campsite may contain any combination of water, sewerage, or electrical connection; or trash collection. If not provided at campsites, water and sewerage facilities and sanitary covered trash receptacle must be provided at convenient comfort stations within 500' 250' of all campsite."
29	Section 8.2.F "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."	This should be a business decision of the park owner as to the aesthetics of his park.		No objections – remove the requirement from the proposed amendment.

DRAFT MINUTES

Jefferson County Planning Commission

October 27, 2015

The Jefferson County Planning Commission met on October 27, 2015, with the following Commission members present: Wade Louthan, Vice President; Donnie Fisher, Dale Manuel, Dick Childs, Gary Phalen, and Peter Fricke. Staff members present included Jennie Brockman, Director of Planning and Zoning; David Simon, County Planner; Lydia Lehman, Assistant Prosecuting Attorney; and Alexandra Beaulieu, Office/Project Manager.

Stephen Stolipher, Mike Chapman, and Gene Taylor were absent with notice.

In Mr. Stolipher's absence, Mr. Louthan presided over the meeting.

Mr. Louthan called the meeting to order at 7:02 PM.

1. Citizen Communications.

Mr. Doug Rockwell spoke in reference to Agenda Item #2. He stated that there should be a provision for events with less than 1,000 attendees. Mr. Rockwell made a comparison for Mass Events to the definition of Convention Center in the Zoning Ordinance.

Mr. Bob Aitcheson spoke in reference to Agenda Item #2. He referenced the State Health Department regulations and also addressed the definition of Mass Event as noted in the staff memo dated 09-09-14.

Mr. Mark Dyck spoke in reference to Agenda Item #2. He noted that the greatest challenge encountered during the All Good Festival was the requirement to have approval from outside agencies, such as the Health Department, because they didn't always have an approval process. He stated that any outside agencies which are required to approve mass events should establish a clear process for approval.

2. Review and possible recommendation to the County Commission regarding the proposed draft Zoning Ordinance Text Amendment pertaining to Mass Event Regulations (File #ZTA14-02).

Ms. Brockman provided an update as to the status of the proposed text amendment.

Mr. Fisher distributed a handout with comments he drafted pertaining to the proposed amendment.

The Planning Commission discussed the proposed draft amendment at length and each Commissioner recommended a number of changes to the draft, which are attached to the minutes and shown in track changes. The Planning Commission requested that staff bring to the November 11 meeting a draft of the proposed amendment with the changes discussed.

3. Request for postponement. None.

4. Reports from Legal Counsel and legal advice to the Planning Commission.

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case #11-C-325
Possible Executive Session

Ms. Lehman provided an update on the Case #11-C-325.

- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case #15-C-129 – Possible Executive Session

Ms. Lehman provided an update on Case #15-C-129.

5. Actionable Correspondence. None.

6. Non-Actionable Correspondence.

- 10-21-15, Letter from Mr. Douglas Rockwell re: Campgrounds

Mr. Louthan motioned to adjourn the meeting at 9:14 PM.



JEFFERSON COUNTY, WEST VIRGINIA

Department of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

Phone: 304-728-3228

Fax: 304-728-8126

Email: planning_department@jeffersoncountywv.org

2016 MEETING SCHEDULE JEFFERSON COUNTY PLANNING COMMISSION

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 at 7:00 PM.

Regular Meetings

January 12, 2016

February 9, 2016

March 8, 2016

April 12, 2016

May 10, 2016

June 14, 2016

July 12, 2016

August 9, 2016

September 13, 2016

October 11, 2016

November 8, 2016

December 13, 2016

Tentative Meetings*

January 26, 2016

February 23, 2016

March 22, 2016

April 26, 2016

May 24, 2016

June 28, 2016

July 26, 2016

August 23, 2016

September 27, 2016

October 25, 2016

November 22, 2016

December 27, 2016

*Tentative meetings are held if necessary to conduct Commission business or to meet required deadlines.

Such meeting can be called by the President of the Commission or by a majority vote of the Planning Commission.

Changes in the time or location of the meeting shall be noticed on the County's website at www.jeffersoncountywv.org.

Note: If County offices have been closed due to inclement weather, or if weather conditions make travel unsafe for the public, the Planning Commission meeting may be cancelled. Please check the County's website for possible meeting updates during this time. Thank you.

Staff Report
 Jefferson County Planning Commission Meeting
 November 10, 2015

Item #5: **Public Hearing:** Request by applicant DR Acquisitions, LLC for a variance from the 1979 Subdivision Ordinance, Section 8.2.a.14. The applicant is requesting a reduction in the requirement for diameter of the cul-de-sac (Wilderness Court) from 80' to 65'. The property is located north of Route 340 in the Sheridan Estates subdivision.

APPLICANT:	DR Acquisitions, LLC.	
OWNER:	Same as above	
DEVELOPER:	Same as above	
SURVEYOR/ENGINEER:	Gordon, LLC	
PROPERTY LOCATION:	North side of Route 340	
LEGAL DESCRIPTION:	District: Harpers Ferry (04); Map: 9D; Zoning: Residential Growth	
SURROUNDING PROPERTIES:	North: Residential Growth East: Residential Growth	South: Residential Growth West: Residential Growth
APPROVED ACTIVITY:	178 Single Family Homes	
PROPOSED ACTIVITY:	Reduced diameter for the Wilderness Court cul-de-sac	

Staff Report
 Jefferson County Planning Commission Meeting
 November 10, 2015

Community Impact Statement	PC Original Approval: 01-09-01 PC voted to re-open the C.I.S. on 01-24-06
Preliminary Plat (Phases I & II)	Submitted: 08-22-02 Approved: 03-06-03
Final Plat	Final Plat #00-33 (47 Single-Family lots) Submitted: 03/10/2003 Public Hearing/PC Approval: 04-22-03 Final Plat approved: 09-23-03 Phase II Final Plat #05-26 (131 Single Family Lots) Submitted: Public Hearing/PC Approval: 06-13-06 Phase II Final Plat approved: 08-25-06
Variance History	10-09-01 – Approved Variance from Section 8.2.e.3 (3:1 lot length to width ratio) – PC Approved 04-25-02 09-24-02 – Variance from Section 6.3 for a six month extension of C.I.S. – PC Approved 07-22-03
Bonding	The County still holds the bond for Sheridan Estates.

Background:

Sheridan Estates is located north of Route 340 just east of its intersection Route 230 at Halltown. The approved subdivision is comprised of approximately 99 acres and is approved for 178 single-family homes. The final plat for Phase I was approved back in 2003 for 47 single family lots. The final plat for Phase II was approved for 131 single family lots in 2006 but has not yet been developed. Since this Subdivision began processing before the 2008 Subdivision Regulations were adopted, this variance request is being reviewed under the 1979 Subdivision Ordinance.

The Request:

DR Acquisitions, LLC is requesting a reduction in the requirement for the minimum diameter of the cul-de-sac from 80’ to 65’. The 1979 Ordinance required the “diameter of finished road in turnaround” to be 80’ and did not allow “tee” or “Y” turnarounds for roads with more five residences.

Variance Requirements:

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance the following four criteria must be met. The recommendations related to this request are from the Engineering Department and relate to standards they will address.

The request is not contrary to the public interest.

A literal enforcement of this Ordinance will result in unnecessary hardship.

The request is not the result of a self-imposed hardship.

The spirit of this Ordinance will be observed and substantial justice done.

Recommendation

Planning and Zoning staff defer to the Engineering staff regarding this Variance request.

Engineering Report

Sheridan Estates Subdivision Waiver Reduction of Cul-de-sac Diameter 11/10/2015

Request:

DR Acquisitions, LLC is requesting a waiver from the JEFFERSON COUNTY SUBDIVISION ORDINANCE (1979), Section 8.2 Design and Construction Requirements, 8.2 a14. Roads and Rights-of-way for Sheridan Estate, Jefferson County File Number 00-33; which states:

Dead-end subdivision roads and rights-of-way shall terminate in turnarounds according to the following:

subdivision roads:

diameter of turnaround right-of-way - 100 ft
diameter of finished road in turnaround - 80 ft
width of shoulder - 2 ft
fillet radius - 20 ft

subdivision roads served by school bus

diameter of turnaround right-of-way - 120 ft
diameter of finished road in turnaround - 100 ft
width of shoulder - 2 ft
fillet radius - 25 ft

Turnarounds may be landscaped in the center with trees, shrubs or other suitable vegetation.

* A 'tee' (hammerhead) or a 'Y' turnaround may be used when a dead-end subdivision road and right-of-way serve no more than five (5) residences. Dimensions shall be consistent with the Standard Details approved by the County Engineer.

The applicant is requesting that the required 80' diameter for a cul-de-sac (dead-end subdivision roads) be reduced to 60' in which a tee or Y turn around footprint fits within 60' cul-de-sac. The applicant is requesting this for Wilderness Court only.

Situation:

The applicant finds that the current Jefferson County 2015 Subdivision and Land Development Regulations standards have changed from the 1979 Jefferson County Subdivision Ordinance and would like to utilize the newer standards.

Findings:

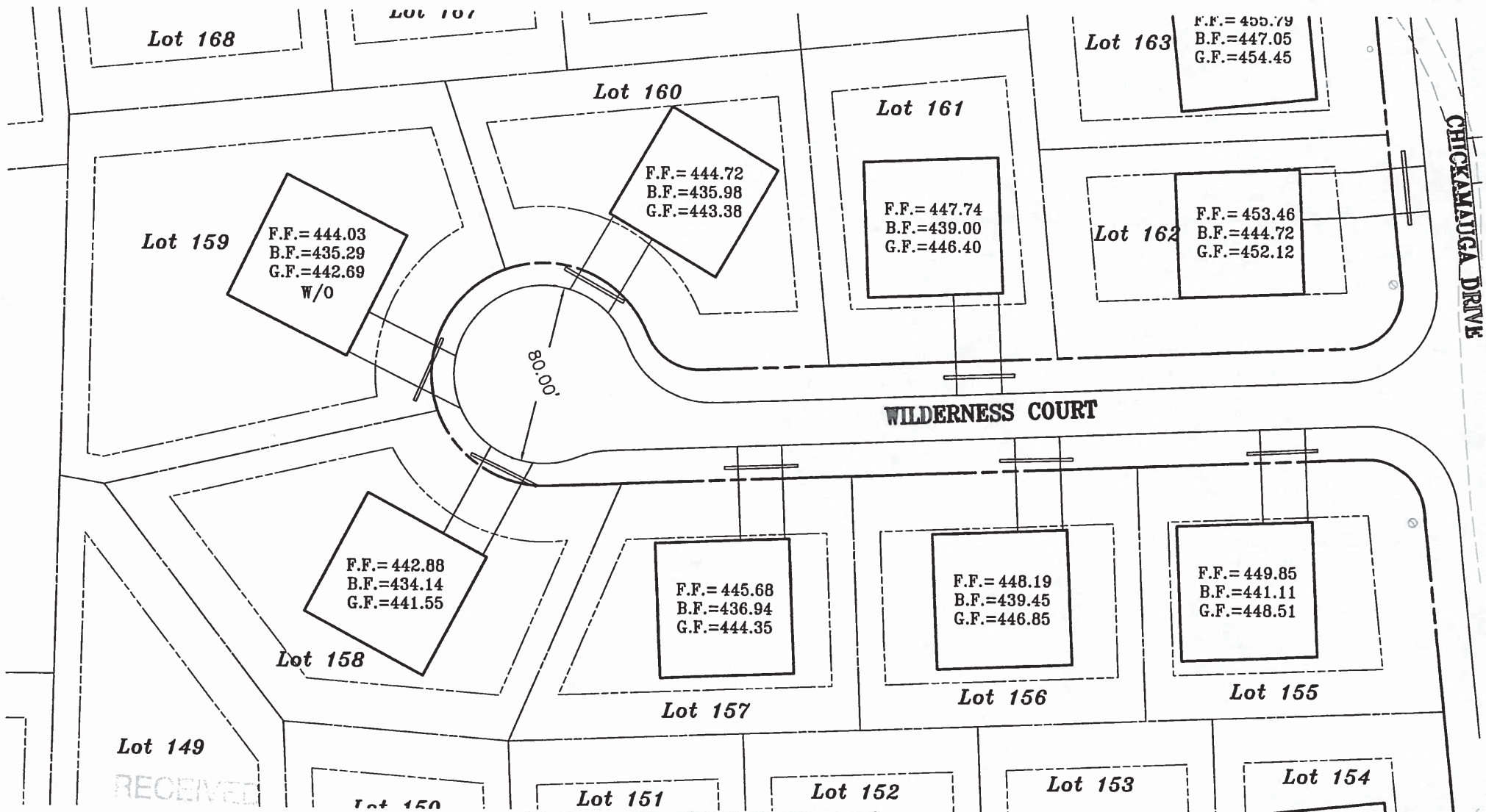
The Sheridan Estates Subdivision was approved under the JEFFERSON COUNTY SUBDIVISION ORDINANCE (1979) which requires a dead end street to place an 80' diameter cul-de-sac. A tee or Y turnaround was not permitted for roads with more than 5 lots have access to a dead end street.

Jefferson County 2015 Subdivision and Land Development Regulations allows for up to 12 lots access to a dead end street with the use of a Tee or Y turn around. See table 2.2-1. If approved today, the Wilderness Way (dead end street) could utilize a Tee or Y turnaround.

The applicant is suggesting that a tee or Y turnaround will fit in a 60' diameter cul-de-sac. Please refer to attached detail R-04 "Temporary Turnaround." It appears that this is true.

Conclusion:

According to the current subdivision regulation, Wilderness Court would be allowed to utilize a tee or Y turnaround; since a 60' diameter cul-de-sac exceeds this requirement, it would be permitted also. Therefore, Engineering Department recommends approval of this waiver. If granted, a Redline Revision will be required documenting these changes.



EXISTING PER DESIGN
80' CUL-DE-SAC DIAMETER

#REV15-09

10/9/15
 K. Stolpke

RECEIVED

OCT 09 2015

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

CHICKAMAUGA DRIVE

WILDERNESS COURT

80.00'

1979 Sub.

Concrete Paving

Governed by ability to dissipate energy at outfall to provide a maximum velocity of 4 feet per second.

Governed by Sects. 8.2.a.6 & 8.2.a.7.

- = 11. All subdivision roads shall be sloped laterally or sloped from a centerline crown at a ratio of 1/4 to 3/8 inch vertical to one foot horizontal.
- 12. Roads entering a subdivision may be required by the Planning Commission to have a width of twenty-five feet (or greater as conditions demand) for a distance of two hundred feet into the subdivision.
- *= 13. Driveway pipes or paved driveway swales where allowed in lieu of pipes shall be sized to correspond with ten-year ditch flows and will be specified on the preliminary plat and the final plat. See also Section 8.2.a.9 and 8.2.a.10.
- ^ 14. Dead-end subdivision roads and rights-of-way shall terminate in turnarounds according to the following:

subdivision roads:

diameter of turnaround right-of-way - 100 ft

diameter of finished road in turnaround - 80 ft ←

width of shoulder - 2 ft

fillet radius - 20 ft

subdivision roads served by school bus

diameter of turnaround right-of-way - 120 ft

diameter of finished road in turnaround - 100 ft

width of shoulder - 2 ft

fillet radius - 25 ft

Turnarounds may be landscaped in the center with trees, shrubs or other suitable vegetation.

- * A 'tee' (hammerhead) or a 'Y' turnaround may be used when a dead-end subdivision road and right-of-way serve no more than five (5) residences. Dimensions shall be consistent with the Standard Details approved by the County Engineer.
- ^8.2.a. 15. All subdivision roads shall be clearly identified by permanent road signs. A road sign at the entrance to each subdivision shall identify the name of the subdivision as well as the name of the entrance road. Each road sign shall be of all weather material no less than 6 inches by 18 inches in size and shall be secured or hung from a sign post at a height of 7-10 feet above ground level. Sign posts shall be no less than 4 inches by 4 inches in cross section and shall be of treated wood or its equivalent. Metal sign posts, approved by the Engineer, may be substituted for wood posts. Sign posts shall be anchored 3 feet into the ground, preferably with concrete. Stop signs shall be provided at all intersections where a subdivision road meets a state highway or road and at other intersections where appropriate. Speed limit signs (preferably with speed limits of twenty-five (25) miles per hour or less) shall also be provided at appropriate location.
- ^= 16. Road surfaces in conventional subdivisions shall be constructed of gravel or asphalt. Gravel roads may be constructed only in subdivisions that meet all of the following requirements:
 - + The subdivision must be exclusively residential and restricted to 12 dwelling units or less.
 - + The subdivision must be laid out as one group of adjoining lots.
 - + = The gravel road in the subdivision must enter directly onto a public highway. A paved entrance apron measuring a minimum of twenty feet (20') perpendicularly from the edge of the roadway surface of the public road shall be provided.
 - + The subdivision may only be taken or formed from a tract of land that was recorded by boundary description in the Office of the Clerk of the County Commission before October 18, 1979; and only one gravel road subdivision may be taken from an eligible recorded tract of land.

Asphalt roads are required in all subdivisions that do not qualify for gravel roads.

Any person who forms subdivision lots along any existing road (lane, etc.) that serves ten dwelling units or more and that is not a public highway, or any person who constructs a subdivision road that enters upon any existing road (lane, etc.) that serves ten dwelling units or more and that is not a public highway, must upgrade such road (lane, etc.) to the asphalt standards of this Ordinance so as to provide a continuous asphalt road from all of the new subdivision lots to a public highway.

- &^ 17. Gravel roads shall be constructed on a compacted subgrade free of organic matter. Gravel shall be a well-graded crushed stone aggregate such as 3/4 inch crusher run which shall be placed and rolled in a moist condition so that fines remain mixed with the more coarse material. Gravel roads shall measure a minimum of 6 inches thick after rolling. The gravel surface shall be smooth, uniform and tightly packed. Limestone "dust" may be required to achieve a satisfactory road surface.

2015 Subs.

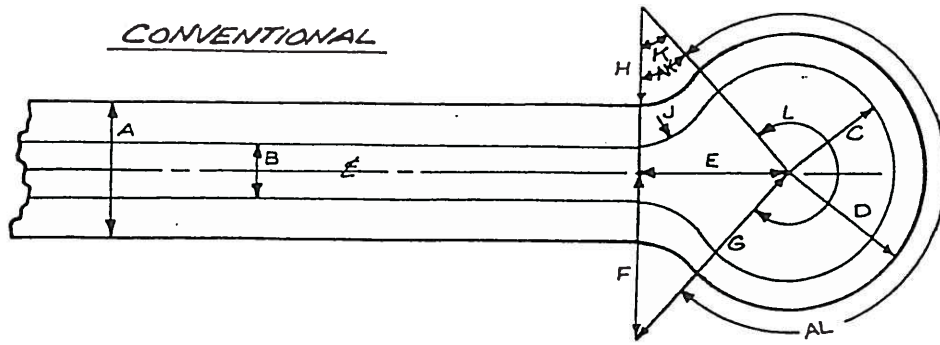
Subdivision Regulations

Jefferson County, West Virginia



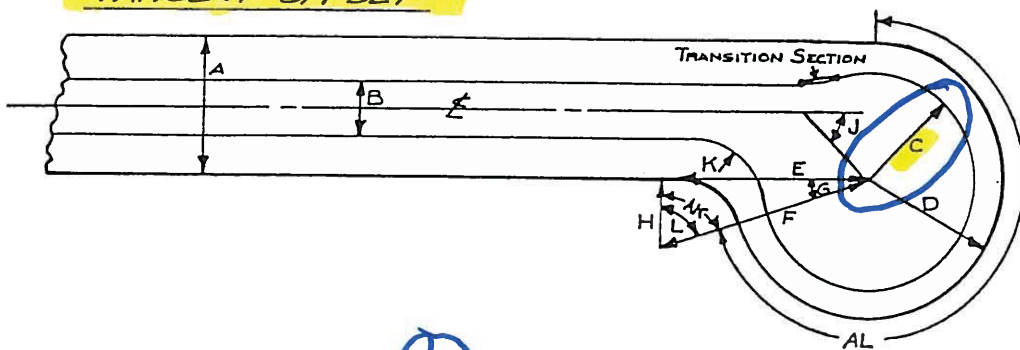
Table 2.2-1 Roadway Design Standards ⁴				
	Residential Local Street Maximum 12 Lot Subdivision	Residential Local Street (Max. 25 lots or units)	Residential Collector Street (Greater than 25 lots or units)	Non-Residential/Industrial & Commercial Street
ADT	N/A	< or = to 200	>200	N/A
Minimum Turn Lane Width		-	12'	12'
Minimum Horizontal Curve Radius	100'	100'	150'	300'
Minimum Turning Flare Radius at pavement edge	30'	30'	30'	35'
Stopping sight distance	100'	100'	175'	235'
Minimum Road Grade	1.5%	1.5%	1.5%	0.5% w/C&G
	Minimum Road Grade may be 0.50% if 1-1/2' deep x 2' wide flat bottom trapezoidal road drainage ditch provided.			
Maximum Road Grade	10%	9.0%	9.0%	9.0%
Maximum Internal Subdivision Intersection Approach Grade	8%	8%	6%	6%
Pavement Width	20'	20'	22'	26'
Pavement Surface Type	6" Depth Crusher Run Stone	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)
Pavement cross slope	3/8" per ft.	3/8" per ft.	3/8" per ft.	3/8" per ft.
Shoulder Width	3'	3'	3'	4'
Shoulder Type	Crusher Run Stone	Crusher Run Stone	Crusher Run Stone	-
Shoulder cross slope	¼" per ft.	¼" per ft.	¼" per ft.	-
Ditch depth	1.5'	1.5'	1.5'	-
Ditch slope in:	4:1	4:1	4:1	-
Ditch slope out:	2:1	2:1	2:1	-
Ditch Line Treatment	Per Stormwater Management Regulations			-
Minimum Road R.O.W. Width	50'	50'	50'	60'
Minimum Cul-de-sac R.O.W. Radius	-	60'	60'	60'
Cul-de-sac pavement radius	-	50'	50'	50'
Cul-de-sac R.O.W. Fillet Radius		25'	25'	30'
Hammer Head or "Y" Turnaround Allowed	Yes (see std. detail)	No	No	No
Subdivision Roadway Entrance Apron (from edge of existing road).	20'x25'x2-1/2" Bituminous Asphalt Surface	-	-	25'x6" WWF Reinforced 3,000 psi Portland Cement Conc.
Sidewalk	-	-	-	Minimum 4' width; no closer than 1' from P/L or 4' from curb or edge of roadway.

CONVENTIONAL



	AL	AK	A	B	C	D	E	F	G	H	J	K	L
Standard	241.87'	21.027'	50.0'	20.0'	40.0'	50.0'	55.91'	50.0'	75.0'	25.0'	25.0'	48°11'23"	276°22'46"
Extra-wide	292.545'	21.677'	60.0'	22.0'	50.0'	60.0'	64.81'	55.0'	85.0'	25.0'	25.0'	49°40'47"	279°21'34"

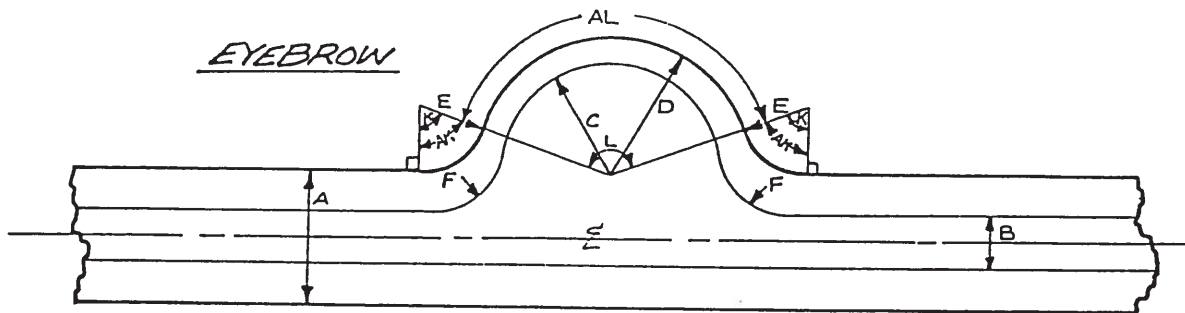
TANGENT OFFSET



	AK	AL	A	B	C	D	E	F	K	H	J	G	L
Standard	30.774'	218.623'	50.0'	20.0'	40.0'	50.0'	70.71'	75.0'	25.0'	25.0'	45°	19°28'16"	70°31'44"
Extra-wide	31.807'	264.831'	60.0'	22.0'	50.0'	60.0'	81.24'	85.0'	25.0'	25.0'	45°	17°06'17"	72°53'43"

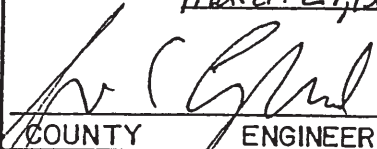
The tangent offset cul-de-sac shown is typical but any angle of J can be used.

EYEBROW



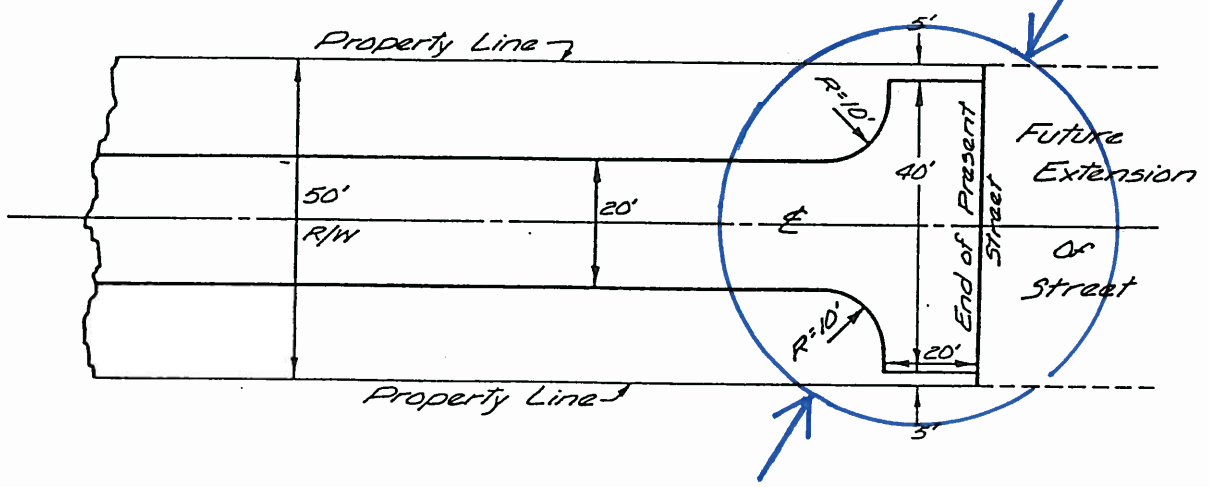
	AL	L	AK	K	A	B	C	D	E	F
Standard	123.096'	141°03'27"	30.774'	70°31'44"	50.0'	20.0'	40.0'	50.0'	25.0'	25.0'

The Eyebrow cul-de-sac's use is to increase the amount of road frontages and can be used only on local roads.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: <u>March 27, 1980</u>  COUNTY ENGINEER	TYPICAL CUL-DE-SAC DESIGNS	REVISIONS:	DETAIL No. R -03

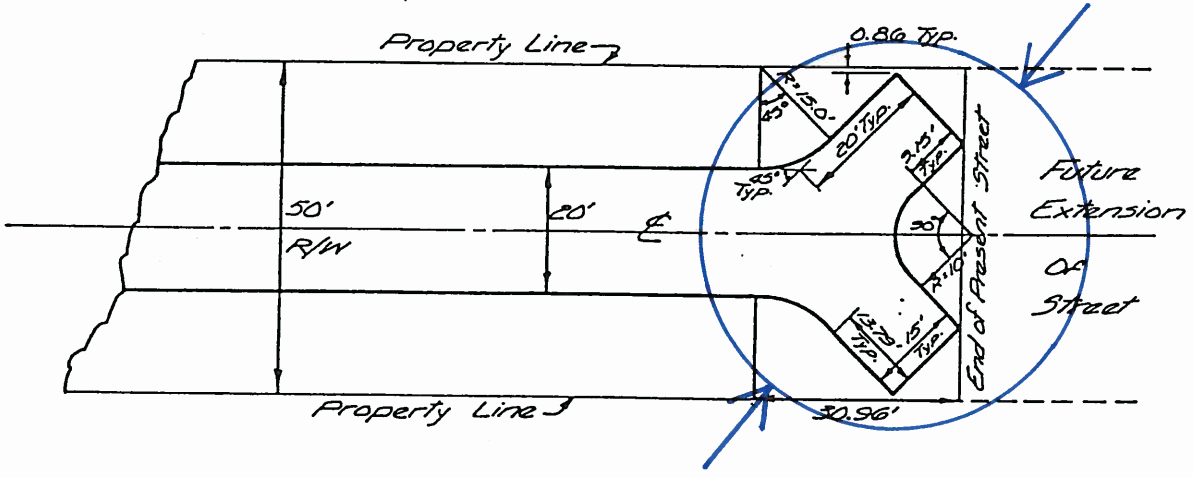
T - TURNAROUND

Dia 60'±



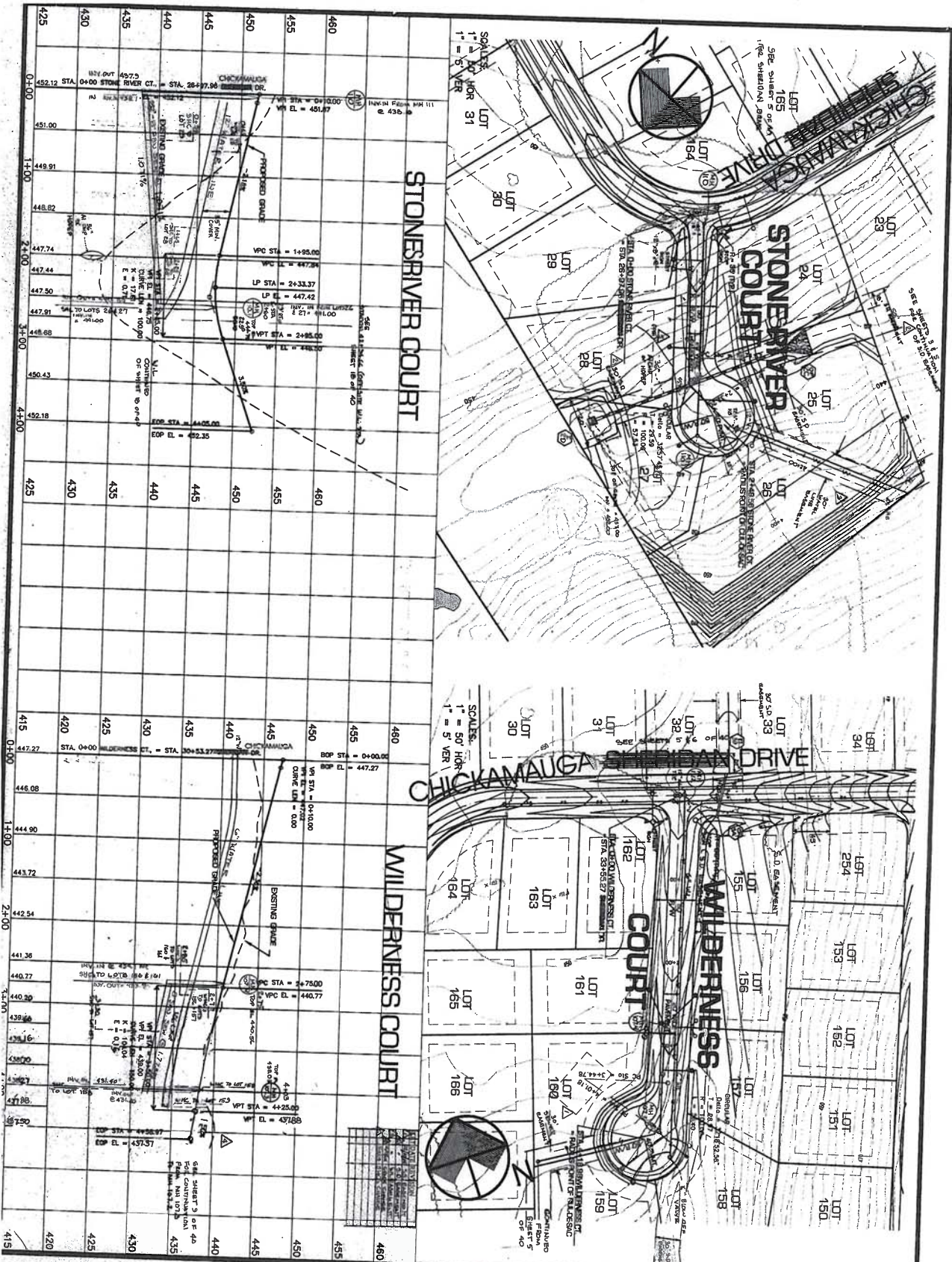
Y - TURNAROUND

Dia 60'±



A "T" or "Y" Turnaround shall be used in lieu of a cul-de-sac only if the street is to be extended in the future.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: <u>May 14, 1989</u>	TEMPORARY TURNAROUND	REVISIONS:	DETAIL No.
				R
	COUNTY ENGINEER			-04



STONE RIVER COURT
WILDERNESS COURT

SHERIDAN

ACILITY DESIGN GROUP - 8329 Ball Road, Frederick, MD 21704 - Phone: 301-662-4500 - Fax: 301-662-1937

PLAN & PROFILES

NO.	DATE	BY	CHKD.	REVISIONS:
1				
2				
3				
4				
5				
6				
7				
8				

drilling by COLIN J. MITCHELL PROJECT MANAGEMENT P.O. Box 796 - Harpers Ferry, West Virginia 25425 304-676-6390 (Fax 304-676-2668)

00-33



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email planningdepartment@jeffersoncountywv.org

Email zoning@jeffersoncountywv.org

File Number: #PCV15-04
Staff Initials: cpc
Fees Paid: \$ 100.00

Phone: (304) 728-3228

Fax: (304) 728-8126

Subdivision Ordinance Variance Request

To be used in accordance with the 1979 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance. Sketch on a separate sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date sketch. Provide a vicinity map.

I/We request a variance from the provisions of the 1979 Jefferson County Subdivision Ordinance

Property owner information

Name of Property Owner: DR Acquisitions, LLC.
Mailing Address: 10212 Governor Lane Boulevard, Suite 1006
City: Williamsport State: MD Zip Code: 21795
Phone Number: 240-420-6043 Email: mpowell@danryanbuilders.com

Applicant contact information

Applicant Name: Same as above
Mailing Address:
City: State: Zip Code:
Phone Number: Email:

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Gordon
Mailing Address of Engineer(s) or Surveyor(s): 301 North Mildred Street, Suite 1
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304-725-8456 Email: kstolipher@gordon.us.com

Physical property details

Physical Property Address: Sheridan Estates
City: Charles Town State: WV Zip Code: 25414
Tax District: Harpers Ferry Map No: 9 Parcel No: Varies
Parcel Size: Deed Book: 960 Page No: 208

Zoning District (please check one):

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). RG is checked.

RECEIVED

OCT 09 2015

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Section of Ordinance for which the variance is requested:

8.2a.14 of the 1979 Subdivision Ordinance

Please describe the nature of the variance request:

This variance request is from the requirement to have an 80' diameter turnaround on Wilderness Court within the Sheridan Subdivision. This ordinance also limits the "tee" or "Y" turnarounds to roads with no more than 5 residences. For this specific variance request, we are asking to reduce the cul-de-sac diameter to no less than 60' for Wilderness Court. The current County ordinances do allow for "tee" or "Y" turnarounds for roads that have no more than 12 units accessing them and the typical dimensions are 45' for the turnaround. In this instance we are not requesting a "tee" or "Y" turnaround but would like to have a reduced cul-de-sac diameter of no less than 60' consistent with the intent of current regulations.

Explain why this request is NOT contrary to the public interest:

This request is NOT contrary to the public interest since adequate turning area is provided for all homeowners and this is a private roadway.

Explain how enforcement of this Ordinance will result in unnecessary hardship:

Enforcement of the large diameter turnaround requirements will result in several homeowners having steep driveways and steep front yard areas. The reduction of the cul-de-sac in accordance with the intent of the current subdivision regulations will allow for several properties to have modifications to their front yards and driveway slopes to achieve a more aesthetic and easily maneuverable access to their homes.

Explain how this request is NOT the result of a self-imposed hardship:

Due to several site constraints after the roadway was constructed the driveway slope for Lot 60 exceeded desirable standards. A reduction in the cul-de-sac diameter in accordance with the intent of the current subdivision regulations will allow for a flatter driveway access and more aesthetic front yard for this lot and neighboring lots.

Explain how the spirit of this Ordinance will be observed and substantial justice will be done:

The spirit of the current subdivision ordinances will be observed based on the current provisions for turnarounds for roadways serving less than 12 lots to be reduced. We feel that substantial justice will be done with the approval of this variance in accordance with the justifications above.

Original signature is required. The information given is correct to the best of my knowledge.

Signature of Property Owner Date

Signature of Property Owner Date

Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____ (Year)

Approved Denied

CHICKAMAUGA DRIVE

Lot 163
F.F.=455.79
B.F.=447.05
G.F.=454.45

Lot 162

F.F.=453.46
B.F.=444.72
G.F.=452.12

Lot 161

F.F.=447.74
B.F.=439.00
G.F.=446.40

Lot 160

F.F.=444.72
B.F.=435.98
G.F.=443.38

Lot 159

F.F.=444.03
B.F.=435.29
G.F.=442.69
W/O

Lot 158

F.F.=442.88
B.F.=434.14
G.F.=441.55

WILDERNESS COURT

80.00'

F.F.=449.85
B.F.=441.11
G.F.=448.51

Lot 155

F.F.=448.19
B.F.=439.45
G.F.=446.85

Lot 156

F.F.=445.68
B.F.=436.94
G.F.=444.35

Lot 157

Lot 149

RECEIVED

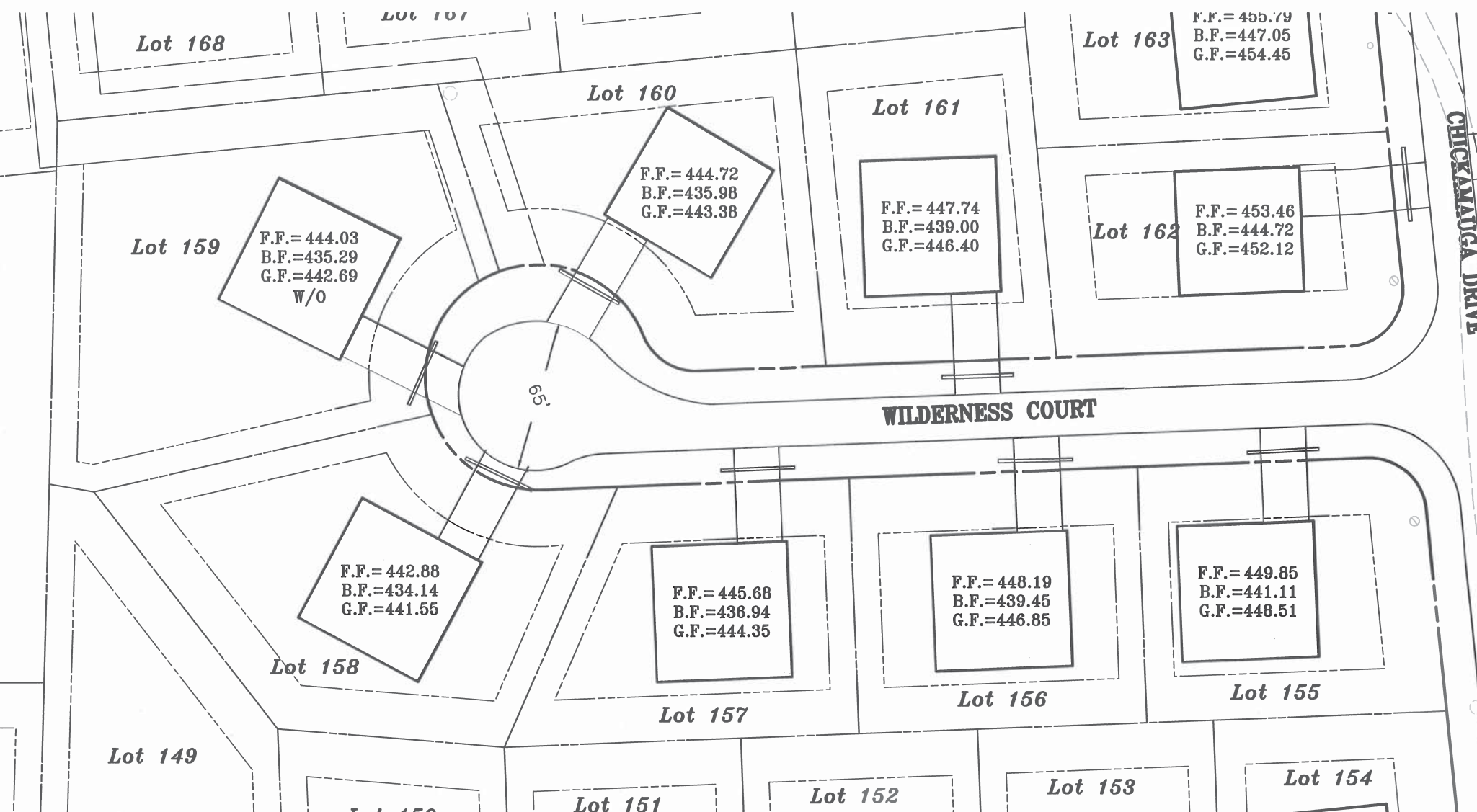
OCT 09 2015

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

EXISTING PER DESIGN
80' CUL-DE-SAC DIAMETER

#pev15-09

10/9/15
Kot Stolyphe



PROPOSED DESIGN TO CUL-DE-SAC
DIAMETER OF NO LESS THAN 60'

10/9/15
Krista Stolpher

11-10-15 NOTE: Red lettering and strike-throughs are the amendments recommended by the Citizen's Committee and staff that were the subject of the PC public hearing. Areas highlighted in yellow are additional edits proposed by the PC based on public input and those areas highlighted in blue are deletion edits proposed by the PC based on public input. If the PC recommends these revisions, all highlighted changes will be changed to red edits.

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

C

Campground.

An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as 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.

Campsite Pad.

Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

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.

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. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. The provisions of Division 8.0 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 8.0, then the requirement of Division 8.0 shall apply.

Section 8.27.3 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall should be designed in a manner that complies with State and County Regulations, and meets the minimum requirements of NFPA 1194 standards, which meets the following standards

The following standards:

1. Safe access and egress to state roads (WVDOH, 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 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 easement.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road right-of-way easement.
4. No more than 15 campsites per acre are permitted.
5. ~~C.~~ Each campsite shall provide an adequate stand pad for the placement of a camping unit. A campsite pad 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, and shall be separated from all other campsite pads by 20 feet.

~~No more than one camping unit shall be placed on or above a campsite.~~

- ~~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.~~

- C.E. Road and Access Requirements

1. Campground roads that serve 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.

~~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.*~~

- 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, **1.5** spaces 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.
- 4. ~~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. In the public parking area, each 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.~~

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; or trash collection. If not provided at campsites, water and sewerage facilities and sanitary covered trash receptacles must be provided at convenient comfort stations within **250**’ of all campsites.

~~Each campsite shall be provided with a sanitary, covered garbage can.~~

- 3. ~~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.
- 4. ~~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.~~

~~E.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 the appropriate Jefferson County board or agency, are not subject to these regulations.~~

Division 11.0 ~~8.0~~ – Non-Residential Subdivisions

Section 11.1 ~~8.1~~ General

Non-residential subdivisions shall be subject to all requirements of the Subdivision Regulations except for those requirements which are specifically intended for residences (e.g. Land for Parks and Schools) as determined by staff.

11-10-15 NOTE: Red lettering are the amendments recommended by the Citizen’s Committee and staff that were the subject of the PC public hearing. Areas highlighted in yellow are additional edits proposed by the PC based on public input. If the PC recommends these revisions, all highlighted changes will be changed to red edits.

**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

Cabin A temporary or permanent structure for the purposes expressly permitted in Article 8 of the Zoning Ordinance and Division 8 of the Subdivision Regulations. Cabins are intended for temporary occupancy, not permanent residency; and shall not sleep more than 8 people per cabin. Cabins shall not be sold separately from the parent parcel without further processing under the appropriate land use ordinances in effect at that time. This structure shall at least provide a sleeping and bathroom area with appropriate campground health department approval for water and wastewater services and may provide an indoor kitchen/cooking area. A permanent structure shall be built to current applicable Jefferson County Building code with the issuance of a Building Permit. A cabin permitted under the Campground articles of the Jefferson County Ordinances, shall not need to be located on a separate parcel and multiple cabins can be located on the same parcel as the parent parcel.

Camping Cabin A cabin which provides a sleeping area only and requires separate outdoor meal preparation and the use of a common bathhouse. Such cabin may include heating and/or air conditioning.

Campground²⁷ An area or premises located on a single lot in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers/tourists occupying camping units such as 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.

Campground, Developed A campground including sites for recreational vehicles, trailers, or self-propelled campers accessible by vehicular traffic, where sites are substantially developed and refuse disposal systems, flush toilets, bathing facilities, and water are provided.

<u>Campground, Primitive</u>	<u>A campground that is not accessible to vehicles and no facilities are provided for the comfort or convenience of campers.</u>
<u>Campground, Semi-Developed</u>	<u>A campground with two or more recreational vehicle or recreational park trailer unit sites accessible by vehicular traffic. Roads and facilities (toilets and/or privies) are provided.</u>
<u>Campground, Semi-Primitive</u>	<u>A campground accessible only by walk-in, equestrian, or motorized trail vehicles where rudimentary facilities (outhouses and/or fireplaces) may be provided for the comfort and convenience of the campers.</u>
<u>Camping Units</u>	<u>Individual units designed for temporary occupancy within an approved campground such trailers, self-propelled campers, recreational vehicles, tents, cabins, fifth wheels, pop-up campers, and/or lodges</u>
<u>Campsite or Campsite Pad</u>	<u>Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.</u>
<u>Caretaker Residence</u>	<u>An permanent or temporary accessory residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.</u>
<u>RV Park</u>	<u>A recreational vehicle park (RV park) is a campground where privately owned recreational vehicles can stay overnight, or longer, in allotted spaces known as "sites".</u>

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

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 temporary, limited to a 180 day period14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.
3. Caretaker residence
4. Accessory Uses to Campgrounds shall be clearly incidental to the use as the campground and may include shelters, pavilions, gathering halls, bathhouses, pools, recreational areas, trails, fire pits, and other uses related to the campground. Uses

such as retail stores, food service for the needs of the campers, and limited size amphitheatres shall only be permitted in developed campgrounds and shall be limited to the commercial zoning categories which permit developed campgrounds.

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. Note that if a campground hosts an event or activity that meets the definition of "Mass Event", "Seasonal Use" or falls under another provision within the Zoning Ordinance, the campground would have to process as a "Mass Event", "Seasonal Use" or other requirements of the Zoning Ordinance. Festivals/gatherings shall not be a by-right accessory use to Campgrounds.
6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

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.
 - a. When campsites or amenities are within 500' 1,000' of private of a property line, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.
 - b. All camp sites shall be located a minimum of 200' from existing property lines and shall be visually screened. existing residential dwellings.
 - c. All camp sites shall be visually screened from existing residential dwellings within 500'.
 - d. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.
 - e. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.
2. No more than 15 campsites per acre are permitted, which shall be averaged over the total acreage of the campground.
3. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards.
4. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
5. Campgrounds may be served by well and drain fields in accordance with Jefferson County Health Department regulations.

C. Regulatory Approval

1. Campground uses must submit a Concept Plan and be approved by the 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.

APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
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	
<u>Campground, Developed</u>	<u>NP</u> <u>PC</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u> <u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>Sec. 8.16</u>
<u>Campground, Primitive</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>Sec. 8.16</u>
<u>Campground, Semi-Developed</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>Sec. 8.16</u>
<u>Campground, Semi-Primitive</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>Sec. 8.16</u>
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	



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

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MEMO

To: Jefferson County Planning Commission

From: Jennifer Brockman, Director of Planning and Zoning

Date: November 10, 2015

RE: Proposed changes to ZTA14-02, Mass Event Regulations as discussed 10-27-15

Following the October 27, 2015 Planning Commission meeting, staff amended the proposed Zoning Ordinance text amendment pertaining to Mass Event Regulations (File #ZTA14-02) to reflect the recommendations of the Planning Commission.

Attached please find the amended version reflecting the Planning Commission's recommendations show in **red for text added** or **blue strikethrough** for text deleted. Any **text highlighted in yellow** was added by staff based on the direction of the Planning Commission.

Attachments:

- ZTA14-02, proposed draft Mass Event Regulations as amended 10-27-15
- ZTA14-02, Appendix C, Principal Permitted Use Table – DRAFT
- For Reference Only: Section 3.4A.3.b of the Zoning Ordinance (Notification Requirements)

**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
RELATED TO MASS EVENTS (ZTA 14-02)**

DELETE THE FOLLOWING SECTIONS:

~~Section 2.2 Terms Defined~~

~~Seasonal Use⁵ — A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.~~

~~Section 9.8 Seasonal Uses^{5,7}~~

~~Seasonal uses must be considered by the Board of Zoning Appeals pursuant to a Public Hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.^{17, 21, 23}~~

ADD THE FOLLOWING SECTIONS:

Section 2.2 Terms Defined

Mass Event, **Major** Any outdoor gathering of more than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, **Major** may be permitted to occur in the Rural Zoning District, **General Commercial, Highway Commercial, Residential-Light Industrial-Commercial, or Industrial Commercial** ~~or any commercial~~ zoning districts and is prohibited on a property in ~~any the R~~**Residential Growth** zoning district **and in any major subdivision. A Mass Event, Major shall not qualify as a Rural Reception/Event Facility.**

Mass Event, Minor Any outdoor gathering of less than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, Minor may be permitted to occur in zoning districts detailed in Section 8.16 and Appendix C. A Mass Event, Minor shall not qualify as a Rural Reception/Event Facility.

Section 8.16 Mass Event Regulations

A Mass Event, Minor is any outdoor gathering of less than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, Minor may be permitted to process administratively if camping or overnight lodging is not proposed. If camping or overnight lodging is proposed, or if the proposed event will occur in the Neighborhood Commercial or Village zoning districts, the applicant shall adhere to the requirements for a Mass Event, Major as outlined in this section. Any Mass Event, Minor that is proposed to occur on a parcel with shared access shall be considered by the Board of Zoning Appeals pursuant to a Public Hearing and the notification requirements of Section 3.4A.3.b shall apply.

A. Mass Event, Minor Application

- 1. Approval of a Mass Event, Minor shall require the submission of an application at least 180 days prior to the event.**
- 2. Applications for events with less than 1,000 attendees and which are located on a parcel that does not have shared access may process administratively. Applications for events located on a parcel with shared access shall be considered by the Board of Zoning Appeals pursuant to a**

public hearing and the notification requirements of Section 3.4A.3.b shall apply. Any application proposing camping or overnight lodging shall adhere to the requirements for a Mass Event, Major as outlined below.

3. A Mass Event, Minor will be in accordance with the following criteria:

- a. Each Mass Event, Minor must be the subject of separate application.
- b. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
- c. No Mass Event, Minor may last more than three days, including attendee arrival and departure dates. Only one Mass Event, Minor may occur per year on any given parcel or a portion of any given parcel.
- d. Each Mass Event, Minor application will be required to submit an application fee of \$100.
- e. As part of the application, a sketch plan detailing the layout of the proposed event shall be submitted. A sketch plan should delineate areas for parking, performance areas (if applicable), bathrooms, food, concessions, setbacks, and any other information required by planning or engineering staff.

A Mass Event, **Major** is any outdoor gathering of more than 1,000 people on any parcel; regardless of the length of time or type of activity. Such event shall be permitted to occur in the Rural Zoning District, General Commercial, Highway Commercial, Residential-Light Industrial-Commercial, or Industrial Commercial ~~or any Commercial Zoning Districts~~, provided that it processes according to the following requirements:

A. Mass Event, Major Application

1. Approval of all Major Mass Events shall require the submission of an application at least 180 days prior to the event, ~~and Public Hearing before the Board of Zoning Appeals, in accordance with the following criteria:~~
2. Applications for events with less than 5,000 attendees will be processed administratively, unless the proposed parcel is on a shared access. If the proposed parcel is on a shared access, the application shall be considered by the Board of Zoning Appeals pursuant to a Public Hearing. The notification requirements in Section 3.4A.3.b shall apply. Applications for events with more than 5,000 attendees and any event requesting camping for participants and/or attendees will require a public hearing before the Board of Zoning Appeals in accordance with 3.e below.

3. All Mass Events, Major will be in accordance with the following criteria:

- a. Each Major Mass Event must be the subject of separate application ~~and Public Hearing.~~
- b. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
- ~~b.c.~~ No Mass Event, Major may last more than seven days, including attendee arrival and departure dates. Only one Mass Event, Major may occur per year on any given parcel or a portion of any given parcel.

~~e.d.~~ Each Mass Event, **Major** application will be required to submit an application fee that shall be based on the projected number of attendees and whether participants may spend the night at the event: ~~shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The application fee for said hearing shall be based on the projected number of attendees and whether participants may spend the night at the event:~~

- ~~i. 1,000 – 2,000 attendees ————— \$200~~ 1,000 to 5,000 attendees ————— \$500
- ~~ii. 2,000 – 5,000 attendees ————— \$300~~ Over 5,000 attendees and/or if camping by participants is proposed ————— \$1,000
- ~~a. 5,000 – 10,000 attendees ————— \$400~~
- ~~b. Over 10,000 attendees ————— \$500~~

~~e.~~ Mass Events, **Major** with a projected number of attendees over 5,000 shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The notification requirements in Section 3.4A.3.b shall apply. Staff will notify adjacent and confronting property owners by certified mail, the date, time, and location of the Public Hearing and will include a copy of the application in the mailing. The applicant shall be responsible for reimbursing all costs associated with the certified mailing. In addition, the applicant must send written notice and a copy of the application to adjoining property owners via certified mail.

~~f.~~ All Mass Events, **Major** must be Insured and Bonded. The amount and type of insurance and bonding requires approval of the County Commission on a case by case basis and shall be posted 60 days in advance of an event. The County Commission shall be listed as additionally insured on any insurance policy. Documentation of the insurance shall be submitted with the Zoning Certificate application. In addition to the application fee for the Board of Zoning Appeals hearing, the applicant for any Mass Event must post a Letter of Credit (LOC) or Cash in Escrow Bond, payable to the Jefferson County Commission, from a bank or financial institution within a 150 mile radius of Charles Town, WV, to cover any unexpected costs to the County related to the Mass Event, based on the sliding scale below. Said LOC or Cash Bond shall be posted after approval by the Board of Zoning Appeals, but at least 45 days in advance of the event and shall be submitted as an additional condition of the issuance of a zoning certificate.

- ~~c. 1,000 – 2,000 attendees/day ————— \$2,000/day~~
- ~~d. 2,000 – 5,000 attendees/day ————— \$5,000/day~~
- ~~e. 5,000 – 10,000 attendees/day ————— \$10,000/day~~
- ~~f.a. Over 10,000 attendees/day ————— \$15,000/day~~

~~The applicant shall be required to meet with County staff, including representatives of legal, finance, planning, zoning and the agencies referenced in Subsection 6 below, within 60 days of the close of the event to discuss any issues or concerns with the event and to determine if there were any unexpected costs to the County. Each agency referenced in Subsection 6 and any other County or Regional agency which incurred costs related to the Mass Event shall provide a full accounting of costs incurred and a letter of release stating that all of their costs~~

~~had been reimbursed by the applicant, which shall be provided at the 60-day meeting. Any unexpected costs to the County related to the Mass Event which were not paid by the applicant shall be chargeable against the bond required to be posted herein. After 90 days, the applicant may request the return of any remaining value to the Letter of Credit (LOC) or Cash Bond, which shall require action of the County Commission.~~

f. The following supplemental site preparedness information shall be addressed and shall accompany the Zoning Certificate application. All Mass Events, Major must contract with the following agencies:

i. Jefferson County Sheriff's Department

ii. WV Licensed EMS Medical Provider

➤ JCESA shall verify that WV Licensed EMS Provider is adequately equipped and prepared for the event, which shall be reported to the County Commission.

iii. Licensed Garbage Removal Company

iv. Licensed Towing Company

d.g. All Mass Events must consult with the following agencies:

i. County Health Department (need approval or permit required)

ii. WV Division of Highways (need approval or permit required)

iii. County Homeland Security

~~The Public Hearing must comply with notice requirements of the Zoning Ordinance. In addition, the applicant must send written notice and a copy of the application first class mail postage pre-paid to all adjoining land owners and all land owners within 1000 feet with land fronting on any proposed access route.~~

~~e. The following supplemental site preparedness information shall be addressed and shall accompany the application prior to the Board of Zoning Appeals Public Hearing:~~

~~a. Applicant for Mass Event must consult with local law enforcement, EMS/Fire, 911 agencies, a licensed garbage removal company, and a licensed towing company. The applicant shall develop a written agreement with and a contract to cover all costs of said agencies which satisfy their public safety and clean up or maintenance concerns. Such written proof of said agreements and each signed contract shall be submitted with the application for consideration at the Public Hearing required herein and, again, prior to issuance of a Zoning Certificate if the hearing is greater than 270 days prior to the event.~~

~~b. Applicant for the Mass Event must have and submit with the application written approval from the County Health Department for the provision of adequate potable water and proper sanitation facilities for the event. Applicant will also contact the WV Division of Highways to inform them of the proposed temporary event/use and discuss any traffic control and entrance concerns they might have with the proposed temporary activity. Applicant shall submit a signed letter of agreement from both the County Health Department and the WV Division of Highways with the application for consideration at~~

~~the Public Hearing required herein and, again, prior to issuance of Zoning Certificate if the hearing is greater than 270 days prior to the event.~~

~~e. The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the Mass Event based on the following sliding scale:~~

- ~~i. 1,000—2,000 attendees/day — \$500,000~~
- ~~ii. 2,000—5,000 attendees/day — \$750,000~~
- ~~iii. 5,000—10,000 attendees/day — \$1,000,000~~
- ~~iv. Over 10,000 attendees/day — \$2,000,000~~

~~The Board of Zoning Appeals may take into consideration any past Mass Event on the same parcel by the same applicant in considering whether to grant the application and/or additional conditions or restrictions placed upon the event.~~

~~f.h. If the Mass Event, Major application is approved by the Board of Zoning Appeals, ~~in addition to all other permits and agreements required,~~ the applicant ~~shall~~must also submit a Zoning Certificate application Concept Plan in accordance with the requirements found below, which shall be administratively reviewed and approved.~~

~~2. During the event, any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee equal to the additional Event Fee for every hour in which a violation occurs for each restriction that is violated. In addition, the County may seek other legal and equitable relief.~~

B. Zoning Certificate Application

~~1. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, Upon approval of the Mass Event, Major Application, the applicant shall submit a Zoning Certificate Application and Concept Sketch Plan for administrative review and approval at least 60 days prior to the event date.; The Sketch Plan shall be in accordance with Concept Plan guidelines as outlined in Section 24.116 and Appendix A, Section 1.2 of the Subdivision Regulations-Minor Site Plan Process, for administrative review and approval, and in accordance with the requirements found below:~~

~~a. The Concept Sketch Plan shall be to scale; on a 24"x36" sheet; showing appropriate areas for parking, performance areas (if applicable), bathrooms, food, concessions, public entrance, separate emergency entrance, area for on-site stacking of vehicles for admissions processing, garbage collection area, location of performance lighting and amplification.;~~ setbacks; and any other information required by planning or engineering staff. ~~at the Public Hearing at least 120 days before the event. The Concept Plan shall also show all structures located on neighboring properties with 500 feet of the property upon which the Mass Event is proposed to occur.~~

~~2. Staff will review the Zoning Certificate application and Concept Sketch Plan for completeness within 10 days of receipt. All applications must meet the requirements of all applicable laws, ordinances, and regulations. Any application that fails to meet the requirements of all applicable laws, ordinances, and regulations shall be rejected. There will be a 30 day period for staff to review and approve the Sketch Plan once the~~

application is deemed complete. The Zoning Certificate shall be approved within 60 days if all requirements are met.

3. The applicant must comply with standards in this Ordinance. Any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee equal to the Event Fee for every hour in which a violation occurs for each restriction that is violated. In addition, the County may seek other legal and equitable relief.

~~There will be a 30 day period for staff to review the application and the Concept Plan once the application is deemed complete. Staff shall approve any application and Concept Plan that meet the requirements of all applicable laws, ordinances and regulations and shall reject any application that fails to meet the requirements of all applicable laws, ordinances and regulations.~~

4. A Mass Event, **Major** shall meet the following site requirements and such requirements will be depicted on the ~~Concept~~ Sketch Plan:
- A setback of 500 feet from the property line is required for any performance area;
 - A setback of 250 feet from the property line is required for any area in which camping is permitted;
 - A setback of 250 feet from the property line is required for all dumpsters and trash collection areas;
 - A setback of 50 feet from the property line is required for all parking areas, provided that all parking areas meet a minimum distance requirement of 250 feet from any structures on adjoining properties, unless written documentation from adjoining property owners granting permission to be closer is submitted; and
 - A setback of 250 feet from the property line is required for any alcohol, food, or other sales or concession.
 - Any variance from these requirements shall be ~~referenced~~included in the Mass Event, **Major** Application and the applicant shall ~~process~~submit a Variance application which shall be presented to the Board of Zoning Appeals for their approval.
5. A Mass Event, **Major** is subject to the following conditions and restrictions and such notes shall be placed on the ~~Concept~~ Sketch Plan:
- No outdoor amplified performances after ~~3 a.m. or before 10 a.m.~~ 1 a.m. or before 10 a.m. Sunday through Thursday; and not after 2 p.m. or before 10 a.m. on Friday and Saturday (amplified announcements are permitted).
 - No outdoor performance lighting after ~~3 a.m. or before 10 a.m.~~ 1 a.m. or before 10 a.m. Sunday through Thursday; and not after 2 a.m. or before 10 a.m. on Friday and Saturday.
 - All sale of alcohol shall be regulated by the West Virginia Alcohol Beverage Control (ABC) Administration.
 - No Mass Event, **Major** may last more than ~~four~~ seven days, including attendee arrival and departure dates. A day shall be defined as a 24 hour period from midnight to

- midnight. Only one Mass Event **Major** may occur on any given parcel or a portion of any given parcel.
- e. All lighting and all sound shall be aligned so as to minimize impact on nearby residents and shall conform to the requirements of Section 8.9 of the Jefferson County Zoning and Land Development Ordinance.
 - f. **The** Mass Event site shall provide ample potable water supply and proper sanitation facilities.
 - g. All trash shall be removed daily.
 - h. Any variation from these requirements shall be included in the Mass Event **Major** Application which is presented to the Board of Zoning Appeals for their approval.
6. Proof of liability insurance, including a certificate listing Jefferson County as additionally insured, and bonding documents in the amount as determined by the County Commission shall be submitted with the Zoning Certificate Application.

~~A Upon approval of the Mass Event by the Board of Zoning Appeals and administrative approval of the Concept Plan, an application for a Zoning Certificate, signed by the applicant and the landowner(s), shall be submitted a minimum of 60 days prior to the Mass Event and all LOC or Bond documents as well as proof of liability insurance shall be submitted with the Zoning Certificate application. The Zoning Certificate for a Mass Event shall be reviewed and issued within 30 days of submission of a complete application.~~

APPENDIX C: PRINCIPAL PERMITTED USES TABLE²³

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
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
Home Uses													
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
Institutional Uses													
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 ²⁹	P	P	P	P	PC	P	P	P	P	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	
Mass Event, Major	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	Sec. 8.16
Mass Event, Minor	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	Sec. 8.16
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	
Industrial													
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	

NC	Neighborhood Commercial	OC	Office / Commercial Mixed-Use
GC	General Commercial	R	Rural
HC	Highway Commercial	RG	Residential Growth District
LI	Light Industrial	RLIC	Residential-Light Industrial-Commercial District
MI	Major Industrial	IC	Industrial-Commercial District
PND	Planned Neighborhood Development	V	Village District
P	Permitted Use		
NP	Not Permitted Use		
PC	Use Permitted Conditionally (subject to requirements of district and/or other requirements of this Ordinance)		
*	Limited Permitted or Conditional Permitted Uses listed in Permitted Uses Table		
**	Accessory Use to a planned residential community, if permitted pursuant to Section 5.4.		
¹	The Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this Ordinance		
²	Approval process is per the Salvage Yard Ordinance.		

Section 3.4 Boards and Commissions²³

A. Board of Zoning Appeals

1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this Ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.²
3. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.
 - a. Filing an Appeal
 - i. An appeal to the Board may be taken by any person, board, associate, corporation or official allegedly aggrieved by any administrative decision based or claimed to be based, in whole or in part, upon the provisions of this Ordinance. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted.
 - ii. Such appeal shall be filed with the Board within thirty (30) days from the decision appealed.
 - b. Notification
 - i. Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing.^{5, 17, 21}
 - ii. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days before the hearing. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.
 - c. Public Hearing
 - i. The Board shall hold a hearing within forty-five (45) days of the date the appeal is received in the Departments of Planning and Zoning. At the hearing, any party may appear and be heard in person or by agent or attorney.^{5, 8, 17, 21}
 - ii. The Board shall render its determination on the application no more than thirty (30) days following the public hearing by registered mail.
 - d. Continuance of Hearing
 - i. The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session. Any hearing continued shall be held within thirty (30) days from the initial hearing.
4. The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.²³
 - a. The Board shall approve a variance request if the Board finds that a variance:
 - i. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;

Section 3.4 of the Zoning Ordinance has been included in the packet for reference only. There are no proposed changes to Section 3.4 of the Zoning Ordinance.