



# Jefferson County West Virginia

Public Information

The task of revamping the County's Zoning Ordinance is truly a daunting and time consuming effort. I say this not because I want to receive any thanks for my efforts, but because I want you to know that if you truly want to produce a meaningful Zoning Ordinance, it will take a lot of effort drawing on the experience of every segment of our community and it will take much more time than you may envision. My hope is that this will not be a temporary fix/hurry up and get it done type of ordinance, but one that is well thought out; one that is legally defensible and in compliance with newly enacted Chapter 8A of the West Virginia Code; one that is fair to property owners (particularly property owners in the agricultural and horticultural industries); one that will stand the test of time; one that will be usable for the next 25 to 40 years; and one that is not static but flexible and dynamic to adapt to the changes that will no doubt come about in our County in the next quarter century.

My efforts to produce a draft outline for a new Zoning Ordinance and a basic Zoning Map for the County included a review of at least a dozen Zoning Ordinances from neighboring and other jurisdictions. I found that the one that best serves our purposes would be the Loudoun County Zoning Ordinance of 1993. What I see as the role of the County Commission is to enact an Ordinance which incorporates the following basic principles:

- 1) To take into account the existing uses and activities in the County.

2) To take into account the newly annexed territories of the municipalities which have and will create challenges for infill development (assuming these infill areas are not further annexed into the municipalities).

3) To declare, by way of the Zoning Map, where the County Commission is saying "this is where development will occur, residential development, commercial development, industrial and other special use development."

4) Within each of these designated growth zones, by way of the text of the new Ordinance, the Planning Commission and their consultants should decide on the density and intensity of use. I envision 5 Residential Classifications, 2 Commercial Classifications, 2 Industrial and Special Use Classifications.

5) Adhere to the goals and objectives set forth in the Comprehensive Plan.

6) Finally, the Ordinance, within its text, should provide for Zoning Reclassification conditioned on meeting a predetermined grade or formula. A formula which would depend upon the availability of central water and sewer, the proximity to schools and shopping centers, the access to primary or secondary roads, and the willingness of the developer to make improvements not only within his development, but off-site to ameliorate the impact that that development may have on the community.

As I have expressed to you on earlier occasions, the growth centers ought to be areas that surround the existing municipal centers. To that end, as you can see from this Zoning Map, there is an area designated for growth around Shepherdstown and another area designated around Charles Town/Ranson.

The areas that are without color would be the Rural/Agricultural Zoning District. I would recommend, based on my discussions and meetings with members of the agricultural and horticultural community, in the Rural/Agricultural District, a permitted residential density of one per every 5 acres and a cluster bonus to one unit per every 4 acres, with a minimum lot size of one acre, if one chose to cluster. Let me give you an example. Suppose one had a 100 acre farm, the maximum units permitted would be 20, but if one were to use cluster development, 25 units would be permitted. That means that 25 acres would go into lots, perhaps another 5 into interior roads, and that would leave 70 acres undeveloped. That would give the owner an opportunity to sell his or her property at development prices, but also allow for well over one-half of the 100 acres, as in this example, to remain open, undisturbed and not developed.

The various Zoning Classifications within these growth zones would still need to be decided. For example, within the Residential Growth Zones, the Planning Commission, the County Commission and their consultants would still need to assign specific Zoning Classifications to specific properties, whether they be R-2, R-4, R-8, R-16 (for townhouses) and R-24 (for multi-family).

The five minutes allotted do not allow for any detail on the specifics of the text in the Zoning Ordinance. But, make no mistake, the text is the key, because in the text for each Zoning Classification, will be provided the purpose of that Zoning Classification, the permitted uses, the special exception uses, the lot requirements, the open space requirements, the building requirements, such as lot coverage and building height,

utility requirements, and set-backs and access from major roads. Each Zoning Classification will have a separate set of these types of requirements. You will need a **Zoning Map**. You will need a Zoning text. The map is a start. The text is the key. I wish you good luck