

**Resolution to recommend adoption of the proposed Jefferson County Zoning Ordinance document draft dated June 16, 2008, with amendments dated August 4, 2008, and proposed Zoning Map, dated May 5, 2008, with amendments dated August 5, 2008**

*Whereas, the process of review of the current Jefferson County Zoning Ordinance began in 2003; and*

*Whereas, Section 8A-7-4 of the West Virginia State Code identifies requirements that a "study and report on Zoning" be prepared by the County governing body with the County Planning Commission before enacting a Zoning Ordinance and notes that the study may include:*

- "(1) Evaluating the existing conditions, the character of the buildings, the most desirable use for the land and the conservation of property values in relation to the adopted comprehensive plan; and*
- (2) Holding public hearings and meetings with notice to receive public input." ; and*

*Whereas, Section 8A-7-4 of the West Virginia Code also notes that "The planning commission must use the information from the study and the comprehensive plan and prepare a report on zoning. The report shall include the proposed zoning ordinance, with explanatory maps showing the recommended boundaries of each district, and the rules, regulations and restrictions for each district." It further notes that "no zoning ordinance may be enacted without a such a study and report." ; and*

*Whereas, Section 8A-7-8 of the West Virginia Code provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission and notes that "[b]efore 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." See W.Va. Code Section 8A-7-8(b); and*

*Whereas, Section 8A-7-8 of the West Virginia Code also states that "[i]f the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area." ; and*

*Whereas, the Planning Commission finds that during the past few years, as the proposed Zoning Ordinance has been constructed, that both the County Commission and Planning Commission have evaluated a wide range of existing conditions, the character of buildings and development trends in the County, the most desirable use for land in the County, and the conservation of property values in relation to the goals, objectives and policies identified in the 2004 Jefferson County Comprehensive Plan; and*

*Whereas, several studies and reports have been prepared over the past five years to document these many considerations made by both the County Commission and the Planning Commission. These studies and reports included:*

1. *A study and report prepared by Tustian & Associates entitled **Comprehensive Plan Report**, dated January 31, 2002, which identified development trends and issues of concern in the County.*
2. *A study and report adopted and released by the Jefferson County Planning and Zoning Commission dated March 25, 2003, entitled **Position Report on Conventional Zoning in Jefferson County, WV** which identifies a range of concerns with the current Zoning Ordinance as a basis for deliberating changes necessary to better address land-use management concerns referenced therein.*
3. *A study and report prepared by Kendig Keast Collaborative, entitled **Ordinance Critique and Recommendations** draft dated June 2006. This identifies land-use management recommendations to be included in a revised zoning ordinance to better manage growth and development in Jefferson County in accordance with recommendations developed based on the consultant evaluation of conditions.*
4. *A study and report and GIS dataset study prepared by the Freshwater Institute of The Conservation Fund dated January 23, 2007, entitled the **Jefferson County Green Infrastructure Assessment** that mapped key environmental resources that should be considered for protection in Jefferson County.*
5. *Two studies and reports and a GIS dataset study prepared for the Jefferson County Historic Landmarks Commission by Taylor and Taylor Associates, Inc. of Brookville, PA, entitled the **Jefferson County 2004-2005 Historic Resources Survey** (southern half of the county), presented April 2005, and the **Jefferson County 2005-2006 Historic Resources Survey** (northern and western half, the remainder, of the county), presented October 2006, and a GIS dataset prepared by the Jefferson County Historic Landmarks Commission, entitled the **Jefferson County Historic Landmarks Commission Historic Sites and Structures Survey Inventory Database**, adopted April 19, 2007, all of which together documented and mapped key historical resources that are protected, or that should be considered for protection, in Jefferson County; and*

***Whereas**, the County Commission held six (6) public hearings during the months of November and December, 2007, in various geographic locations throughout the County to solicit public comment on the draft ordinance which were attended by some of the Planning Commission members; and*

***Whereas**, the County Commission has twice revised the draft to address concerns expressed by the public during these forums; and*

***Whereas**, in accordance with the amendment procedure in Article 12 of the current Zoning Ordinance, the Planning Commission has conducted a public hearing on July 21, 2008, to take testimony from the public concerning the proposed draft Jefferson County Zoning Ordinance and the consistency of the proposed ordinance with the Jefferson County Comprehensive Plan; and*

***Now therefore**, the Jefferson County Planning Commission finds:*

- *That the proposed Zoning Ordinance identifies specific zoning districts and the rules, regulations and restrictions for each Zoning District, and the proposed Zoning Map also clearly identifies the recommended boundaries of each district; and*
- *The draft Jefferson County Zoning Ordinance, dated June 16, 2008, with amendments proposed by this Commission dated August 4, 2008, and attached hereto is consistent with the Jefferson County 2004 Comprehensive Plan; and*
- *The draft Zoning Map dated May 5, 2008, with amendments proposed on a revised draft zoning map prepared on August 5, 2008, is consistent with the Comprehensive Plan; and*
- *That there have been no major changes of an economic, physical or social nature within Jefferson County which were not anticipated when the comprehensive plan was adopted and no changes have occurred to substantially alter the basic characteristics of the area and that the objectives, recommended policies, and strategies described in the Comprehensive Plan are just as relevant and appropriate to guide County efforts to direct or manage growth today as they were when written in the years 2003 and 2004; and*
- *The seven (7) public hearings, together with the previously referenced reports and studies, have served as a basis for this report and the proposed Zoning Ordinance and Zoning Map.*

**Now therefore be it resolved,** that the Jefferson County Planning Commission hereby recommends adoption of the proposed Zoning Ordinance and Zoning Map with the aforementioned amendments to improve efforts to manage future land use, growth and development in Jefferson County, West Virginia.

Approved this 12<sup>th</sup> day of August, 2008

By vote of the Jefferson County Planning Commission

*Robert Reynolds*

Robert Reynolds, President

