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MEMORANDUM

TO: Jefferson County Planning Commission
FROM: Luke Seigfried, Chief County Planner
DATE: November 4, 2025
RE: Draft Subdivision Regulation Amendments for Proposed Rural Residential Zoning District

Background

Jefferson County Zoning Ordinance and Subdivision Regulations currently work together for development standards and other requirements. At the August 12, 2025 Planning Commission meeting, staff was directed by the Planning Commission to create a final draft copy of the Rural Residential Zoning District for the Planning Commission to view and send to public hearing. The Rural Residential draft also currently allows for tri-plexes and quad-plexes, meaning that in some cases dwellings per acre could increase from 4.35 dwellings per acre with single-family structures or duplexes to 7.06 for triplexes and 7.58 dwellings per acre with quadplexes. The total number of dwellings is determined based on the sliding scale located at Section 5.18 of the Zoning Ordinance. The Green Space definition also confirms that green space residue parcels created through cluster subdivisions can be used for agricultural purposes. Attached are the final updates staff has made to STA25-03 and ZTA25-03 for the creation and inclusion of the Rural Residential Zoning District.

The purpose of the proposed Rural Residential zoning district is to provide a location for low and medium density uses while preserving the rural character of the County and revitalize the cluster subdivision process. By using these clustering requirements for the Rural Residential district, open space is preserved in the community while concentrating residential development in a defined area. This serves to focus infrastructure and service areas while reducing residential sprawl. The 2045 Comprehensive Plan recommends clustering as the preferred method of rural development to retain open space.

At the February 22, 2024 Board of Zoning Appeals meeting, the Board directed staff to submit a letter to the Planning Commission that they review the Green Space requirements for a Cluster Subdivision and clarify whether the Green Space requirement was to be included in a single lot or can be split between multiple lots within the subdivision. At the April 9, 2024 Planning Commission meeting, the request for a text amendment was denied on the grounds that the Zoning Ordinance will not be changed until the 2045 Comprehensive Plan was approved. As the 2045 Comprehensive Plan was approved and adopted on February 25, 2025, clustering clarification in the Zoning Ordinance can be reviewed alongside the proposed Rural Residential zoning district.

List of Sections to Amend in the Subdivision and Land Development Regulations (STA25-03)

1. **Section 20.201** – Minor Subdivisions
 - i. Minor changes to the overall text to include Rural Residential in the Minor Subdivision process, also fixed a spelling error.

2. **Section 20.203C – Minor Site Development – Site Plan Exception**
 - i. Minor edits to the overall text to include Rural Residential in the Minor Site Development process.
3. **Section 21.105C - Requirements for Parkland – Design**
 - i. Addition and edits to Table 21.105 and accompanying text to include Rural Residential and revisions to the “Density in Units per Acre of Residential Land Area.”
4. **Section 22.208A & Section 22.208B – Sidewalks**
 - i. Minor edits to the overall text to include Rural Residential in the Location and Modification of sidewalks requirements.
5. **Appendix B, Division 5.1 – Requirements for Townhomes – Minimum Requirements and Standards**
 - i. Inclusion of Rural Residential, Triplex, and Quadplex requirements for the Minimum Requirements and Standards for Townhomes, including linking to the Zoning and Land Development Regulations.

List of Sections to Amend in the Zoning and Land Development Ordinance (ZTA25-03)

1. **Table of Contents, Zoning and Land Development Ordinance – Rural Residential (RR) District**
2. **Article 2: Definitions – Clustering; Dwelling, Quadplex; Dwelling, Triplex; Green Space**
 - i. Creation of definitions and addition of Section 5.5 (Rural Residential) where applicable.
3. **Section 4.10B - Site Plan Requirements**
 - i. Inclusion of duplex, triplex, and quadplex dwelling units.
4. **Section 5.1 – Establishment of Districts**
 - i. Addition of Rural Residential to the list of current Zoning Districts.
5. **Section 5.5 - Rural Residential (RR) District**
 - i. Addition of the Rural Residential zoning district to the Zoning Ordinance, including the purpose of the district, location qualifications, permitted uses, site development standards, and additional requirements.
6. **Section 5.7 – Rural (R) District**
 - i. Update to include the 2045 Comprehensive Plan, addition and update of clustering standards for subdivisions to process under, limit the required green space to a single parcel of land for cluster subdivisions, and further clarify that family transfers are not entitled to land designated as Green Space.
7. **Section 6.3 – Conditional Use Permit**
 - i. Inclusion of Rural Residential.
8. **Section 8.14 – Special Event Facilities**
 - i. Inclusion of Rural Residential.
9. **Section 9.5 – Projections Into Yards**
 - i. Inclusion of Rural Residential, Triplexes, and Quadplexes, removal of the language limiting all projections into the rear setback to just townhomes.
10. **Section 10.5 – Signs Requiring a Special Exception Permit**
 - i. Inclusion of Rural Residential.
11. **Section 11.2 – Residential Parking Standards**
 - i. Inclusion of Residential Parking Standards.
12. **Appendix A: Residential Site Development Standards Table**
 - i. Inclusion of the Rural Residential Zoning District, Duplex, Triplex, and Quadplex dwelling units all added.
13. **Appendix B: Non Residential Site Development Standards Table**
 - i. Inclusion of the Rural Residential Zoning District, Duplex, Triplex, and Quadplex dwelling units all added.

14. Appendix C: Principal Permitted and Conditional Uses Table

- i. Inclusion of the Rural Residential Zoning District, Triplex, and Quadplex dwelling units added, establishment of what is permitted, not permitted, and a conditional use.

Next Steps

In accordance with Article 12 of the Zoning Ordinance and Chapter 8A of the West Virginia Code, the Planning Commission's role is to receive input from the public and to determine whether the proposed text amendment to the Zoning Ordinance is consistent with the 2045 Comprehensive Plan. Following the public hearing, the Planning Commission will finalize the draft text amendments and make a recommendation to the County Commission regarding the amendments to the Zoning Ordinance and the Subdivision Regulations.

The County Commission is also required to hold a Public Hearing to receive public input prior to taking final action on the proposed amendment.

Attached Pages of STA – Page 11-13, 15, 25-26, 36-37, 145

Attached Pages of ZTA - Page 6, 18, 22, 26, 53, 73, 75-77, 79-80, 82, 95, 104-105, 114-115, 119-120, 124, 132, 134, 136-139



Sec. 20.201 Minor Subdivisions

Minor subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation of five (5) residential lots or less, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. Further subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988 shall be classified as a Major subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. A list of all deed transfers since October 5, 1988 shall be submitted with each plat.⁸

A. Residential⁸

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots to either:
 - a. A WV DOH road right-of-way or easement; or
 - b. A road in a major ~~subdivision~~ subdivision that meets county roadway design standards (Table 2.2-1)

However, in the Rural District or Rural Residential District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet

3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

B. Family Transfers⁸

When family transfers are provided for in a specific zoning district, such transfers shall conform with the following:

1. The Deed shall identify the relationship between the grantor and grantee; and document that the recipient has not yet received a previous family transfer.
2. State in the deed and on the plat:

“The lot transferred is to be used for a single-family residence only as long as the lot is not further subdivided. Any further subdivision of the lot shall dissolve the single-family restriction and will place development of the lot under the County land development laws in effect at that time. This lot cannot be transferred again for at least



five (5) years; except as another family transfer of land. Any transferal of this lot within the five (5) year period shall place this lot in violation of the Jefferson County Subdivision and Land Development Regulations.”

3. All lots shall have motor vehicle access via a 50’ access easement, provided that the access easement serves no more than twelve (12) family transfer lots, to either:
 - a. A WV DOH right-of way or easement; or
 - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)

However, lots having a minimum road frontage of 200 feet may have single access on an existing WV DOH right-of-way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining lines may be required if the distance between the driveways is less than 200 feet.

4. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.
5. As used in this subsection, the word “transfer”, as it relates to the five year provision, shall not include:
 - a. Deeds to Trustees to secure a debt, except that no foreclosure can be had thereunder except at public auction and this provision must appear in the deed of trust;
 - b. Judicial sales or tax sales;
 - c. Mortgages;
 - d. Deeds of partition under or pursuant to an order of Court;
 - e. Real estate transferred by will or intestacy.
 - f. Each individual eligible to receive a family transfer as defined in the Jefferson County Zoning and Land Development Ordinance shall receive only one such exempt lot within the County after July 19, 1979.
 - g. Parents who are married are entitled to only one such family transfer parcel.

C. Non-Residential

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. When a non-residential land use is permitted in the Rural Zoning District [or the Rural Residential Zoning District](#), such site development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. Additionally, any commercially zoned property may have a one-time exemption to divide off one lot ~~utilizing~~ [utilizing](#) the minor non-residential provisions providing that no off-site utilities are required and future connections to adjacent lots are provided. All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:⁸



1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
2. **Access.** All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District [or Rural Residential District](#).
3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

Where, in the judgment of staff, a residential or non-residential proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations, the proposed subdivision shall be classified as a major subdivision. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.202 Major Subdivision

A major subdivision, whether residential or non-residential, is any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure. (See definition of "Major Subdivision.") A subdivision may be classified as major if in the judgment of staff, a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.⁸

Sec. 20.203 Minor Site Development^{1, 3, 4, 6, 8}

Minor Site Developments are those proposals that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure.

A. Minor Site Development Determination

1. Minor Site Developments are determined using the criteria in this Section. Existing single family structures used as a single family residence and existing agricultural structures are not included in the square footage computations below. Building(s), both new and additions to existing, where new structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively.
2. Building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall:
 - a. Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.



Note: Once the total of any additions or new structures processed under this provision since October 5, 1988 exceeds 1,200 square feet, it shall process as a Limited Site Plan or a Full Site Plan, as appropriate.

2. Limited Site Plan

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management (quantity and quality) for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

- a. An addition to an existing structure, or, ancillary to an existing use; and
- b. The footprint does not exceed 3,000 square feet or 35% of the existing structure, whichever is smaller.
- c. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.²

3. Full Site Plan

Any development which does not meet all of the criteria for a limited site plan shall meet all the requirements of these Regulations.

C. Site Plan Exception⁸

All non-residential agricultural uses or principal permitted uses in the Rural District [or Rural Residential District](#) that require the construction of a structure other than a residence or other than a structure for private agricultural use that is not intended for public use may utilize this Site Plan Exception. All Minor Site Developments in the Rural District shall be classified per Section 20.203.B⁴ and shall meet all requirements of the Site Plan Classification except for the following:

- a. **Parking Areas and Access Drives.** Parking areas and access drives (except for the concrete apron) are not required to be asphalt or concrete paved but shall have at least 6" of stone/gravel and be graded in a manner that ensures water will not pool on the primary parking area. No curbs and gutters will be required provided the development conforms to the requirement of Section 2.

If the development is of a size or nature that requires the provision of handicapped parking spaces, such spaces shall be paved with asphalt or concrete and a similar paved surface accessing the front of the structure from the parking pad shall be required as detailed in Appendix B, Sec. 2.5(G), *Off Street Parking Standards*.

- b. **Rural Storm Drainage and Management.** Development which is proposed in the Rural [or Rural Residential](#) zoning districts which wishes to take advantage of this Exception is required to utilize Low Impact Development (LID) techniques and provide stormwater management (quantity and quality) for the additional impervious area only. [Gravel is considered an impervious surface.](#)



- width may not be narrower than the minimum at any point within the building envelope. The applicant may define *building* envelopes more restrictively than minimum yard setbacks on the *final plat*.
3. Where lots exceed two acres, the need for rectilinear lot shapes decreases and, provided the provisions of 2 above are met, more irregular lots may be approved where it protects natural features or resources or where it makes the lotting more efficient.
 4. Acute lot corners shall have angles of no less than sixty (60) degrees. Lot corners of less than sixty (60) degrees may be accepted by the County Engineer for lots along road turnarounds.
- C. **Difficult Properties.** Where topography, natural resources, or property shape make normal lot configurations difficult, common drives, *panhandle lots*, or shared easements may be considered to provide access in those situations. They shall not be used simply to avoid more streets.

Sec. 21.105 Requirements for Parkland

This Section is designed to satisfy needs for park facilities in future neighborhoods.

- A. **Visual Access.** Visual access to parkland shall be encouraged from both lots and streets.
- B. **Greenways.** Parkland shall be designed to provide greenways along drainage corridors, streams, or in accordance with a County trail plan. The landscaping along corridors shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway and to the residents of the development.
- C. **Design.**
 1. Parkland shall be integrated into the development design to bring significant open space to the maximum number of properties. Small, odd, left-over open space areas shall be avoided. Landscaping may be required to enhance the value of such spaces where they cannot be avoided, and staff may require the concentration of required plant material. The reservation of land for park and recreation purposes shall be in a suitable, convenient location and shall be of a size, dimension, topography, and character conducive to use as a park, playground, playfield, or similar use.
 2. Land reserved for park and recreation purposes shall be reasonably level and dry and shall be maintained by the property owners' associations in a useable condition as part of an overall maintenance program for the subdivision. Land reserved for neighborhood park and recreation purposes shall be clearly identified on the final plat and shall be for the use and enjoyment of property owners within the subdivision. Land reserved for greenways and trails for public use shall be clearly identified on the Final Plat. The County Commission may accept donation of all or a portion of parkland, greenways, or trails for use by the public.
 3. Open spaces/parkland shall be designed to provide areas of focus within the development. In the Rural District, such spaces shall [be provided in accordance with Table 21.105 for developments following the Clustering provisions found in Section 5.7.D.2 of the Zoning and Land Development Ordinance](#)~~be minimal unless a~~



~~Conditional Use Permit (CUP) has been obtained.~~ In the Residential-Light Industrial-Commercial, ~~and~~ Residential Growth Districts, ~~and~~ Rural Residential Districts, open spaces/parkland shall be provided in accordance with Table 21.105. Residential Land area is determined by adding the square footage of all proposed residential lots. Up to 60% of this requirement may be met with passive open space in the Residential-Light Industrial-Commercial, ~~and~~ Residential Growth Districts, ~~and~~ Rural Residential Districts. Landscaping and hardscapes that include furniture for pedestrians shall be installed to enhance the usefulness of these areas.

Table 21.105 Parkland Requirements for R-LI-C, <u>RR</u> & RG Districts and <u>Cluster</u> Development in the Rural District with an approved CUP	
Density in Units per Acre of Residential Land Area	% of Land to be Reserved for Open Space
Less than 2 units per acre	No land required
2- 4 <u>3.99</u>	4%
4- 6 <u>5.99</u>	7%
6 to 10	10%
10+ <u>More than 10 units per acre</u>	15%

D. **Overlapping Easements.** Easements over environmentally sensitive resources shall not have other easements over the land that would result in the disturbance of the land, with the following exceptions:

1. Pedestrian *access easements* may be permitted anywhere.
2. In order to provide appropriate services, utility and drainage easements may be permitted along any side and rear lot lines of adjoining lots designated for development but shall be minimized in open space areas.cacal

Division 21.200 Site Plan Components

Sec. 21.201 Access and Interconnection

The provision of safe access to adjoining roads and interconnections between adjoining developments is important to a transportation system that works. Access to the State's roads is governed by WVDOH, which is responsible for the review of the site plan for access to the adjoining road network. It is the purpose of these Regulations to encourage connectivity between adjoining uses along arterial and collector roads to reduce the need for traffic to go onto major roads to reach nearby uses. The following governs the review of access and interconnection:

- A. **Access.** The West Virginia Division of Highways (WVDOH) shall review all site plan applications and indicate whether it approves of the proposed access in terms of location and sight distances, acceleration and deceleration lanes, turn lanes, traffic signs and/or signals, and the capacity of the road to handle the proposed traffic.
- B. **Interconnections.** The Department of Engineering, Planning, & Zoning shall review the site plans to ensure that, where interconnections can be made or where adjoining properties have provided for interconnections, the site plan makes the connections. Site plans may be required to be modified to make the connections or to ensure that the interconnections

**Sec. 22.205 Non-Residential Streets**

The standards contained in Appendix B, Section 2.2, *Streets*, shall govern all non-residential street construction.

Sec. 22.206 Cul-de-Sacs

- A. **General.** Cul-de-sac streets shall be carefully managed to ensure they are not over-used. Connectivity is preferred.
- B. **Where permitted.** Cul-de-sac streets may be used if:
 - 1. Natural resources, such as topography, floodplains, open space, or stream systems make standard blocks inefficient;
 - 2. Cul-de-sac streets serve no more than 24 lots or are no more than 800 feet in length, whichever results in a shorter street segment; and
 - 3. The pedestrian circulation system provides for direct, non-vehicular access between cul-de-sac ends where:
 - a. Two lots or fewer are situated between them; and
 - b. The distance between them, measured along street centerlines, is more than 650 feet.
- C. **Dimensional standards.** All cul-de-sacs shall be designed to permit vehicles to turn around without backing, except as may be provided for in Appendix B, Section 2.2, *Streets*. Cul-de-sac standards are listed in Appendix B, *Engineering Standards*, Table 2.2-1, *Roadway Design Standards*.

Sec. 22.207 Private Roads

Private roads shall be permitted in accordance with this Section.

- A. **Private Roads.** Private roads may be developed if all of the following are demonstrated:
 - 1. A homeowner's association is created that will be responsible for the ownership and maintenance of the road.
 - 2. The plat and all lot plans in the subdivision contain a note that indicates that the County shall not take ownership or be responsible for maintenance of private roads.
- B. **Gated Communities.** No gated communities shall be permitted.

Sec. 22.208 Sidewalks

- A. **Location of sidewalks.** Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District [or Rural Residential District](#) when residential density in the proposed development is less than three (3) units per acre and/or when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. Walks shall also be installed in pedestrian easements as may be required by the Planning Commission.⁴



- B. Modification of sidewalk requirements.** Sidewalk requirements may be altered or waived if a pedestrian circulation plan that provides equal or greater pedestrian circulation is submitted to and approved by the Planning Commission. These trade-offs may be permitted:
1. In developments located in the Residential-Light Industrial-Commercial (R-LI-C), Village (V), [Rural Residential \(RR\)](#) and Residential Growth (RG) Districts where lots are greater than one-quarter (1/4) acre in land area to allow off-street trails in lieu of sidewalks, thereby meeting the needs of walkers and cyclists; or
 2. In order to implement the County's Parks and Recreation Master Plan, as set out in sub-section D, below.
- C. Completion of sidewalk networks within the subdivision or site development**
1. In general, sidewalks shall be constructed concurrent with street construction, with special provisions to protect their condition and integrity during the process of building construction. However, this requirement may be waived at the discretion of the Planning Commission if reasonable assurances are provided that:
 - a. Sidewalk segments across individual lots will be constructed after buildings are constructed on the individual lots, but before they are occupied; and
 - b. The timing and phasing of development will result in the completion of the sidewalks on each street segment prior to release of any required construction bond amount for such improvement. Sidewalks shall be installed along street corridors on a priority basis in areas where they are not currently available.
- D. Trails and bikeways**
1. On-street bikeways and off-street bicycling and jogging trails shall be developed in accordance with the County's Parks and Recreation Master Plan to link major attractions and destinations throughout the community, including neighborhoods, parks, schools, churches, public libraries, community centers, major employment centers, and shopping areas.
 2. Stream corridors present opportunities for future off-street bicycle and pedestrian trails to connect with existing or new sidewalks and as means of extending the County's trail system and shall be considered for trail system development in all subdivisions where such opportunities are presented.
 3. In all major subdivisions, a dedicated detached trail or bikeway shall be provided along the public right-of-way for the entire width of the property. This trail or bikeway would be required to be constructed once the County trail plan is established.

Sec. 22.209 Street Lighting

The developer of any subdivision shall be required to install street lighting when lots are less than 15,000 square feet according to the following standards:

- A. Underground Wires.** Street lighting shall be via underground distribution.



- systems or subdivisions served by a central water system that has at least 60,000 gallons of storage capacity. The hydrant shall have a minimum flow rate of 500 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch (psi).
9. Fire hydrants shall be installed at each street intersection with additional hydrants installed where necessary to provide fire hydrants at a maximum spacing interval of 500 feet or ISO standards, whichever is less. Fire hydrants shall be connected to water lines that are at least 6 inches in diameter. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
 10. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia State Fire Marshal and the Jefferson County Volunteer Fireman's Association.
 11. Subdivisions with central water systems that do not meet the standards required for the installation and operation of fire hydrants shall provide proper tap connections at the storage site to permit water draws by pumper or tank trucks.
 12. Fire service, dry hydrants, and cisterns (underground water storage tanks), where installed, shall meet the specifications and standards as established by the Jefferson County Office of Emergency Management; and shall be acceptable to the Chief County Engineer.

Sec. 3.2 Utilities

All utility transmission lines (e.g., electric, phone, cable, water, sewer, etc.) and service lines within the subdivision or site development project shall be underground.

Division 4.0 Stormwater Management and Erosion & Sediment Control⁴

All requirements and processes for Stormwater Management and Erosion & Sediment Control for Jefferson County are contained within the Jefferson County Stormwater Management Ordinance. Development within the County, meeting the criteria described in the Stormwater Management and Erosion & Sediment Control, must conform to the standards set therein.

Division 5.0 Requirements for Townhouses

Section 5.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 5.0 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. The provisions of Division 5.0 are in addition to the requirements for subdivisions found in Appendix A, *Plan & Plat Standards*, and Appendix B, *Engineering Standards*. In the event of a conflict between a requirement of the Appendices and Division 5.0, then the requirement of Division 5.0 shall apply.
- C. [For developments in the Rural Residential District, Division 5.0, Section 5.3 shall have fewer requirements for triplex and quadplex projects. All triplex and quadplex developments are exempt from Appendix B, Section 5.3A.4. In the event of a conflict between Division 5.0, Section 5.3 and the Zoning Ordinance, the Zoning Ordinance shall prevail.](#)

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Section 8.16	Short Term Rentals ⁴¹	107

Campsite ³¹	Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.
Campsite Pad ³¹	An area within a campsite intended for the exclusive occupancy by a camping unit or units under the control of a camper.
Car Wash ²⁷	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Caretaker Residence ^{23, 31}	A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.
Cell on Wheels“COW” ²²	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use ^{23,32}	Any use which is different than the previous use of a building or land.
Church ²³	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering ^{5, 23, 32}	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel does not change unless otherwise provided for in this Ordinance. See Section 5.5 and Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location ^{10, 22}	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.
Commercial Agricultural Enterprise ^{17, 21}	Farm operations which will: A. Contribute in a substantial way to the area’s existing agricultural economy; and B. Help maintain agricultural processors and established farm markets. When determining whether a farm is a part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.

Dry Cleaning and Laundry Services ²⁷	The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.
Dwelling Unit ^{7, 23}	One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, occupied by no more than one family, and containing no more than one independent food preparation area together with facilities for sleeping and bathing.
Dwelling, Detached	A building containing only one single family dwelling unit surrounded by yards or other open area on the same zoning lot.
Dwelling, Duplex ²³	A combination of no more than two single-family dwelling units, with each individual dwelling unit located on its own legal lot, and sharing a common lot line and a common vertical wall.
Dwelling, Multi-Family ²³	A building containing three or more dwelling units, which may include rental or condominium residential units.
<u>Dwelling, Quadplex</u>	<u>A combination of four single-family dwelling units, with each individual dwelling unit located on its own legal lot and sharing common lot lines and vertical walls with the other units.</u>
Dwelling, Single Family, Small Lot ²⁷	A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot (as required by this Ordinance).
Dwelling, Single Family ^{23, 32}	A detached building containing not more than one dwelling unit and not occupied by more than one family. A Single Family Dwelling shall include modular, manufactured and mobile homes as defined herein.
Dwelling, Townhouse	One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
<u>Dwelling, Triplex</u>	<u>A combination of three single-family dwelling units, with each individual dwelling unit located on its own legal lot and sharing common lot lines and vertical walls with the other units.</u>
Dwelling, Two-Family	A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.
Easement	A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained by a person other than the owner of the land parcel.
Electric Vehicle Charging Station ^{27, 32}	A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. Electric Vehicle Charging Stations at single family

Glare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Golf Course ²⁷	A facility for the playing of golf. A golf course may include a clubhouse with restrooms and locker rooms; may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.
Governmental User ²²	Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license, and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.
Green Space ³²	Land required to be set aside under Section 5.5 Cluster Provisions and Section 5.7 Cluster Provisions, for the purpose of retaining active or passive farmland, wooded or forested areas, significant natural or environmentally sensitive features, historic structures and/or core battlefields, and parks. Green space may include open space as defined herein. Land indicated as green space in a cluster development shall be permitted to maintain one single family dwelling unit, and an accessory agricultural dwelling unit (if it meets the qualifications), and may be in private ownership or a homeowner's association.
Grocery Store ²⁷	An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores.
Grooming Services, Animal ³²	Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. Such use may be considered accessory to a Kennel or Veterinary Clinic, and may be included in a Shopping Center.
Gross Floor Area ²⁷	The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.
Group Residential Facility ²³	A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.

2. Uses permitted within the Protection Radius include Residential Uses as listed in Appendix C, barns, and residential accessory structures as defined by this Ordinance. Existing structures (which existed prior to the adoption of this text amendment) within the protection radius may be converted to a non-residential use in accordance with Appendices B & C and shall comply with applicable district regulations as required by Article 5.

Section 4.7 Essential Utility Equipment

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

Section 4.8 Buildable Lot

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

Section 4.9 Traffic Visibility Across Corner Lots

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

Section 4.10 Site Plan Requirements³⁹

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}
- B. Site plan submittal is not required for single-family, [duplex, triplex, and quadplex](#) dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. Site Plan submittal is not required for any Agricultural Use defined in Article 2. Agricultural Uses which are open to the public (Agricultural Special Event Facility, Farm Market, etc.) established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations.
- D. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.²³
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

- A. Commercial Development²⁷
 1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

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

Section 5.1 Establishment of Districts¹

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

RG	Residential Growth District
<u>RR</u>	<u>Rural Residential</u>
I-C	Industrial-Commercial District
R	Rural (Agricultural) District
R-LI-C	Residential-Light Industrial-Commercial District
V	Village District ²³
NC	Neighborhood Commercial ²⁷
GC	General Commercial ²⁷
HC	Highway Commercial ²⁷
LI	Light Industrial ²⁷
MI	Major Industrial ²⁷
PND	Planned Neighborhood Development ²⁷
OC	Office / Commercial Mixed-Use ²⁷

Section 5.2 Boundaries of Districts

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

Section 5.3 District Maps

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

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

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.²³

Section 5.4 Residential Growth (RG) District

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district

2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.³²

Section 5.5 ~~Reserved~~²³ Rural Residential (RR) District

A. Purpose

The purpose of this district is to provide a location for low and medium density residential uses. Residential development in this district shall preserve the rural character of the County by encouraging clusters of residences, minimizing the use of prime agricultural land, and restricting commercial and industrial uses. This district is not generally served with public water or sewer facilities, however, lots that are served have different restrictions as specified in Appendix A.

B. Location

This zoning category is intended for use on properties:

1. Outside of the Preferred Growth Areas (PGAs) as shown on the Comprehensive Plan's Future Land Use Guide.
2. In rural lots intended to be subdivided into clustered residences.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

D. Site Development Standards

Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.

1. Clustering

a. Purpose and Intent

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

b. Lot Area, Setbacks and Other Requirements

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

- ii. One (1) lot may be subdivided for every two and a half (2.5) acres.
- iii. A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.
- iv. The required green space shall be maintained on a single parcel of land.
- v. For every additional 5% green space preservation, the following sliding scale may be utilized:

<u>55% green space</u>	<u>1 lot per 2.25 acres</u>
<u>60% green space</u>	<u>1 lot per 2 acres</u>
<u>65% green space</u>	<u>1 lot per 1.75 acres</u>
<u>70% green space</u>	<u>1 lot per 1.5 acres</u>
<u>75% green space</u>	<u>1 lot per 1.25 acres</u>
- c. Minimum Lot Sizes
 - i. For single-family dwellings and duplex dwellings, minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.
 - ii. For triplex and quadplex dwellings, minimum lot size shall be 7,000 square feet for lots served by both a central water AND central sewerage system. A triplex or quadplex dwelling unit having two common walls with other triplex or quadplex dwelling units may have a reduced minimum lot size of 4,500 square feet.
- d. Maximum Lot Size
 - i. The maximum size of a lot served by central water AND sewer shall be 1 acre.
 - ii. The maximum size of a lot served by central water OR sewer shall be 2 acres.
 - iii. The maximum size of a lot not served by central water OR sewer shall be 2 acres.
- e. Setbacks shall be 25' front, 12' sides, and 20' rear.
- f. Clusters of three (3) or more lots shall not be along an existing public road.
- g. All cluster developments of five (5) or more lots shall be served by an internal road having direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the Comprehensive Plan's Highway Problem Areas Map.
- h. Procedures
 - i. Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations.
 - ii. The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined

in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.

- iii. The Staff shall review and make a recommendation to the Planning Commission regarding the proposed design and layout of the proposed Cluster Development. Staff shall consider the following when reviewing the Cluster Concept Plan:
 - (a) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
 - (b) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
- iv. If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural residential development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.
2. If the development rights under Subsections 5.5D.1 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.5D.1 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.

E. Additional Requirements

No residential structure shall exceed 25 feet in height except as provided in Section 9.2.

Section 5.6 Industrial - Commercial (IC) District^{23, 32}

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

A. Principal Permitted and Conditional Uses^{23, 32}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table and this section.^{27, 32}

- b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11F.²⁷
- c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
- d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.

2. Industrial Design Standards

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.²³
- b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11F.²⁷
- c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

Section 5.7 Rural (R) District^{23, 32}

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D(2) may choose to do so. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The ~~Envision Jefferson 2035~~ 2045 Comprehensive Plan recommends that the ~~cluster provision of the Zoning Ordinance~~ utilization of cluster subdivisions be the preferred method of residential development in the Rural zoning district.^{8, 23, 32}

A. Principal Permitted and Conditional Uses^{23, 27, 32}

- 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.^{27, 32}
- 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}

B. Minimum Lot Area, Lot Width and Yard Requirements²³

- 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.²⁷
- 2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.²³
- 3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.²³

C. Height Regulations

No structure shall exceed 45 feet in height except as provided in Section 9.2.³²

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2 or 5.7D.3 below.

A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density. The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:^{8, 32}

1. A property owner may create one (1) lot for every 15 acres with a minimum lot size of three (3) acres.^{17, 21}
 - a. Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.³²
 - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}
2. Clustering
 - a. Purpose and Intent
 - i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space³².
 - ii. To provide for a well planned development while minimizing the use of prime agricultural land.
 - b. Requirements
 - i. One (1) lot may be subdivided for every five (5) acres.^{17, 21, 23, 32}
 - (a) Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.³²
 - (b) A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.³²
 - (c) The required green space shall be maintained on a single parcel of land.
 - (d) For every additional 5% green space preservation, the following sliding scale may be utilized:³²

55% green space	1 lot per 4.5 acres
60% green space	1 lot per 4 acres
65% green space	1 lot per 3.5 acres
70% green space	1 lot per 3 acres
75% green space	1 lot per 2.5 acres
 - ii. The residue of a lot divided utilizing either 5.7D.1 or 5.7D.2 prior to the date of adoption of this amendment on March 16, 2017, shall have additional rights based on the provisions of this Subsection, provided that the total lots developed shall not exceed one lot per five acres based on the parent parcel on October 5, 1988 and all other provisions of this Subsection are complied with.³²

accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.³²

4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to occur in land designated as “Green Space”, as defined in Article 2 or to further subdivide except as another Family transfer.³²
5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.³⁴

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District¹

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

A. Principal Permitted and Conditional Uses^{23, 27, 32}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.^{27, 32}
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}

B. Standards²³

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.^{23, 27}
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.²⁷

C. Site Development Standards^{23, 27, 40}

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.²⁷
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must

Section 6.2 Variances³²

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:
 - 1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
 - 2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
 - 3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
 - 4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.^{17, 21}
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

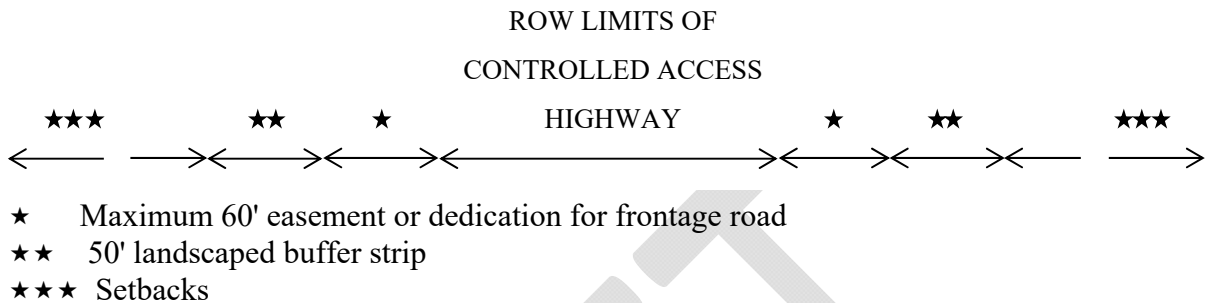
Section 6.3 Conditional Use Permit³²

The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit.^{2, 32}

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered in approving or denying the CUP:
 - 1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
 - 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
 - 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.
 - 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.
 - 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
 - 6. For properties in the Rural [and Rural Residential](#) zoning districts, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. If a rural [or rural residential parcel](#) is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour

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

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



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

Section 8.10 Model Homes/Sales Offices²³

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

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

Model homes without staffed sales offices are permitted internally within the subdivision.¹²

Section 8.11 Petroleum Products Refining or Storage²³

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

Section 8.12 West Virginia Legal Fireworks²³

Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.^{8, 27}

Section 8.13 Dormitory²³

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

Section 8.14 Special Event Facilities³⁹

The purpose of this sections is to create a process by which a property owner in the Rural, [Rural Residential](#), Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

A. An Agricultural Special Event Facility is permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner's primary residence or caretaker's residence. The minimum acreage required is five acres.

1. An Agricultural Special Event Facility may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.
2. An Agricultural Special Event Facility on a parcel of less than 20 acres shall process a Concept Plan, subject to a Public Workshop before the Planning Commission, in accordance with the Subdivision and Land Development Regulations.
 - a. If a Concept Plan is not required, the following documentation shall be submitted as part of the Zoning Certificate application:
 - i. A sketch reflecting the layout of the proposed special event facility shall be submitted to ensure compliance with setbacks and parking. The sketch should delineate the property location, any existing or proposed buildings affiliated with the land use, the parking area, signs, the event tent(s), location of portable restrooms, and the location of any vendors.
 - ii. A traffic control plan shall be submitted to address traffic flow for ingress and egress to ensure that traffic will not create a backup onto public or private roads.
3. All aspects of the land use, excluding parking, but including any new structures and any outdoor components such as event tents, portable restrooms, etc., shall be setback 75 feet from all property lines. Parking shall be setback 25' from all property lines.
4. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee who does not reside on premises. Parking may occur on grass if the applicant can demonstrate that the parking will occur on usable ground and can identify how handicapped accessibility (if applicable) will be addressed.
5. The land use shall comply with Section 8.9A.1 and shall apply the Residential Growth District standard to all adjacent lots.

If the subject parcel associated with an approved Agricultural Special Event Facility loses the associated "farm use" classification through the Assessor's Office, the property owner may apply for a Special Exception in accordance with Article 6 to continue operating the land use.

B. A Special Event Facility is a facility that operates independent from any other use on the property.

1. In the Rural, [Rural Residential](#), Village, and Residential Growth zoning districts, a Special Event Facility shall process a Conditional Use Permit in accordance with Article 6.
 - a. The minimum lot size shall be five acres. Site development standards shall comply with Appendix B.
 - b. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee.
 - c. In addition to the criteria set forth in Article 6, Section 6.3, the Board shall evaluate the following:
 - i. Proposed frequency;
 - ii. Number of attendees (maximum building capacity);

ARTICLE 9: EXCEPTIONS

Section 9.1 General

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations.

Section 9.2 Building Height Limitations

Building height limitations shall not apply for public utilities, agricultural uses, communication poles and towers, chimneys, steeples, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire or observation towers, monuments, or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 4B.^{7, 10, 22}

Section 9.3 Lot Area Modification

In any district where a single-family dwelling is permitted, a dwelling may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this Ordinance, provided:

- A. The lot or parcel was lawfully created in compliance with the applicable subdivision regulations in effect at the time the lot was created; and²³
- B. Health Department regulations can be met.

Section 9.4 Setback Modifications

- A. Where the average setback line of at least two (2) existing buildings on lots which are on the same side of the street or road within 200 feet of the lot in question is less than the minimum setback prescribed by this ordinance, the minimum setback line shall be the average setback line of all buildings within 200 feet of the proposed building. However, in no case shall the setback line be less than 35 feet from the centerline of any abutting road or street.
- B. A structure may be located on a common side or rear lot line of contiguous property owned by the same entity. Provided, however, that the structure shall only be a single family dwelling or an accessory structure. Also provided, however, that the contiguous lots shall be treated as one lot for all purposes by the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations.^{5, 23}
- C. Subdivision signs, school bus shelters and/or mailboxes do not have to comply with setback restrictions provided they are shown and approved on the preliminary or final plat in the subdivision process. In subdivisions approved prior to this amendment, subdivision signs, school bus shelters and/or mailboxes can be built as shown on the plat or be replaced in the same general location.^{12, 23}

Section 9.5 Projections Into Yards⁸

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four feet; provided that such projections are not over ten feet in width. All roof overhangs may extend into any required yard not more than two feet; provided that the primary structure is located entirely within the appropriate setback.²³
- B. Fences and walls over six feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.²³
- C. In the [Rural Residential](#), Residential - Light Industrial - Commercial District and Residential Growth District, on [triplex, quadplex, and](#) townhouse lots with a lot depth of 110 linear feet or less

and/or a lot area of 3,500 square feet or less, the rear setback of a deck ~~for a townhouse~~ (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to ten feet if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Residential Growth District²³

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

C. Electronic Signs

Electronic signs located in the Rural, [Rural Residential](#), Residential Growth, and Village zoning districts shall require a Special Exception Permit unless included as part of a Conditional Use Permit application per Section 10.6. Electronic signs shall conform to the criteria outlined in Section 10.7.

Section 10.6 Conditional Use Permit (CUP) Signs³⁶

Signs associated with a Conditional Use Permit application shall be assessed by the Board of Zoning Appeals as part of the CUP process per Section 6.3. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the CUP application. Signs approved by the Board shall adhere to the following:

- A. There shall be a minimum of 300 feet between signs when located in the commercial/industrial zoning districts.
- B. There shall be a minimum of 1,000 feet between signs when located in the rural/residential zoning districts; however, a minimum of 300 feet between signs may be permitted provided the adjacent land use is a commercial/industrial land use.
- C. Signs shall comply with the front yard setback provisions in the districts in which they are permitted.
- D. In addition to the provisions herein, electronic signs accessory to a CUP application shall conform to the criteria outlined in Section 10.7.

Section 10.7 Electronic Signs³⁶

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, [Rural Residential](#), Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- E. Electronic signs shall not exceed a maximum illumination of 3,000 nits during daylight hours and a maximum of 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
 2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.
- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.

1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
 - H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
 - I. Electronic signs proposed to locate adjacent to a lot in the Rural, [Rural Residential](#), Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
 - J. Electronic signs adjacent to lots in the Rural, [Rural Residential](#), Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.

Section 11.2 Residential Parking Standards²

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per residential uses as follows:

<u>Type of Residences</u>	<u>Parking Requirements</u>
Single Family Detached	Driveway Only
Single Family Attached (Duplex or Two-Family)	Driveway Only ²³
Single Family Attached (Triplex , Quadplex , Townhouse)	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 5.0 ²³
Multi-Family	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 6.0 ²³

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 42}

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft. ***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20		
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
	Triplex, Quadplex , Townhouse Dwelling ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12	N/A	N/A
		30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	‡	12		
Under 30,000 sq. ft.		N/A	N/A	N/A	40	20	8	‡	12			
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12		
	Cluster Subdivision	See RG District										
Rural Residential (RR)	Single-Family Detached Dwelling	Public/Central water and sewer	10,000	N/A	N/A	25	25	12	‡	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	‡	"	N/A	N/A
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	‡	"	N/A	N/A
	Duplex, Triplex, Quadplex Dwelling Units	Public/Central water and sewer	7,000^Q	N/A	N/A	25	25	12**	‡	20	N/A	N/A
Village (V)	Residential uses	See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District ^Φ										
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.										
Neighborhood Commercial (NC)	Residential uses	See RG District										
General Commercial (GC)	Residential uses	See RG District										
Highway Commercial (HC)	Residential uses	N/A										
Light Industrial (LI)	Residential uses	N/A										
Major Industrial (MI)	Residential uses	N/A										
Office / Commercial Mixed Use (OC)	Residential uses	See RG District										
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).										

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 sq. ft. side & rear setbacks for residential accessory structures shall be 6'. NOTE: In RG district side & rear setbacks for accessory structures under 144 sq. ft. shall be 6'.

See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses. All dimensions are in feet unless otherwise indicated.

Φ In the [RR](#), [RLIC](#) and [RG](#) districts, [triplex, quadplex, and](#) townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck ~~for a townhouse~~ may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

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

Q [A triplex or quadplex dwelling unit having two common walls with other triplex or quadplex dwelling units may have a reduced minimum lot size of 4,500 sq. ft.](#)

* Maximum height subject to Section 9.2C

** Exterior side only.

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

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

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type ^⓪	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
												A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use	
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites	N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)		
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100				N/A	N/A		N/A	N/A	N/A	N/A		
	Hospitals	10 ac	500	45	N/A	100				N/A	N/A		N/A	N/A	N/A	N/A		
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50		N/A	See I–C District for commercial or industrial use; Otherwise, N/A							
	Commercial or Industrial **	See IC District																
Rural Residential (RR)	Commercial or Industrial **	See NC District																
Village (V)	Commercial [¥]	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 ^⓪	See I-C District		25	See IC District						
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac ***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 [£]	10 ^⓪										
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

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

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

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

⓪ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⓪ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

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

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39, 43}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	<u>RR</u>	RG	RLIC	IC	V	Additional Standards
Residential Uses														
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	<u>NP</u>	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	<u>P</u>	P	P	NP	P	
<u>Dwelling, Triplex</u>	<u>CU</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>CU</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>CU</u>	
<u>Dwelling, Quadplex</u>	<u>CU</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>CU</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>CU</u>	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	<u>NP</u>	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	<u>NP</u>	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	<u>NP</u>	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	<u>P</u>	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	<u>CU</u>	P	P	NP	NP	Sec. 8.10
Home Uses														
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	<u>P</u>	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	<u>P</u>	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	P	P	Art. 4A
Institutional Uses														
Airport	NP	NP	NP	P	P	NP	NP	CU	<u>NP</u>	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	<u>NP</u>	NP	CU	CU	NP	
Church ³⁸	P	P	P	P	CU	P	P	P	<u>CU</u>	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	<u>NP</u>	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	<u>P</u>	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	<u>CU</u>	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	<u>CU</u>	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	<u>P</u>	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	<u>P</u>	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	<u>P</u>	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	<u>NP</u>	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	<u>NP</u>	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	<u>CU</u>	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	<u>CU</u>	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	<u>P</u>	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	<u>CU</u>	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	<u>P</u>	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	<u>NP</u>	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	<u>P</u>	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	<u>NP</u>	P	P	NP	NP	
Land Use	NC	GC	HC	LI	MI	PND¹	OC	R	<u>RR</u>	RG	RLIC	IC	V	Additional Standards

Industrial														Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	NP	P	P	NP	
Industrial Manufacturing & Processing														Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
Adult Uses														
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses														
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	NP	Sec. 8.8
Commercial Uses														Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	NP	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RR	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued														Sec. 8.9
Bar	P	P	P	P	NP	P	P	NP	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	P	CU	P	NP	P	Sec. 8.3

Brewpub	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	NP	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	NP	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	NP	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	NP	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	CU	P	P	CU	
Non-Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	CU	P	CU	
Land Use	NC	GC	HC	LI	MI	PND¹	OC	R	RR	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued														Sec. 8.9
Restaurant, Fast Food, Drive-Through ⁴⁰	NP	P	P	P	CU	CU	P	CU	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	NP	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	CU	P	P	CU	

Short Term Rental ⁴¹	CU	NP	NP	NP	NP	P	NP	P	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility ⁴³	NP	See Section 8.20				NP	NP	NP	Sec. 8.20					
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	NP	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*														
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	NP	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	NP	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	NP	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	NP	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
Accessory Uses														
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use

R Rural

[RR](#) Rural Residential

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

² Approval process is per the Salvage Yard Ordinance.