

location.

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]

Section 9.5 Projections Into Yards

[AMENDED BY ACT OF THE COUNTY COMMISSION ON MAY 18, 1996]

- (a) Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four (4) feet; provided any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in length. All roof overhangs may extend into any required yard not more than two (2) feet; provided that the primary structure is located entirely within the appropriate setback.
- (b) Fences and walls over six (6) feet in height shall meet building lines and yard requirements. An Improvement Location Permit is required before construction. Fences and walls six (6) 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.

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 one hundred fifty (150) square feet, shall be five (5) 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 Exceptions

[AMENDED BY ACT OF THE COUNTY COMMISSION ON OCTOBER 12 1989]

For all lots that were approved with setbacks by the Planning (and Zoning) 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 that did not have them stipulated previously by the Jefferson County Planning (and Zoning) Commission as a part of the subdivision process:

Residential Growth District

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 50, 000 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'.

Section 9.8 Exceptions, as follows:

[AMENDED TWICE BY ACT OF THE COUNTY COMMISSION, EFFECTIVE ON JULY 15, 1993 AND SEPTEMBER 13, 1990]

Seasonal use must be approved by the Board of Zoning Appeals pursuant to a public hearing. However, such public hearing need only be advertised for 15 days. Seasonal Uses and Bed and Breakfast establishments (in the Rural Zone) must be approved by the Board of Zoning Appeals pursuant to a public hearing. However, such public hearing need only be advertised for fifteen (15) days. Requests for these exceptions must include all items in Section 12.2 (d). Seasonal uses cannot be approved for longer than one year at a time.

[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]

ARTICLE 10. PROVISIONS FOR SIGNS

Section 10.1 Purpose of Sign Provisions

The purpose of this section is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use.

It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.

Section 10.2 General Provisions

- (a) No sign shall be erected, hung, or placed in any district except as provided in this Ordinance. No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- (b) No zoning permit shall be required for the repainting or repairing of a sign.
- (c) No signs, other than subdivision signs approved by the Planning and Zoning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road.
[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE AUGUST 31, 1989]
- (d) No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- (e) No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- (f) No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- (g) No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- (h) No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- (i) No animated signs, as defined by Section 2.2 are allowed.

Section 10.3 Permitted Signs Without Zoning Permit

- (a) Signs posted upon property relating to private parking or warning the public against trespassing or against dangers of animals.
- (b) Municipal, County, State and Federal signs, including necessary traffic signs.
- (c) Historical markers, monuments, or signs erected by a public authority.
- (d) Plates on residential structures or premises giving the name or address of the occupant, mailboxes, papertubes, and similar uses customarily associated with residential uses.
- (e) A sign indicating the name and/or premises or accessory use of a home for a home occupation or professional purpose, not exceeding one square foot in area.
- (f) A sign not exceeding twenty-five (25) square feet on a farm, advertising farm products primarily grown on the premises.
- (g) Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of a public event.
- (h) A temporary real estate sign designating the zoning classification of the parcel, not exceeding twenty (20) square feet and being located on the subject property for sale or lease
- (i) Building contractors', subdivision and/or professional person' temporary signs on buildings or land under construction but not to exceed one hundred (100) square feet.
- (j) Election signs, provided that unsuccessful candidate shall remove signs within 15 days after a primary or special election. All signs shall be removed within 15 days after the general election. Signs shall not interfere with traffic visibility.
- (k) All temporary signs shall be removed thirty (30) days after the event, unless otherwise specified in Article 10.

Section 10.4 Signs Requiring a Zoning Permit

- (a) Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.
[AMENDED BY ACT OF THE COUNTY COMMISSION ON AUGUST 31, 1989]
- (b) Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. No sign shall be attached to the side of the building that faces an adjoining residence. All signs placed on a property whose use is governed by the Development Review

System is subject to Section 10.4 (e).

- (c) Individual business or industrial establishments may erect a freestanding business sign, provided the lot frontage is at least forty (40) feet. The freestanding sign shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way, and that no part of the sign is closer than five (5) feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed thirty-five (35) feet. Businesses or industries having a frontage on more than one street may have an additional freestanding sign for each street frontage, provided that the total area for all freestanding signs does not exceed 600 square feet. Where the lot adjoins a residence and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign shall not face the adjoining residence. Signs governed by the Development Review System are subject to Section 10.4 (e) . Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.
[AMENDED BY ACT OF THE COUNTY COMMISSION ON MAY 18, 1996]
- (d) All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of three hundred (300) feet between signs, and in the Rural Agricultural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This shall be subject to Section 10.4 (e).
- (e) All signs accessory to land use that must be evaluated by the Development Review System (DRS) shall be proposed within the DRS application and assessed at the Compatibility Assessment Meeting. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. The Planning and Zoning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.
[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE AUGUST 31, 1989]
- (f) No outdoor advertising sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- (g) All outdoor advertising, excluding billboards subject to Section 10.4 (h), shall comply with front yard setback provisions in the districts in which they are permitted.

- (h) (1) No billboard shall be closer to any public highway right-of-way than three hundred (300) feet.
- (2) Placement of a billboard must be in a location that is within eight hundred (800) feet of an existing business.
- (3) There shall be a minimum of one thousand (1000) feet between billboards.
- (4) A billboard shall be no closer than five hundred (500) feet from a church, school, or cemetery.

Section 10.5 Special Exception Uses (Requiring Board of Zoning Appeals After Public Hearing)

Outdoor advertising signs including billboards may be approved by the Board of Zoning Appeals if it conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.

[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]

Section 10.6 Zoning Certificate

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE ON AUGUST 31, 1989]

All Zoning Certificate applications for signs may be approved by the Department of Planning, Zoning, and Engineering Staff if in conformance with the regulations.

[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]

ARTICLE 11. OFF-STREET PARKING STANDARDS

Section 11.1 Non-Residential Parking Standards

- (a) To decrease congestion in the streets, permanent offstreet automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses, increased in size by 20 percent or more after adoption of these regulations.

Spaces shall be required per use and are as follows:

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE SEPTEMBER 13, 1990]

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space.
Auto Service Station	2 spaces per service bay plus 1 space per employee.
Banks, Financial Institution	1 space per 200 square feet of floor space plus 5 reservoir spaces for each drive-up teller.
Bowling Lanes	5 spaces per bowling lane.
Churches	1 space for each 5 persons for which seating is provided in the sanctuary.
Commercial Retail Sales (Less than 2,000 square foot floor space) space.	1 space per 150 square feet retail floor space
Commercial Retail (Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales)	1 space per 500 square feet retail floor space.
Community Center, Library, Museum	1 space per 400 square feet floor space.
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided.
Educational (Schools)	1 space per employee; ample student and visitor parking.
Fire Stations	10 spaces minimum
Hospitals	1.5 for each bed plus one for every

	employee.
Hotel, Resort	1 space per guest room plus 1 space per 5 employees.
Manufacturing Plant	1 space per employee on maximum working shift.
Medical or Dental Offices/Clinics	5 spaces per 1000 square feet of gross floor space.
Mortuary or Funeral Parlor	1 per 150 square feet of floor area devoted to viewing and one per vehicle used in activity PLUS one per each two employees, but 20 spaces minimum.
Motels, Tourist Homes	1 space per guest room or suite.
Nursing Homes	1 space per 400 square feet floor space.
Office Building	1 space per 300 square feet floor space.
Professional Building (Other than Medical)	2 spaces per 300 square feet floor space.
Recreational Establishment (Other than theaters, swimming pools and bowling lanes)	1 space per 80 square feet of floor and/or as determined by extent of outdoor use.
Restaurants, Taverns, Lounges, Nightclubs	1 space per 50 square feet customer floor space.
Shopping Center (Retail greater than 2,000 square feet of floor space.)	5.5 spaces per 1,000 square feet floor
Swimming Pool	1 space for every 7 person permitted at any one time.
Theaters, Auditoriums, Stadiums	1 space per every 2 seats.
Transportation Terminals	1 space per main shift employee.
Warehouses or Wholesale Establishments	1 space per main shift employee plus 2 spaces per wholesale establishment.

- (b) Parking requirements for uses not listed in 11.1(a) may be either approved or established by the Department of Planning, Zoning and Engineering Staff on a case-by-case basis. Justification for said requirements must be documented.
 [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE ON MAY 18, 1996]
 [PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]

Section 11.2 Internal Circulation, Entrance and Parking Requirements

- (a) All site plans for non-residential development are subject to the provisions and regulations for internal circulation, entrance requirements, and parking space and lane requirements referenced in Article 11 of the Jefferson County Subdivision Ordinance.

Section 11.3 Residential Parking Standards

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE AUGUST 31, 1989]

- (a) To decrease congestion in the streets, 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, increased in size by 20 percent or more after adoption of these regulations.

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)	Driveway only
Single family attached (townhouses)	See Section 8.3 (c) 7.of Subdivision Ordinance
Multi-family apartments	See Section 9.3 of Subdivision Ordinance

ARTICLE 12. MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- (a) These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- (b) The County Commission shall refer any amendment or alteration of this Ordinance to the Planning and Zoning Commission for analysis, study, report, and recommendations.

Section 12.2 Procedure for Amendment by Governing Body

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE MAY 4, 1989]

- (a) After the enactment of the zoning ordinance, the governing body of the County may amend the zoning ordinance without holding an election.
[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]
- (b) Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan.
[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]

Section 12.3 Procedure for Amendment by Petition

- (a) The procedure for amendment shall be as dictated in §8A-1-1 et seq of the West Virginia State Code, as amended.
[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]
- (b) Petitions to the County Commission for an amendment must contain the following information:
 - 1. Substantiation for the request
 - 2. Tax District, Map and Parcel number
 - 3. Deed Book reference
 - 4. Plat or sketch pursuant to Section 7.4 (b)
 - 5. Tract size
 - 6. Discussion on:

- a. Comprehensive Plan compatibility of the proposed change.
- b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted
[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS
REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]