

# SECTION TWO LAND USE & COMMUNITY CHARACTER







## INTRODUCTION

The Land Use and Community Character section of the plan is intended to assist the community with the development of goals and strategies that will guide the future growth of the community in a manner that is compatible with Shepherdstown's unique character, respects the environment and builds upon the town's identity to shape the built environment.

### Community Character

Shepherdstown's character is derived, in great part, from the physical patterns of development and the architectural vernacular of the buildings that form the historic core of the community. Shepherdstown's core area exists in stark contrast to the suburban development patterns that have emerged on the fringes of the town. In general, these suburban areas of unincorporated Jefferson County around Shepherdstown have developed with little regard for the historic context of the community that they surround, in terms of architectural style and quality as well as the physical form and pattern of development.

The community recognizes and accepts that growth and change will continue to occur both within and outside of the town limits, and while a number of forces will determine the town's involvement and influence over how growth occurs on its fringes, the community

has expressed a desire for development to occur in a manner that respects the history, identity and soul of Shepherdstown.

### Downtown - Heart & Soul

Downtown Shepherdstown is the heart and soul of the community. As a vital part of the economic, cultural, social and historic fabric of the town, the downtown area was consistently cited by residents during the plan development process as being the single most important part of the fabric of the larger community. As such, it deserves special attention from the town through the implementation of strategies that are designed to achieve the goal of retaining its unique character and strengthening its long term viability as the focal point of the community. Of particular concern going forward are its viability as a retail hub in the community, its aesthetic appearance and its ability to attract tourists to the community by offering a unique experience that cannot be found elsewhere.

### Rural Landscapes

Shepherdstown is defined not only by the historic architecture that lies at the core of the community, but also by the beauty of the natural landscape that surrounds the Town. This contrast in character between the town and the countryside was once well defined with a clear line between the two. In many areas this



definition has been eroded as the community has grown and suburban development has replaced the farm fields and forests that once dominated the rural fringes of the town.

The fragmentation of the rural landscape and the loss of the strong contrast between urban and rural have changed the character of the community by blurring the lines between town and countryside, and thereby reducing the emphasis on the importance of the core of the town as a distinct and unique place. Moving forward, the community desires to preserve those areas where this definition still exists, while also fostering a more balanced approach to development that gives equal weight to growth and the preservation of open space and environmental resources.

## Growth Management / Annexation

While the greater Shepherdstown area has grown and developed over the years, the town's corporate limits have remained virtually unchanged from those that were laid out at its founding. At less than 250 acres in size, the incorporated town encompasses only a small fraction of the larger urbanized area in terms of both population and land area. And while only a small portion of the area's population is within the town, most residents in the area consider themselves to be residents of "Shepherdstown".

Many of the institutions associated with the town, including the elementary and middle schools, Morgan's Grove Park, and a significant portion of Shepherd University lie just outside of the Town's corporate limits. Going beyond the basic idea of "place" and the potential confusion often associated with the small size of the town in relation to the urbanized area, this has led to a situation in which a very small share of the area's population are sharing the responsibilities and enjoying the full range of benefits that go along with living in the corporate limits of Shepherdstown.

In essence, two Shepherdstowns have emerged from this situation. One is the incorporated historic core which is governed locally and provided the full range of services that are necessary to maintain a thriving community. The other is the much larger surrounding suburban area which is governed by Jefferson County and provided only limited services, which are much less robust and not commensurate to the needs of the area given the density and intensity of development.

The small size of the tax base and number of customers receiving services within the town also limits its ability to take advantage of the economies of scale that would be realized if services were able to be expanded throughout the greater Shepherdstown area. By growing the size of the community to include those neighborhoods, commercial areas and potential



*This map depicts the geographic extent of Shepherdstown's adopted Growth Management Boundary that was agreed to and approved by Jefferson County in April of 2014.*

 Growth Management Boundary

Adopted Growth Management Boundary



development sites surrounding the town, Shepherdstown would be able to diversify and broaden its tax base, stabilize revenues and provide the same high quality services that are received by current residents and businesses throughout the community. Residents and businesses that are currently outside of the town could then enjoy the benefits of being in Shepherdstown proper, including sharing in the responsibility of governing their community locally.

## Regulating Development

Ensuring that the town is well equipped to guide and manage development is critical to the future of the community. The current zoning and development ordinances were adopted primarily to preserve and protect the existing conditions of the community, and in many ways have limited applicability to situations that require the management of land use change. Updating the town's development related ordinances to better reflect the needs of the community will provide it with the tools that are necessary to manage change within its Growth Management Boundary while also guaranteeing the stability of those parts of the community the Town desires to preserve as they currently exist.

## Accommodating Growth

Directing growth toward those areas where sufficient infrastructure is available and town services can be easily extended is critical to ensuring that new development does not negatively impact

existing levels of service or cause undue burdens on infrastructure capacity. Tools, such as the Town's Adequate Public Facilities regulations, help to ensure that the community is not negatively impacted by development. Conversely, this type of regulation can also deter growth when not correctly aligned with realistic metrics with which to measure impacts and capacity. The existence of such regulations in Shepherdstown presents an opportunity to guide development within the Growth Management Boundary toward those areas that can be easily served by existing services and infrastructure while directing growth away from those areas that are lacking in those attributes.

## Neighborhood Preservation

The character of Shepherdstown's neighborhoods is a key driver of the quality of life for the residents of the Town. Preserving, maintaining and enhancing the quality of the town's neighborhoods by preventing encroachment from incompatible land uses, improperly scaled development and nonresidential parking were frequently cited throughout the planning process as some of the most important factors that will help to preserve the quality of the town's neighborhoods. Other issues identified by participants in the plan development process included the appearance and safety of some residences, concerns about the quality of rental housing and concerns about the redevelopment of residential lots with new dwellings that could be out of character with historic architecture of the community.



## LAND USE PROFILE

The Land Use Profile is intended to serve as a tool that can be referred to and updated regularly as growth and development occurs and as the Comprehensive Plan is updated over time. The profile contains a summary of existing land use patterns, an examination of land subdivision patterns and an assessment of the current application of zoning within the area covered by the plan. Together, these data points help to form a clear picture of the distribution of land uses throughout the planning area and give the reader a deeper understanding of how land use patterns may affect the community in the future.

### Existing Land Use Summary

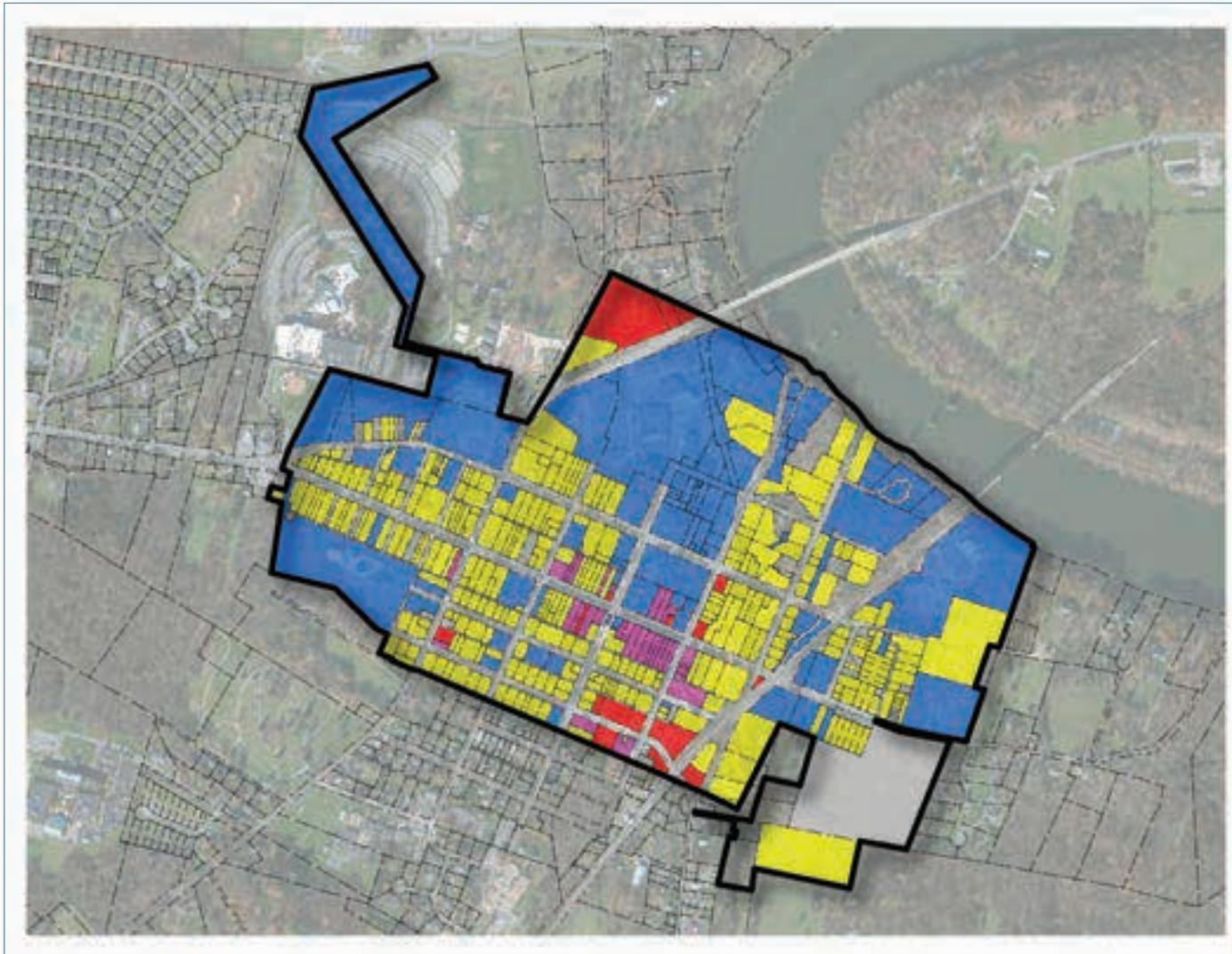
The following is a summary of the existing land use patterns found both within the corporate limits of Shepherdstown as well as in the larger Growth Management Boundary area. Land use classifications used to develop this summary are based upon the land use classifications assigned by Jefferson County.

#### *Shepherdstown Existing Land Use*

Land that has been developed for residential use, which is comprised predominantly of single family dwellings but also includes some small scale multi-family developments, occupies approximately 71 acres, or 36%, of the land within the corporate

limits. The 273 individual lots that have been developed with single family dwellings account for around 85% of the acreage developed for residential purposes in the corporate limits. These single family residential properties have an average size of 0.23 acres, which is approximately 10,000 square feet. Overall, there is very little variation in residential lot sizes, with the exception of residential properties located in close proximity to the river or on the margins of the town. Residentially developed properties are found throughout town, but are concentrated most heavily in the neighborhoods along the eastern and western ends of German Street, New Street and Washington Street south of German Street, Princess Street and Mill Street north of German Street and the eastern and western ends of High Street.

Accounting for around 45% of the land within the corporate limits, property that is used for public and institutional purposes occupies just over 88 acres within the corporate limits of Shepherdstown. While inclusive of all uses of this nature, land used for this purpose is split nearly equally between land that is part of Shepherd University and land that is owned by the town, churches and similar public or institutional organizations. Like residential land uses, property used for this purpose is found throughout the corporate limits. The most significant concentrations, however, are found in the central and north central section of the community on Shepherd University's East Campus, the areas in the corporate limits north of High Street



*This map depicts the current distribution of land uses within the corporate limits of Shepherdstown, based upon the classification system used by Jefferson County.*

-  Residential
-  Commercial
-  Mixed Use
-  Public / Institutional
-  Vacant

Shepherdstown Existing Land Use Pattern



on Shepherd University’s West Campus, the southwestern corner of the town south of West German Street and the northeastern corner of the town on either side of the railroad.

Mixed commercial / residential land uses occupy just over 5 acres, or 3%, of the land in the corporate limits. These land uses are most heavily associated with and concentrated in downtown Shepherdstown along in the central part of the community along German Street and the block of Princess Street immediately south of German Street.

Land used for purely commercial purposes occupies close to 10 acres, or around 5% of the total amount of land within the corporate limits. Land used for commercial purposes is concentrated in the

south central portion of the town along East Washington Street near the railroad and in the north central portion of the town on North Duke Street between the East and West Campuses of Shepherd University. Other commercially used properties are scattered around town along primary streets such as German, Duke and Princess. These scattered parcels, however, make up only a small fraction of the total amount of land used for commercial purposes.

The remainder of the land within town is classified by Jefferson County as being vacant. This consists of a single parcel in the southeastern corner of town along German Street at the eastern edge of the corporate limits in the town.

Land Use Category	Shepherdstown	Percent of Area	Growth Management Boundary	Percent of Area	Combined Area	Percent of Total
<b>Residential</b>	70.8	36.1%	3,038.2	26.4%	3,109	26.6%
<b>Commercial</b>	9.8	5.0%	77.2	0.7%	87	0.7%
<b>Mixed Use</b>	5.3	2.7%	0.2	< 0.1%	5.5	0.1%
<b>Public / Institutional</b>	88.3	45.1%	1,014.7	8.8%	1,103	9.4%
<b>Conservation</b>	-	-	497	4.3%	497	4.2%
<b>Agriculture</b>	-	-	5,730	49.8%	5,730	49.0%
<b>Vacant</b>	22.2	11.3%	1,143.8	9.9%	1,166	10.0%

Table 8 - Existing Land Use Summary



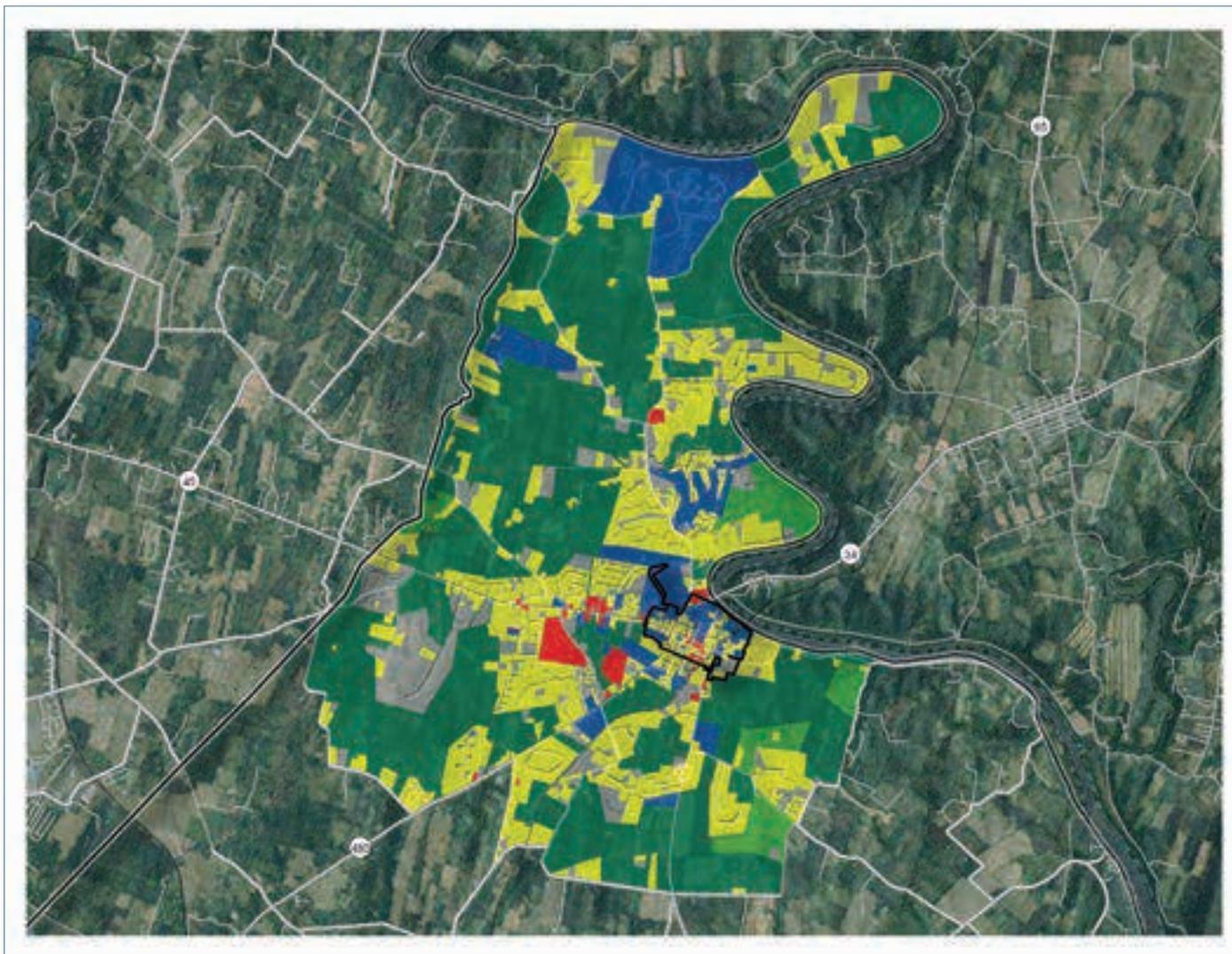
## *Growth Management Boundary Existing Land Use*

The predominant classification of land in the Town's Growth Management Boundary (GMB) is land used for agricultural purposes. With 5,730 acres of property classified in this manner, agricultural land accounts for slightly less than 50% of the area of the GMB. The agricultural land use classification includes land classified by Jefferson County as both "active" and "inactive" farms. The largest individual property classified for agricultural use in the GMB is approximately 260 acres, and as a group, parcels used for agricultural purposes have an average size of 37 acres. Farmland is found throughout the growth management boundary, but is most heavily concentrated in the areas located along the western portion of the GMB, particularly north of Route 45. Other concentrations of agricultural land are found along the southern border of the GMB due south of Shepherdstown and in the areas immediately east of Shepherdstown's corporate limits.

Residentially developed land within the GMB is the second most predominant type of land use in the area outside of the town limits, with over 3,000 acres classified in that manner, which accounts for over 26% of the land area of the GMB. Like residentially developed properties within the corporate limits, land used for residential purposes is comprised primarily of single family dwellings. The 1,715 parcels that contain a single family dwelling account for over 93% of the residentially used land in the

GMB. Single family lots within the GMB have an average size of 1.45 acres, which is almost 7 times larger than similarly developed properties inside of Shepherdstown's corporate limits. Residential development in the GMB is most heavily concentrated in the areas in closest proximity to Shepherdstown's corporate limits, with the exception of areas due east of town. The most intensively developed residential areas are found along the Route 45 and Route 480 corridors west and south of town. The area north of the corporate limits of Shepherdstown along Shepherd Grade Road are broadly developed (from a geographic perspective) with residential uses, but with the exception of the area surrounding the golf course, the intensity of development tends to be lower in this area than along the Route 45 and 480 corridors. The remainder of the GMB has much lower densities and intensities of residential development than what is found in the aforementioned areas.

The GMB contains slightly more than 77 acres of land used for commercial purposes, including the very small amount of mixed commercial / residential land in the area, which together account for less than 1% of the total land area in the GMB. Commercially developed properties in the GMB are concentrated most heavily along the Route 45 corridor west of Shepherdstown's corporate limits, but even in this area commercial development is relatively dispersed, with the exception of the area around the Maddex Square shopping center. The remainder of the land developed



*This map depicts the current distribution of land uses within the town's adopted Growth Management Boundary, including within the corporate limits of Shepherdstown. The classification is based upon the system used by Jefferson County.*

- Residential
- Commercial/Mixed Use
- Agricultural
- Public / Institutional
- Conservation
- Vacant

Growth Management Boundary Existing Land Use Pattern



for commercial purposes in the GMB is scattered throughout the area, though typical found only along the major road corridors.

Property that is used or developed for public and institutional uses in the GMB has a total area of over 1,000 acres, accounting for nearly 9% of the land area of the GMB. Among the properties developed for this purpose is the National Conservation Training Center (located at the northern end of Shepherd Grade Road), which alone accounts for half of the public and institutional land in the GMB. The portion of Shepherd University's West Campus that is located outside of Shepherdstown's corporate limits and the golf course at Cress Creek combine to contribute a significant portion of the remaining amount of land used for these purposes in the GMB. The remainder of the land used for public and institutional purposes that is found in the GMB, including churches, schools and similar uses, is concentrated fairly centrally in the general vicinity of Shepherdstown, particularly along the Route 45 and 480 corridors.

Approximately 500 acres of land, representing slightly more than 4% of the total land area of the GMB, is subject to conservation easements, and therefore classified by Jefferson County as being in "conservation" use. These properties are located primarily in the eastern portion of the GMB, with large amounts of acreage designated for this purpose located north of Shepherdstown along the Potomac River, as well as along Engle Moler Road and River Road near the eastern edge of the GMB.

Land classified by Jefferson County as being vacant is found throughout the area within the GMB. With over 1,100 acres classified in this manner, vacant land accounts for approximately 10% of the land area of the GMB. While generally found widely scattered throughout the area, land classified as being vacant does represent a significant amount of the land in the southwestern portion of the GMB (between Routes 45 and 480).

### *Developed and Undeveloped Land Use Comparison*

Developed land uses, including land classified by Jefferson County as residential, commercial, mixed use and public / institutional account for nearly 90% of the land area within the corporate limits of Shepherdstown. This degree of development and urbanization is in stark contrast to what is found in the GMB outside of the corporate limits where only 36% of the land is used for one of these "developed" purposes. The amount of "undeveloped" land in the GMB, which includes land used for agricultural purposes or is otherwise classified as vacant or conservation, is nearly 7,400 acres, or over 11.5 square miles. Adding together the land use classifications of the areas within the corporate limits of Shepherdstown and outside of the corporate limits in the GMB does little to change the relative proportions of developed and undeveloped land in the combined area. Together, the developed share of the area is around 37%, while the undeveloped share is close to 63%.



Jurisdiction	Developed	Percent of Area	Undeveloped	Percent of Area
Shepherdstown	174.2	88.9%	22.2	11.1%
Growth Management Boundary	4,130.3	35.9%	7,370.8	64.1%
Combined Area	4,304.5	36.8%	7,393.0	63.2%

Table 9 - Comparison of Developed and Undeveloped Land Uses

## Land Subdivision Analysis

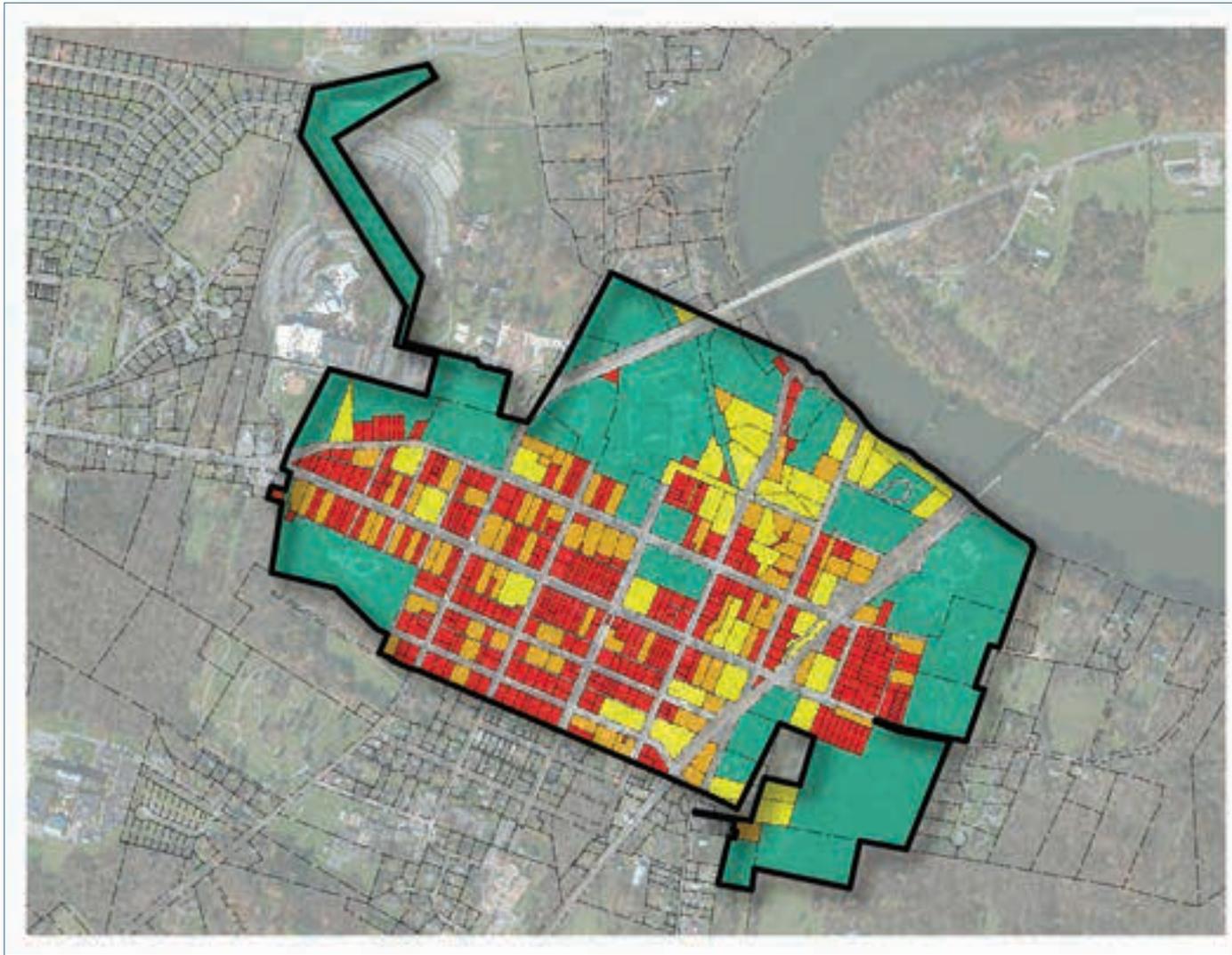
The land subdivision analysis is intended to provide a thorough examination of the current density of development, as it relates to the sizes of tax parcels. Coupled with land use data, a review of the degree to which land has been subdivided can help to identify patterns on the landscape that help to differentiate urban vs. suburban vs. rural development patterns. This can also help to identify the location of large tracts of land, or clusters of smaller tracts of land that may be assembled, which might be likely to be developed in the future given the density of land subdivision either surrounding them or otherwise adjacent or in close proximity to an urbanizing influence.

### Shepherdstown Land Subdivision

Despite the overall degree of urbanization found within the corporate limits of Shepherdstown, nearly half of the total

acreage in town is contained in parcels that exceed 1 acre in size. These larger parcels have an average size of 3.7 acres. This is influenced heavily by the large tracts that make up the portions of the Shepherd University campus that is within the town limits. Parcels under 0.25 acres in size (approximately 10,000 square feet) account for around 23% of the total acreage in town. Interestingly, lots in this category have an average size that is less than half (0.12 acres) of the maximum lot size in the category. This is influenced to a great degree by the sheer number of parcels in this category (over 350 - including 211 which are used for residential purposes) and the very small size of typical lots in the core downtown portion of Shepherdstown.

There are only around one-third as many lots in the categories of parcels between 0.25-0.5 acre and 0.5-1 acre as there are under 0.25 acres (121 versus 354), and together parcels in these two mid-range classifications account for around 28% of the total area of



*This map depicts the density at which land has been subdivided within the corporate limits of Shepherdstown.*



## Shepherdstown Land Subdivision



Parcel Size	Number	Acres	Percent of Total	Average Size
<b>0.25 Acres or Smaller</b>	354	44.7	22.8%	0.12
<b>0.25 to 0.5 Acres</b>	81	26.7	13.6%	0.33
<b>0.5 to 1 Acre</b>	40	27.9	14.2%	0.7
<b>1 Acre or Larger</b>	26	97	49.4%	3.73

Table 10 - Shepherdstown Land Subdivision

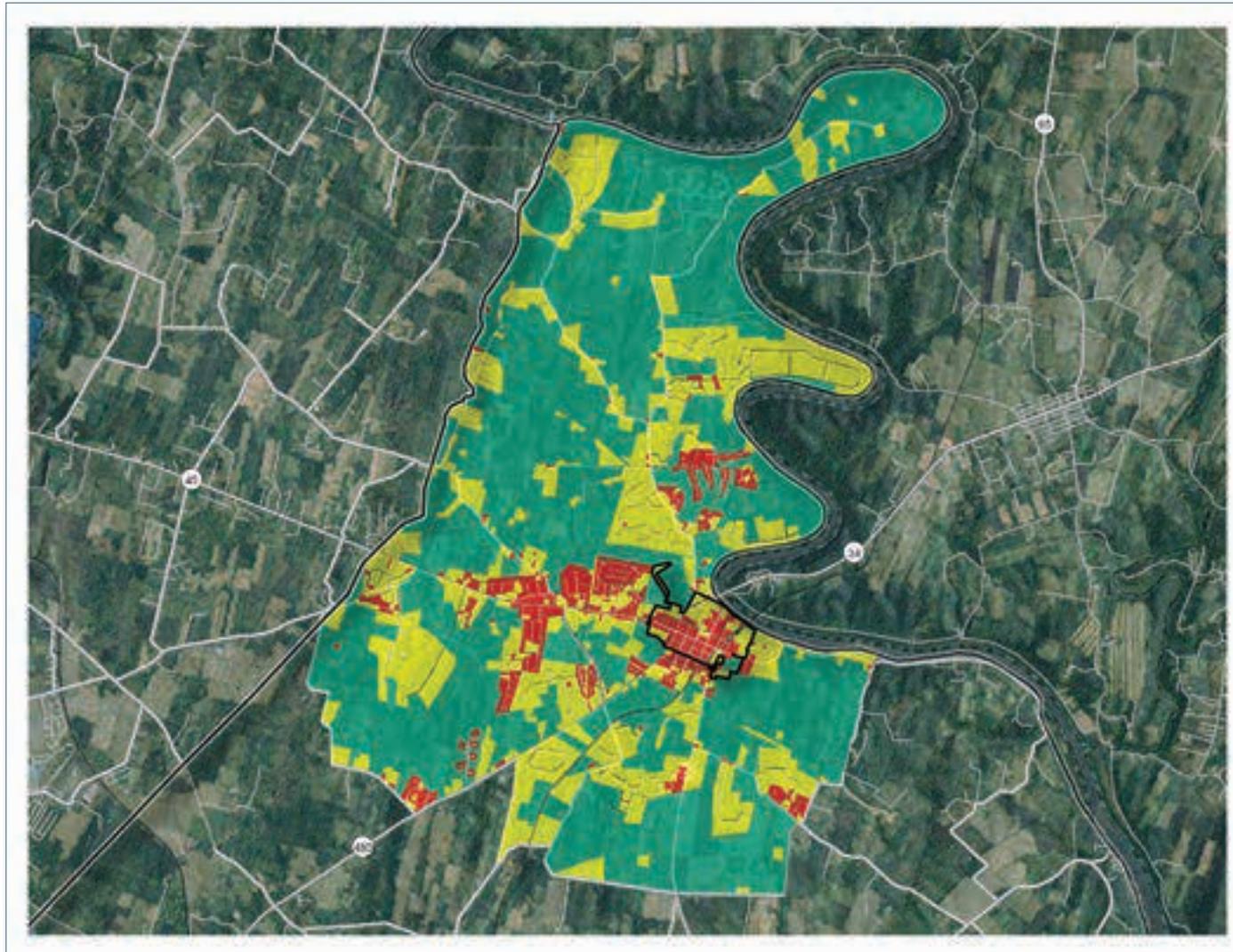
the town. Parcels in the 0.25 - 0.5 acre category are weighted toward the lower end of the size category, with an average size of 0.33 acres (14,000 square feet), while parcels in the 0.5-1 acre category are closer to the center of the range, with an average size of 0.7 acres, which is still in the bottom half of the range.

The greatest concentrations of densely divided parcels are found along the central block of German Street between King Street and German Street to its intersection with High Street, the east side of Mill Street, and the neighborhood around East German Street, College Street and Ray Street. The largest parcels in town, those containing 1 acre or more of land, are generally located near the exterior margins of the corporate limits, including along all of the eastern boundary of the town, as well as the northwestern and southwestern portions of the town's western boundary. In general, the western portion of the town is more densely divided than areas east of Princess Street, while the southern portion of

the town (south of High Street) is more densely divided than the northern portion of the town and the central core of the town is more densely divided than areas at a greater distance from the core.

### *Growth Management Boundary Land Subdivision*

Parcels that are 1 acre in size or smaller are typically associated with urban to suburban intensity patterns of development. Over 1,800 parcels of this size are found in the combined area covered by the Growth Management Boundary and corporate limits of Shepherdstown, for a total of nearly 670 acres of land that has been subdivided to this level of density. For comparison purposes, around 100 acres of land within Shepherdstown's corporate limits is contained in parcels that are 1 acre in size or smaller, compared to around 570 acres in the area of the GMB outside of the corporate limits. This means that nearly 6 times as much acreage outside of the town's corporate limits than within is divided to a



*This map depicts the density to which land has been subdivided throughout the town's adopted Growth Management Boundary (including the area within the corporate limits).*



## Growth Management Boundary Land Subdivision



degree of density where it would be considered to have urban or suburban characteristics. This is in contrast to the generally assumed exurban or rural character and density of development that is typically associated with unincorporated areas of a county. With an average size of only 0.36 acres, the average size of parcels in this category is very closely aligned with the average parcel size (0.23 acres) found within the town alone.

The largest amount of the acreage in the combined area of the town and the GMB is contained in parcels over 10 acres in size. Over 66% of the combined area, containing over 7,750 acres (12.1 square miles) falls in this category. The 180 parcels that fall in this category have an average size of around 43 acres, while the largest individual parcel contains almost 525 acres. This parcel, which happens to be occupied by the National Conservation Training Center contains over twice the land area that is contained within the corporate limits of Shepherdstown.

The remainder of the land is divided into parcels with a size of between 1 and 10 acres, which, while generally suburban to rural in nature, can be thought of as being of a size that is transitional between truly rural areas and areas with a character that is more suburban to urban in density. With nearly 3,280 acres (over 5 square miles) of land in this category, parcels within this category represents the remaining 28% of the total land in the combined areas. With an average size of 3.23 acres, the 1,015 parcels in this category are clustered more heavily toward the lower range of the scale, indicating a landscape that tends more toward the suburban rather than rural end of the spectrum.

Outside of the town limits, the most densely subdivided areas are found along the Route 45 corridor. The higher density development pattern in this area extends along the corridor from the western corporate limits of Shepherdstown for over 1.25 miles. The neighborhood around the golf course located on the east side

Parcel Size	Number	Acres	Percent of Total	Average Size
<b>1 Acre or Smaller</b>	1,813	666	5.7%	0.36
<b>1 to 10 Acres</b>	1,015	3,279	28.0%	3.23
<b>10 Acres or Larger</b>	180	7,756	66.3%	43

Table 11 - Growth Management Boundary Land Subdivision



of Shepherd Grade Road has a similar urban to suburban level of density, but is not of the same geographic scale as the more extensive urbanized area along the Route 45 corridor. These two primary areas of development density contain the vast majority of the more densely developed portions of the GMB. The remainder of the acreage divided to this density is found in small pockets scattered throughout the GMB, principally south of Route 45 and the corporate limits of Shepherdstown.

Parcels subdivided at a density of 1-10 acres are fairly well distributed throughout the GMB. They tend, however to be found in clusters where rural, large lot, subdivisions have been developed. These large lot subdivisions tend to be located at a greater distance from the core urbanized area around Shepherdstown, and have typically been developed off of lower volume roadways, or farm to market roads, rather than the primary routes in the area. Found primarily in the eastern section of the GMB, the greatest concentrations of these large lot subdivisions are located north of Shepherdstown along Shepherd Grade Road and south of Town along Engel Moler Road, Shepherdstown Pike and Route 480. Land subdivided at this density is also concentrated to a degree along the western portion of Route 45, particularly along the portion of the corridor that is closest to the western edge of the GMB.

## Zoning Summary

The following summary of existing patterns of zoning regulations is intended to provide basic insight into the regulatory tools that are currently affecting growth and development in the planning area. Given the division of responsibility between the town and county to regulate land use in the planning area, understanding the differences between the different regulatory mechanisms also helps to understand the limitations or benefits of the regulatory environment that exists in each area of responsibility.

### *Shepherdstown Zoning Summary*

Shepherdstown utilizes six base zoning districts to implement its land use and development regulations. The districts and their purpose statements are reprinted below. Much of the property within the corporate limits of Shepherdstown is not subject to one of these six base zoning districts. The lands owned by Shepherd University are exempt from local zoning regulation (designated as SU on the zoning map), and the town has designated other publicly owned or used property, including property owned or used by philanthropic organizations, as "Public Use" (PUB).

#### **R-1: Low Density Residential District**

*The R-1 (low density) District is intended to preserve and encourage the development of single family residential neighborhoods free from land usage which might adversely affect such development.*



## **R-2: Medium Density Residential District**

*The R-2 (medium density) District is intended to provide an attractive, pleasant living environment at a sufficient density to maintain a high standard of physical maintenance and the optimum utilization of land appropriate for residential use.*

## **RC: Residential Commercial District**

*The purpose of the Residential Commercial Zone is to reinforce the economic base of the town by preserving the central business uses unique to Shepherdstown. Secondly, the Residential Commercial Zone is intended to complement the Historic District to more effectively preserve the historic environmental setting of the town.*

## **C: Commercial District**

*The Commercial District is intended to further assure the economic base of the town by providing a heavy commercial service center for the town. It is intended that stores and other facilities be grouped in a convenient manner with particular attention being paid to adequate circulation of pedestrians and vehicles, accessibility from both the central community and the area, off-street parking and loading, and protection of adjoining areas of other use.*

## **P-R: Park-Residential District**

*The Park-Residential District is to support the existing pattern of single family dwellings on large lots and to provide protection for and transition to the Conservation Open Space District.*

## **COS: Conservation Open Space District**

*The Conservation Open Space District is intended to provide permanent open space for its natural beauty and recreational value. It is also intended to preserve natural resources, prevent erosion, pollution, silting, and safeguard the health, safety and welfare of persons and property by limiting development on excessive slopes, on flood plains, on poorly drained lands, or on other areas where protection against natural dangers to life and property, or the lack of such protection, would prove costly to members of the community.*



## Existing Zoning Discussion

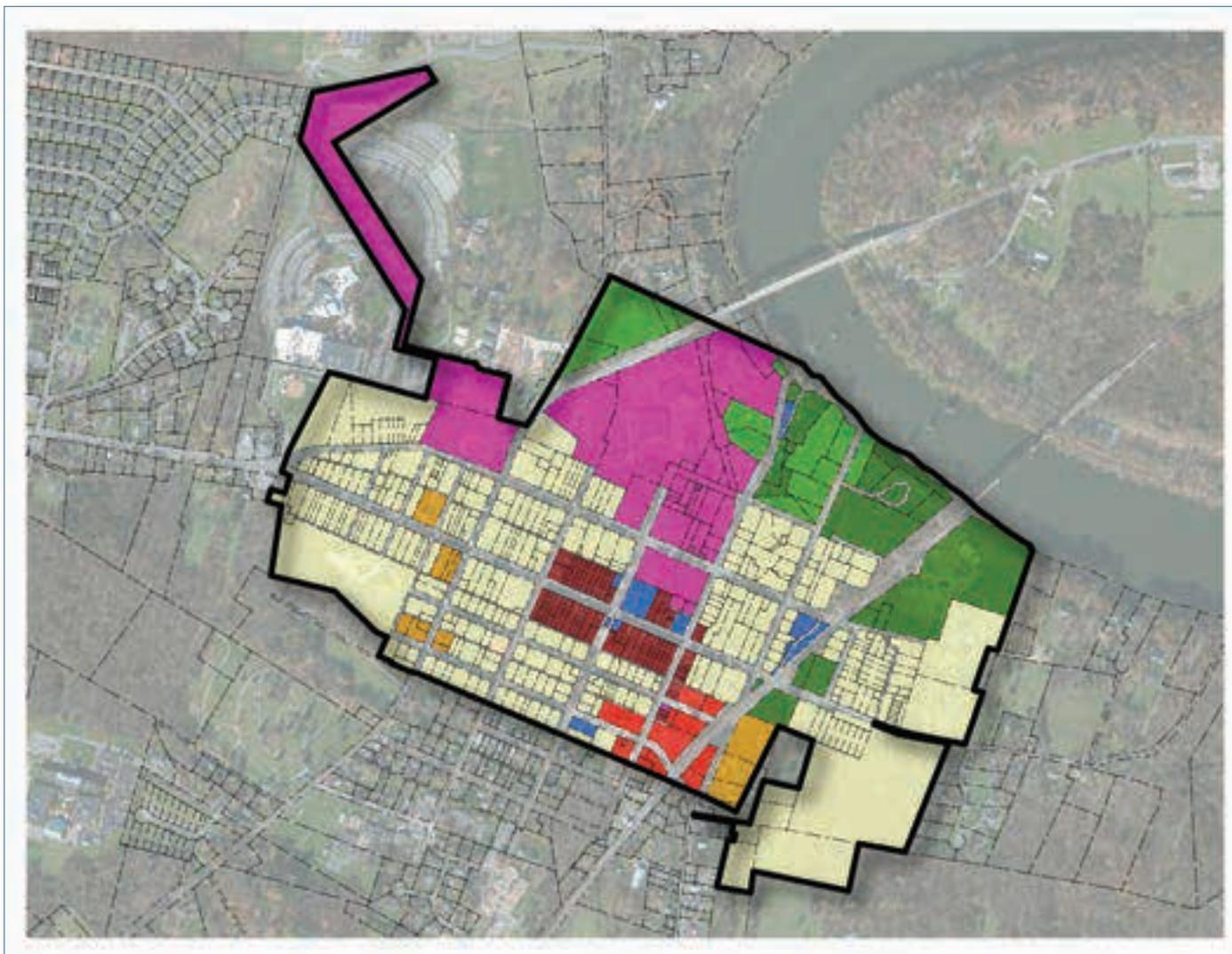
The R-1, Low Density Residential District, is intended to primarily regulate the use and development of single family residential dwellings. With just over 98 acres subject to this district, it accounts for slightly more than 50% of the total area within the town's corporate limits. The geographic extent of this district covers the vast majority of the southern two-thirds of the corporate limits, with the notable exceptions of the core of the downtown area along the two blocks of German Street between Church Street and Princess Street, and the commercially zoned area at the southern end of Princess Street near Washington Street.

The R-2, Medium Density Residential District, differs from the R-1 district in that it makes additional accommodations for the development of multi-family dwellings at higher densities than in the R-1 district, including lower minimum lot sizes for duplexes. The minimum lot size in this district for single family dwellings, however, is identical to the requirements found in the R-1 district. Apparently having been primarily used to accommodate individually established multi-family developments, this district is applied only sparsely throughout the community, accounting for only 5.2 acres of the town, which is less than 3% of the total area of the community. Areas that have been zoned in this manner include two small locations on West German Street just west of Duke Street, properties on either side of South Duke Street at its

intersection with Washington Street and on the southern end of Mill Street on the east side of the railroad at the edge of town.

The RC, or Residential Commercial District, is the town's de facto "downtown" zoning district. This district allows a wide range of uses that are intended to be compatible with the character of downtown Shepherdstown, including making accommodations for residential uses on the upper floors of commercial buildings. With 7.1 acres zoned in this manner, the RC district covers slightly less than 4% of the land in the corporate limits. The geographic extent of this district's application in town is very compact. Focused primarily on the two blocks of German Street between Church Street and Princess Street, the district also extends south along Princess Street from German Street to the area around the intersection with New Street.

The "general" Commercial District, whose intent is to provide a more broadly accommodating area for commercial uses that may not be appropriate in the core of town, is applied to slightly more than 4 acres of land, accounting for just over 2% of the land within the corporate limits. Like the RC District, the Commercial District has been applied to a fairly compact and contiguous set of properties. This area is located along both sides of South Princess Street from New Street to the southern border of the town, including a small area on the east side of the railroad on Washington Street.



*This map depicts the current distribution of zoning districts throughout the corporate limits of Shepherdstown.*

-  R-1
-  R-2
-  Residential / Commercial
-  Commercial
-  Public
-  Conservation
-  Park Residential
-  Shepherd University

Shepherdstown Zoning Districts



The Park-Residential District is primarily used as a transitional district between higher intensity zones and the very low intensity Conservation Open Space District. With minimum lot sizes of 22,000 square feet, this district allows residential development at a density of around 2 dwelling units per acre, as well as very limited nonresidential uses, focused primarily on parks, agricultural uses and public facilities. With just over 12 acres zoned P-R, this district covers approximately 6% of the land within the corporate limits. The district has been applied in three distinct locations, all in close proximity to the Potomac River. From east to west, these areas include properties along the northern end of Mill Street, two properties on the west side of Princess Street adjacent to the campus of Shepherd University, and the northwestern corner of the town limits on the west side of North Duke Street just before the bridge across the Potomac.

The Conservation Open Space District is primarily intended to apply to lands that have little development value, high conservation value, or are otherwise intended to serve a public purpose. This district covers almost 21 acres of land, or around 11% of the land area within the corporate limits. The district is applied to areas along the river and the railroad, including the majority of the land in the northeastern corner of the corporate limits from Mill Street east across the railroad and ending at eastern edge of town. The COS district is also applied to land along the east side of Princess

Street from the river access at the foot of the street south to Rocky Street and along portions of the railroad near its intersection with German Street.

Though not officially a zoning district, property owned by Shepherd University is designated as such on the town's zoning map. Not being subject to regulation by the town, no local development standards apply, but nevertheless the scope and extent of the campus is important to know to understand the full context of the way that the university and the town interact from a land use and development perspective. Covering slightly more than 44 acres of land within the corporate limits, the portion of the university within the town accounts for almost 23% of the land area of the town. The entire east campus of the university is within the corporate limits, extending from High Street on the south and Princess Street on the east, the main campus extends north and west to Duke Street and the Potomac River. The portion of the west campus inside of town includes land located along West German Street and Duke Street and extends northwestward from there along a narrow strip of land that was annexed into the town to include the population of the residence halls on the west campus with the town's overall population.

Property used for a public purpose, such as town facilities and the property of community service organizations, is given special



status in the town’s zoning ordinance and designated as Public (PUB on the zoning map). Properties designated as this category revert to the predominant adjacent district whenever public use of the property ceases. Although occupying only 2.4 acres of land in the town (around 1% of the town’s overall area), properties designated as Public occupy prominent locations in the community. The most concentrated area of properties designated as Public is in the vicinity of the intersection of German Street and King Street, where properties such as town hall, the library, McMurrin Hall and the War Memorial building are given this designation. It has also been applied to the US Post Office property on Washington Street and the railroad depot on East High Street.

## Growth Management Boundary Zoning Summary

Land outside of Shepherdstown in the town’s designated Growth Management Boundary is subject to the land use and development regulations of Jefferson County. In this part of the county, three zoning districts are currently utilized to regulate the use and development of property. The districts and their purpose statement are shown below:

### R: Rural District

*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 intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. 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.*

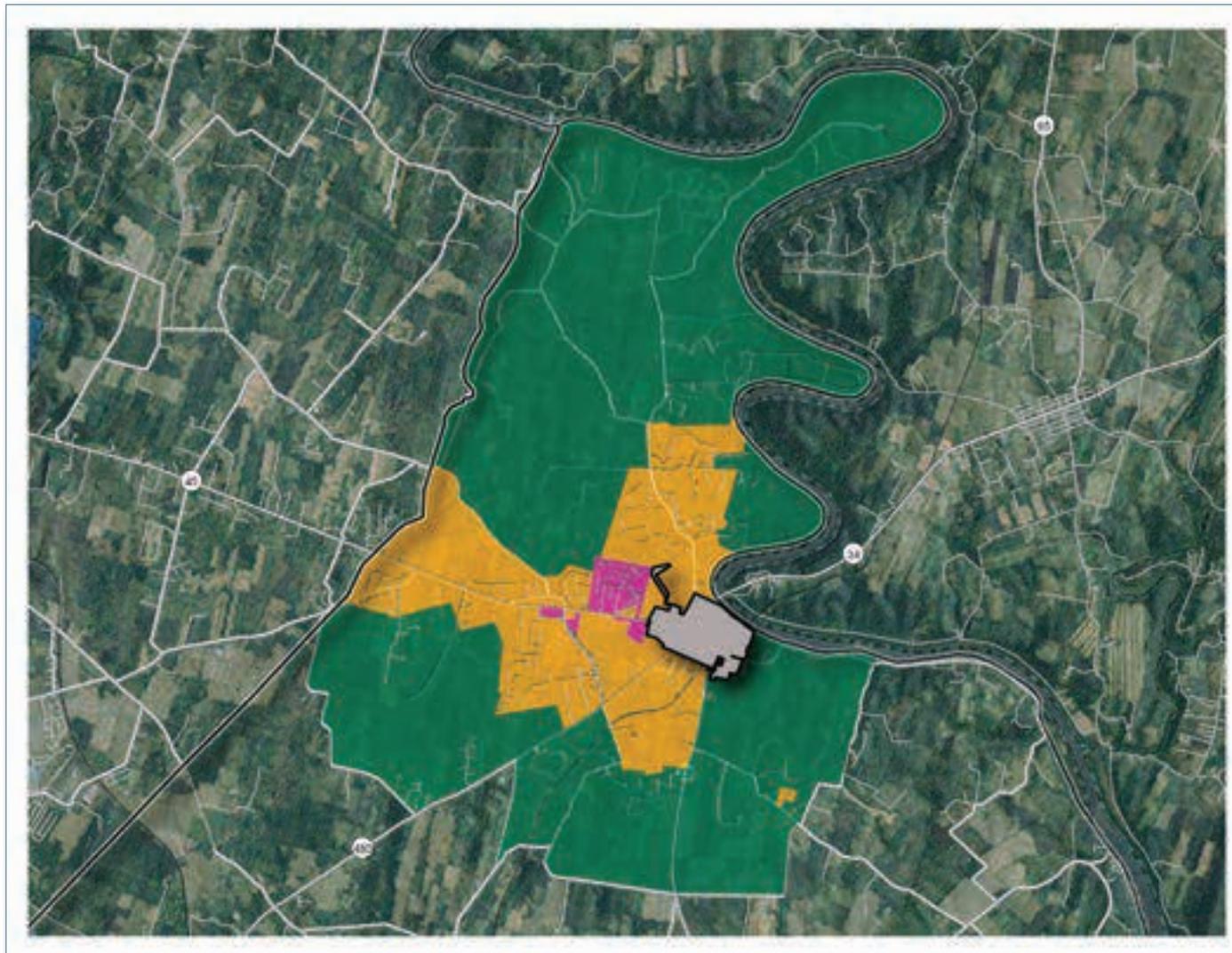
### RG: Residential Growth District

*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 encourages commercial growth provided that such growth is deemed to be appropriate and compatible by the Development Review System.*

Zoning District	Acres	Percent of Total
R-1	98.2	50.6%
R-2	5.2	2.7%
RC	7.1	3.7%
C	4.3	2.2%
P-R	12.1	6.2%
COS	20.7	10.7%
PUB*	2.4	1.2%
SU*	44.2	22.8%

\*Special Purpose Districts

Table 12 - Shepherdstown Zoning Summary



*This map depicts the current distribution of the zoning districts used by Jefferson County to regulate development on land located within Shepherdstown's Growth Management Boundary, but outside of the town's corporate limits.*

-  R-LI-C
-  Residential Growth
-  Rural

## Growth Management Boundary Zoning Districts



### **RLIC: Residential – Light Industrial – Commercial District**

*The purpose of this district is to guide high intensity growth into the designated growth area.*

### **Existing Zoning Discussion**

The Rural District is by far the most widely applied of the three districts utilized by Jefferson County in the GMB. Covering nearly 9,000 acres (14 square miles), this district is applied to nearly 80% of the land area of the GMB. Generally intended to accommodate agricultural uses, this district also allows for residential development at a density of approximately 1 dwelling unit per acre. The Rural District covers the southern, southeastern, western and northern portions of the GMB.

The Rural Growth District has been applied to approximately 2,350 acres of land (nearly 4 square miles) in the GMB, accounting for around 20% of the area of the GMB zoned by Jefferson County. In contrast to the Rural District, the Rural Growth district is intended to accommodate development of a suburban to urban nature, with permitted development density of between 1 and 4 dwelling units per acre, with higher densities permitted where public utilities are available to serve more intensive development. This district covers a wide swath of land in the central portion of the GMB, extending along both sides of the Route 45 corridor from

the Berkeley County line to the Shepherdstown corporate limits on the east. The district also wraps around the southern margins of the town, extending from Route 45 south and east to incorporate all of the land between Route 45 and Shepherdstown Pike, generally following a line formed by Potomac Farms Drive. The County's designated Residential Growth District also extends northward around the north side of Shepherdstown from the Route 45 corridor and generally follows the Shepherd Grade corridor, ending in the vicinity of Howard Farm Road.

Portions of the Route 45 corridor have been designated for much higher intensity land use and development with the application of the RLIC District along selected portions of the corridor. Covering approximately 140 acres, this district applies to only around 1% of the unincorporated portion of the GMB. As the name and purpose of the district indicate, much more intensive land uses are allowed in this area than in the Residential Growth or Rural Districts. Permitted uses include a wide variety of commercial and light industrial uses, as well as residential development at densities similar to the Residential Growth District. Currently applied primarily to developed properties, this district has been used to accommodate growth along the Route 45 corridor. Areas where the district have been applied are almost exclusively adjacent to Route 45 between Potomac Farms Drive and the corporate



limits of Shepherdstown. The largest of these areas is the Maddex Farm development on the north side of Route 45. The district has also been applied to several areas on the south side of Route 45, including an area immediately adjacent to the town limits and two smaller areas around the intersection of Route 45 and Potomac Farms Drive.

### ***Growth Management Boundary Development Potential***

The following assessment is intended to help the reader

Zoning District	Acres	Percent of Total
<b>Rural</b>	8,999	78.3%
<b>Residential Growth</b>	2,355	20.5%
<b>RLIC</b>	139	1.2%

Table 13 - Growth Management Boundary Zoning Summary

understand the potential implications of future growth in the GMB, as currently regulated by Jefferson County. This assessment attempts to measure the potential for single family residential growth in the GMB by determining the development potential of undeveloped land in the Rural and Residential Growth Districts. The RLIC district was not included due to the relatively small

area covered by the district and degree of development that currently exists on properties zoned in that manner.

The initial step in the assessment merged the undeveloped land uses in the GMB with properties that are zoned Rural or Residential Growth by Jefferson County. As the following table demonstrates, around 5,800 acres, or 42% of the Rural District, is comprised of land classified as vacant, while nearly 1,000 acres, or nearly 65%, of the Residential Growth District is vacant.

Based upon the first step in the assessment, the residential development density standards of each district were applied to the available vacant land in the district. To account for typical development requirements for roads, buffers, required open space, and similar requirements, the developable acreage was reduced to 80% of the total vacant acreage prior to calculating the maximum development potential.

District	Acres	Percent of District
<b>Rural</b>	5,783	42.3%
<b>Residential Growth</b>	997	64.3%

Table 14 - Undeveloped Land by District



The results of the assessment, shown in the table below, indicate that at the permitted density of 1 dwelling unit per acre, vacant land within the Rural District could produce a total of over 4,600 dwelling units. Unlike the Rural District, the Residential Growth District provides a sliding scale of permitted development densities based on access to public utilities. The base RG density is 1 dwelling unit per acre with no access to water or sewer. This increases to 2 dwelling units per acre with either water or sewer, and 4 dwelling units per acre with water and sewer. With no utilities, vacant RG land could produce around 800 dwelling units. With limited utilities, that doubles to around 1,600 units and then doubles again to almost 4,000 units if full utilities are available. This does not include the potential for multi-family development in the RG District, which is permitted at up to 22 dwelling units per acre, or nearly 6 times the permitted density for single family development. It should be noted that the existence of water and sewer infrastructure in much of the area designated by the

County as “Residential Growth” has the potential to facilitate growth at the higher range of permitted density.

While it can be reasonably assumed that the maximum scenarios will not realistically occur in each instance where development is proposed, this does establish what those maximums could be based on current county policies. If only the 4 largest vacant parcels in the RG district are developed at the maximum single family density permitted, the combined 265 acres in these 4 parcels could generate over 1,000 new dwelling units. This is not intended to say that growth would have a negative impact on the community or dissuade the responsible development of land. It is meant merely to demonstrate the amount of growth that could occur in the GMB without much, if any, input from the town if these areas remain outside of the town’s jurisdiction.

District	Acres	80% Rule	Full Utilities	Water or Sewer	No Utilities
<b>Rural</b>	5,783	4,626			4,626
<b>Residential Growth</b>	997	798	3,192	1,596	798

Table 15 - Development Potential for Undeveloped Properties in Growth Management Boundary



CORPORATION OF SHEPHERDSTOWN  
COMPREHENSIVE PLAN



Shepherdstown will grow in a manner that is complementary to the historic physical and aesthetic patterns of the community, while avoiding development that is generic or **does not reflect the community's unique sense of place.**

### **1.1** Illustrated Architectural and Site Development Standards

**STRATEGY:** Develop and adopt illustrated architectural and site development standards that are consistent with the Town's desired vision for the aesthetic and physical characteristics of new development.

**JUSTIFICATION:** The use of an illustrated approach to regulating land development activities will provide the community with greater certainty about how new development will be integrated with the character of the town and give the town's staff, elected and appointed officials charged with approving development proposals better guidance in their review of applications. This type of approach to regulation will also give developers and the design professionals assisting them a better understanding of the town's expectations than can be provided in a text based format alone, particularly with regard to architectural design.

### **1.2** Community Based Design Standards

**STRATEGY:** Engage the community in the process of developing architectural and site development standards to ensure that there is consensus on the desired aesthetic character for new development.

**JUSTIFICATION:** Involving the community at-large in the development of new architectural and site development standards through a charrette (facilitated design workshop) type of approach will help to ensure that there is broad consensus and buy-in from the town's residents. Involvement in the development of the design guidelines will also help to increase residents' confidence in the quality of future development in town, thereby lessening the potential for opposition to growth.



## 1.3

### Town – University Development Collaboration

**STRATEGY:** Continue to work collaboratively with Shepherd University on the development of the University campus with a goal of maximizing compatibility between the campus and the town.

**JUSTIFICATION:** A collaborative and cooperative approach to the development of the Shepherd University Campus, as well as areas immediately surrounding the campus, will help to achieve better outcomes for both the town and the university. Though not regulated by the town, a number of factors, including parking, the aesthetic appearance of buildings, utility infrastructure and transportation connections, impact the town’s ability to provide adequate public services and the affect the quality of life of its residents. Good two-way communication will help to ensure that the actions of each entity do not affect each other negatively, while also providing opportunities to identify and take advantage of the positive aspects that new development can bring.

## 1.4

### Encourage Traditional Development Patterns

**STRATEGY:** Adopt regulations that require new residential subdivisions on properties that are in close proximity to the core of the town to be platted with a physical layout that is consistent with the Town’s established neighborhood patterns, including street layouts and widths, lot configurations and similar characteristics.

**JUSTIFICATION:** The character of Shepherdstown is heavily influenced by the traditional neighborhood development patterns that are associated with the original street and lot layout of the community that was established when the town was originally platted. Development practices that take a more “modern” approach to land subdivision for residential development often utilize curvilinear streets, cul-de-sacs and lot configurations that do not fit well with Shepherdstown. If developed in close proximity to the core of Shepherdstown, modern development patterns would erode the ability of the town to extend its grid street network and negatively impact the character of the community.



## 1.5

### Extend the Grid Street Network

**STRATEGY:** Adopt regulations that require the extension of the grid street network as land is annexed into the Town and subdivided where such extensions are practical with respect to topography and existing development constraints.

**JUSTIFICATION:** Shepherdstown's historic grid street network provides a strong and efficient transportation network that allows for multiple alternative routes. It also plays a major role in shaping the character of the community since it is the foundation for how the town and its neighborhoods developed. Extending the network, where possible, as growth occurs around the core of the town will help to strengthen the character of the community and ensure greater compatibility and connectivity with future development.

## 1.6

### Incentivize Compatible Architectural Renovation

**STRATEGY:** Explore options to incentivize the exterior renovation of nonresidential properties that are not compatible with the historical architectural patterns found in Shepherdstown. Examples of potential programs could include grants, tax rebates, tax increment financing and similar financial incentives.

**JUSTIFICATION:** Buildings that are architecturally incompatible with the historic character of the community negatively impact the town's unique sense of place. While it may be difficult in many instances to require or expect owners of incompatible buildings to renovate them to fit better with the town's aesthetic, financial incentives can help to bridge the gap. Such incentives would not likely fulfill the entire financial need of a renovation, at least in the short term, but could help to bridge a financial gap for owners who are motivated to improve their properties.



## 1.7

### Municipal Influence Area

**STRATEGY:** Work collaboratively with Jefferson County to establish an “Area of Influence” in the County’s defined growth areas where the County’s development ordinance would be subject to an overlay district that would implement development standards that closely mirror Shepherdstown’s standards.

**JUSTIFICATION:** Although the town has established a Growth Management Boundary, Jefferson County still retains zoning jurisdiction, and thus development approval authority, for land that is located outside of the town’s corporate limits. A significant portion of this area has been designated by the county for future growth, and has been zoned to accommodate suburban scale and density residential and commercial development. Without prior annexation, development in these areas will be subject only to county regulations, and are not likely to meet the expectations and standards of the town. By working with the county to establish a Municipal Influence Overlay District, which would require compliance with certain critical town standards, for instance architectural design, pedestrian infrastructure and street layouts, new growth in these areas could be made more compatible with the town, regardless of whether the property was annexed.

## 1.8

### Revise Development Ordinances to Accommodate New Growth

**STRATEGY:** Review the Town’s development ordinances to ensure that proper standards are in place to accommodate new growth outside of the town’s traditional core area and revise as necessary.

**JUSTIFICATION:** The zoning districts and development standards contained in the town’s current development ordinances do a good job of addressing the needs and character of the area within the traditional core of the town, but do not include the broad range of districts and standards that would likely be necessary to accommodate the regulation of either new or existing development outside of the corporate limits if the town undertook annexation of the suburban or rural areas outside of town. Ensuring that a broader array of development regulations are in place now will better prepare the town to deal with growth in the future, and make the town a more attractive partner to developers that might not otherwise consider annexation. Expanding the scope of the town’s ordinances does not mean eliminating the standards that currently apply within the town, as these can easily be preserved while broadening the ordinances to address new growth or regulate existing suburban development.



## 1.9

### Public – Private Planning Partnerships

**STRATEGY:** Work collaboratively with property owners in areas with high growth potential to develop small area plans to help guide the development of their property in a manner that is consistent with the town’s vision for growth.

**JUSTIFICATION:** Proactive planning in conjunction with private property owners will help both the town and developers establish a clear path to development approval for projects in areas that have high growth potential. Engaging in such public-private partnerships can help to establish expectations prior to the initiation of the development process, add a layer of certainty in the development process and allow the town to plan for the provision of public services for new development. If a fast-track approval process is also included as part of a pre-planning arrangement, this could also encourage the voluntary annexation of land into town.



*This map is intended to demonstrate, conceptually, how the town and property owners in the area immediately west of the town limits could proactively develop a basic plan for general land use and connectivity prior to additional development occurring in this area. By establishing the conceptual vision before development begins, the town, property owners and developers will have an understanding of what to expect from the development process,*

-  Mixed Use
-  Regional Commercial
-  Civic
-  Lodging
-  Residential
-  Open Space

## Conceptual Growth Plan - General Land Use and Connectivity



*Once a general concept laying out land use patterns and transportation connections is developed, the plan can be expanded to provide a more detailed growth plan that provides an even greater degree of certainty to property owners, developers and the community as a whole. Establishing more detailed plans for street connections, lot sizes, housing types, open spaces and the character of commercial areas is a necessary step in the development process. By collaborating on these matters early in the development process, the town and interested developers can achieve better and more predictable outcomes.*

Conceptual Growth Plan - Expanding the Concept



Growth and development will be balanced with the need to preserve open space and critical environmental and natural resources.

## 2.1 Establish Conservation Subdivision Regulations

**STRATEGY:** Amend the town’s development ordinance to provide regulations for “conservation subdivisions” in the rural fringe of the community to promote the preservation of working farms, forests and other significant natural resources, while fostering development that is integrated with the context of the landscape in which it is situated.

**JUSTIFICATION:** In contrast to conventional residential subdivision design techniques, conservation subdivision design techniques integrate residential development into the existing natural landscape in which they are situated rather than attempting to alter it. This type of subdivision design technique is particularly suited to allowing for the preservation of significant natural

features on a site, or to allow for the continued use of a working farm. This is typically achieved by clustering new development on the site into areas that will have the lowest impact on the environment or character of the property, and in the case of working farms this technique allows for the monetization of an asset (land) that can help to support the ongoing operation of the agricultural venture on the property.

## 2.2 Develop and Implement a Land Conservation Plan

**STRATEGY:** Work cooperatively with the Land Trust for the Eastern Panhandle, the Conservation Fund and the Jefferson County Farmland Protection Board to develop and implement a local land conservation plan that identifies priority areas around Shepherdstown for permanent protection from development. As part of the implementation of such a plan the Town should

work with Jefferson County to enact development policies that direct growth away from priority conservation areas and simultaneously use its local zoning regulations to encourage the preservation of working farms and other valuable lands that are integral to the cultural and environmental landscape.

**JUSTIFICATION:** By proactively identifying land that is most suited for conservation in its current state, the town and its partners will be able to jointly, through development policies and conservation incentives, protect critical natural resources and working lands from development. Without a clear plan, both the town and the county may inadvertently make infrastructure improvements or plan for future growth in areas that a conservation partner is planning to protect through a conservation easement or purchase. A cooperative approach to land conservation will allow all parties involved to make more effective plans and take actions that support common conservation goals while avoiding conflicting priorities.

## **2.3** Implement a Transfer of Development Rights Program

**STRATEGY:** Implement a Transfer of Development Rights program to allow property owners to sever the development

rights from their property and sell those rights to developers looking to build more intensive projects in growth areas in the community while permanently protecting critical lands from development. Such a program could apply to working farms, forests, watershed areas and other desirable conservation lands.

**JUSTIFICATION:** A transfer of development rights (TDR) program allows property owners in areas that are targeted for conservation to realize a return on their past investment while also protecting their land from future development. In order for such a program to be effective, the local governments with zoning jurisdiction over an area have to establish sending areas, where development rights are transferred from, and receiving areas, where development rights are transferred to. Typically, sending areas are coterminous with areas that are identified for land conservation, such as within a sensitive watershed, along a scenic rural road, or in an important agricultural landscape. Receiving areas are typically established in areas that have been designated for future growth, such as along primary highway corridors, urban centers or in areas where utility service is being expanded. Essentially, this type of program establishes a market based approach that simultaneously provides incentives for the conservation of land and directs growth toward areas where it is desired. Given the limited scope of the town's zoning



jurisdiction at this time, such a program would likely need to be a joint effort between the town and Jefferson County, but could be housed solely with the town if necessary. In such a scenario, the town could identify receiving areas outside of its corporate limits and provide for a fast tracked annexation and development approval process where the program is used to conserve lands that the town has identified for such purpose.

## 2.4 Revise PUD Open Space Requirements

**STRATEGY:** Revise the Planned Unit Development Ordinance to align the open space requirements (currently 10%) for PUDs with the higher open space requirement for major subdivisions and site plans (currently 25%) to eliminate the disparity between the two requirements.

**JUSTIFICATION:** As currently designed, the town's development ordinances provide a negative incentive for the use of conventional development techniques since the PUD regulations allow for a lower open space set-aside. By aligning the open space requirements, the town will achieve a better outcome by guaranteeing that at a minimum 20% of any development site

will be preserved as open space, regardless of the development approval process that is utilized.

## 2.5 Develop Context Sensitive Open Space Requirements

**STRATEGY:** Develop context sensitive design and location requirements for required open space to ensure that the type of open space designated on development plans is appropriate for its location within the Town's development framework. Specifically, develop regulations that differentiate between open space requirements for the Town's core urbanized area, suburban areas and the rural fringe areas of the community.

**JUSTIFICATION:** Open space regulations, in terms of the type of open space that is required to be set aside, should be dependent on the context of the development within which the open space is being preserved. For instance, within urbanized areas, a more structured public square or green is more appropriate than an open field or wooded area, while in a rural area, preserving a farm field or forested area would be more appropriate. Since the current regulations make no distinction between the context of the development and the type of open space, there is the

potential for inappropriate open space set-asides to be used to meet the standards of the town's open space requirements.

## 2.6 Encourage the Use of Low Impact Development Techniques

**STRATEGY:** Work cooperatively with Jefferson County to encourage the use of Low Impact Development techniques for new development in rural areas surrounding Shepherdstown, with a specific emphasis on minimizing stormwater runoff from new development.

**JUSTIFICATION:** The use of low impact development (LID) techniques in site design and construction helps to minimize the impact of new development on the natural environment, both during and after development. Often focused on stormwater runoff, these techniques include the siting and design of development in a manner by which vegetated rather than structured conveyances can be used to transport and diffuse stormwater, thereby helping to slow and filter the runoff prior to its discharge into receiving waters,

## 2.7 Strengthen Tree Preservation Standards

**STRATEGY:** Strengthens the current tree preservation regulations to require the preservation of existing mature trees in conjunction with development activity, including a prohibition on the clear cutting of wooded properties for the purpose of development.

**JUSTIFICATION:** Large mature trees contribute significantly to the character of the town and should be preserved wherever possible. While the current standards of the town's development ordinances provide for the protection of trees with a diameter of greater than 4 inches during construction and require the mitigation of the loss of any trees greater than 3.5 inches in diameter that are removed during development activity, there is no explicit authority in the ordinance to prevent the removal of "monument" trees. Adding another qualification to the tree preservation and protection requirements that prohibits the removal of trees over a certain size (12 inches in diameter at breast height (DBH) is a typical threshold) except upon the explicit authorization of the Tree Commission (or other appropriate body) would strengthen these requirements significantly. Increasing the number of trees that must be replanted if one of these larger trees is removed (currently 3 for 1) would also incentivize the preservation of large mature trees on a site.



Downtown Shepherdstown will retain and strengthen its role as the economic, social and cultural hub of the community.

### 3.1 Review Downtown Zoning Regulations

**STRATEGY:** Review regulations of the RC District to ensure that the uses permitted in that district are defined broadly enough to accommodate the evolution of economic activity in downtown Shepherdstown and the associated development regulations can accommodate development and redevelopment that is compatible with the character and historic precedents found in the downtown built environment.

**JUSTIFICATION:** As the de facto “downtown” zoning district, the town’s RC district plays a significant role in defining the character of the core of the community and ensuring the overall economic vitality of the town. Given its important role, the RC district should accommodate a wide range of uses that are compatible with the character of downtown Shepherdstown and accommodate

changes in economic activity as the types of businesses that want to locate downtown evolves over time.

As a second part to this strategy, it is also vital to ensure that the physical limitations imposed on the development or redevelopment of property within the district maintains the historic character of the area and respects existing development precedents. While the historic district guidelines shape the aesthetic appearance of buildings, the basic zoning requirements of the district shape the form of development, how buildings relate to each other and how they address the public realm. Observations from the current regulations in the RC district reveal that there are two provisions that may prevent newly developed buildings (or the redevelopment of existing buildings) in the district from maintaining the existing downtown character. First, the requirement for a minimum 5 foot side yard is antithetical to the current form of development in the district,

which is comprised primarily of buildings that are built immediately adjacent to each other, extending the width of the property on which they are situated. Second is the limitation both on the number of allowed stories (2) and height (30 feet) in the district. While a majority of the buildings do not exceed these limitations, there are at least five significant historic buildings in the RC district that do not conform to these requirements, and whose loss would alter the character of downtown if they were not allowed to be reconstructed if damaged by fire or other means.

### **3.2** Implement Downtown Revitalization Incentives

**STRATEGY:** Explore options for incentivizing the rehabilitation and restoration of commercial structures in the downtown area to encourage the productive use of existing structures, extend their structural life and maintain an aesthetically appealing appearance.

**JUSTIFICATION:** Maintaining a high quality aesthetic appearance in the downtown area is critical to maintaining property values and encouraging positive economic activity through tourism and business development. Couple with a strong property maintenance code, financial or other incentives for property

owners to enhance their buildings will help prevent deterioration of the aesthetic quality of the area. And while financial resources for such a program are likely limited, basic repairs, improvements or maintenance can go a long way toward enhancing the appearance of a building. Therefore, even a limited cost matching façade grant program can provide a significant multiplier effect when coupled with private resources and property owner initiative.

### **3.3** Adopt a Nonresidential Property Maintenance Code

**STRATEGY:** Adopt and enforce a property maintenance code for nonresidential properties that includes standards for maintaining appearance, safety, structural integrity and sanitary conditions. Include enforcement mechanisms that allow the Town to require property owners to abate violations, and, in cases of a property owner's failure to act, gives the Town the ability to abate the violation at the owner's expense.

**JUSTIFICATION:** Ensuring that the town has the ability to assert itself in situations where a property owner is either unwilling or unable to act to maintain the appearance, safety or integrity of a commercial structure is critical to maintaining a positive aesthetic



appearance and guaranteeing that buildings do not deteriorate to the point at which they must be demolished.

### 3.4 Prepare a Downtown Retail Market Analysis

**STRATEGY:** Prepare a retail market analysis to identify opportunities for the expansion of the downtown retail sector and work with property owners, downtown business owners and developers to encourage the establishment of new businesses to fill any identified gaps in the market.

**JUSTIFICATION:** Knowing the quantitative aspects of the downtown retail market will help both the town, as well as both prospective and current downtown business owners identify gaps in the retail market and understand what types of products or services will be most likely to result in growth and sustainment of their business venture. A well prepared analysis of conditions and trends is also a strong marketing tool if it is made freely and publicly available to business owners that are considering starting a business in the downtown area. An analysis of the market will also help to rationalize expectations about the types of businesses that can be successful downtown.

### 3.5 Plan for the Relocation or Burial of Downtown Overhead Utilities

**STRATEGY:** Develop and implement a plan to relocate or bury overhead utilities to improve downtown's aesthetic appearance. It is recommended that a phased approach to this be taken, with the highest visibility areas of downtown Shepherdstown given the highest priority for action.

**JUSTIFICATION:** While the most obvious benefit related to the relocation or burial of overhead utility lines is aesthetic, there is also a public safety aspect to removing overhead utilities in the downtown area. This is relating to the ability of emergency responders to gain quick access to downtown buildings. Employing an aerial master stream on a fire or utilizing an aerial ladder for accessing an upper story window or gaining access to a roof to provide ventilation can be difficult and hazardous to emergency responders in the presence of overhead utilities. Their presence would, in most cases, likely require the use of ground ladders to access upper stories and roofs, delaying response times to save lives and property. The depth of most downtown lots also prevents employing more effective tactics from the rear of buildings given both the distances involved.

## 3.6

### Improve Public Parking Availability Downtown

**STRATEGY:** Work to ensure that adequate public parking is available to foster a business-friendly climate that allows residents to conduct business with merchants and visitors to explore local shops.

**JUSTIFICATION:** Ensuring parking availability is critical to the success of downtown businesses. While the existing metering program and time limits help to generate turnover, the limited number of available spaces in close proximity to downtown businesses can be a deterrent to casual business transactions with downtown merchants, whether coming from residents who may not want the hassle of finding a space or tourists who may be deterred by the time limits. Increasing the supply of public parking, particularly off-street parking, will help to ensure that there are more opportunities for impulsive stops at downtown businesses, which could in turn have the effect of increasing economic activity.



# LU GOAL 4

The Town will expand its corporate limits to include both adjacent developed areas as well as lands that have **significant potential for future development and to meet open space goals.**

## 4.1 Collaborative Growth Management Planning

**STRATEGY:** Work collaboratively with Jefferson County to develop future land use and zoning designations that are compatible with the town’s growth plans within the adopted Growth Management Boundary.

**JUSTIFICATION:** Consistency between the town and the county in the location and type of development that will occur in the area covered by the town’s growth management boundary is critical to fostering rational development patterns around Shepherdstown. By aligning the county’s growth plans, as expressed through its application of zoning, with the town’s plans for utility improvements, annexation and transportation improvements, there will be fewer potential land use conflicts and growth can be directed more accurately towards areas that the town can provide municipal services to.

## 4.2 Establish a Municipal Growth Area

**STRATEGY:** Establish a locally designated Municipal Growth Area within the adopted Growth Management Boundary that identifies the long range (20 years) potential for the growth of the town and extension of municipal services outside of the current corporate limits as annexation and development activity occurs.

**JUSTIFICATION:** The act of establishing a definitive long range growth boundary for municipal services will help to better align development expectations with the town’s ability and desires to extend services through annexation or improvements to the utility system. The definition of the extent of future municipal service growth will also help to better inform Jefferson County’s plans for the unincorporated areas around Shepherdstown and allow for the proper application of zoning districts in the County’s jurisdiction.

## 4.3

### Review Annexation Policies

**STRATEGY:** Review the Town's Annexation Policy to ensure that it allows maximum flexibility in the decision-making process for the extension of the corporate limits within the established Growth Management Boundary.

**JUSTIFICATION:** Current annexation policies provide a robust framework within which annexation petitions are reviewed and decided upon. These qualitative and quantitative factors give decision makers and applicants for annexation a good and well-reasoned guide for the evaluation of potential annexations. The adoption of the Growth Management Boundary, however, expands the potential for annexation within this defined area. In order to prepare for future annexations, it is critical to ensure that there are not any unintended obstacles to otherwise beneficial annexations. An example of this is the current prohibition on noncontiguous annexations in the policy. While contiguity is generally agreed to be a desired quality of a potential municipal expansion, consideration should be given to qualifying this, among other policies, to account for situations in which the direct or quantitative benefit of such an annexation may not be readily identifiable, but which would otherwise provide other benefits to the community, particularly as it relates to the ability of the town

to exercise its development review authority on properties within the town's corporate limits.

## 4.4

### Annexation of Split Jurisdiction Properties

**STRATEGY:** Work collaboratively with the owners of properties which are currently divided by the corporate limits to seek voluntary petitions for annexation so that those businesses and residents can enjoy the full range of services offered by the town.

**JUSTIFICATION:** A number of properties lying along the border of the town's corporate limits are split between the jurisdiction of the town and Jefferson County. Bringing these properties fully within the corporate limits through annexation will help to clarify responsibility for the provision of services and the application of development regulations.

## 4.5

### Develop and Implement Strategic Annexation Plan

**STRATEGY:** Develop a strategic annexation plan to identify developed commercial and residential areas that are adjacent or in close proximity to the corporate limits of the Town that may



benefit from annexation into Shepherdstown. The plan should include analyses of the costs and benefits of annexation for each identified area, timelines for the initiation of the annexation process for each area, the most appropriate annexation method for each area and plans for the provision of municipal services to newly annexed areas, including methods of financing such services. Following the adoption of the plan, the town should immediately begin the necessary steps to implement the plan, and revise as necessary to reflect changing circumstances over the life of the plan.

With a population of approximately 1,700 residents and a land area of around 240 acres, the corporate limits of Shepherdstown contain only a fraction of the population and property that is within the urbanized area of "greater Shepherdstown", which has grown up around and along the roads leading into town. While many, if not most, of the residents and businesses within the urbanized area identify themselves as residents of "Shepherdstown" they share neither in the responsibilities of residing within the town, nor do they enjoy the full range of benefits that are available within the corporate limits, though they do impact the town's services given the interconnected nature of the community.

Expanding the corporate limits of the town in a deliberate and

well planned manner will allow for the gradual inclusion of these areas in the town, thereby expanding both the responsibilities and benefits that go along with residence within the town. Expansion of the corporate limits will leverage greater access to state and federal resources, increase the influence of the town as it advocates for its needs and build economies of scale that will lead to greater efficiency in the provision of services, both operationally and from a cost perspective. The growth of the corporate limits will also allow the town to exercise its land use regulatory authority in these areas whose future development is critical to maintaining the character of the town.

The result of a town's failure to expand its geographic limits, especially as growth occurs around it, is usually stagnation (in terms of both its fiscal posture and quality of life) and often decline. Failure to capitalize on the momentum that has been generated by the adoption of the Growth Management Boundary and Comprehensive Plan update will most likely produce similar results for Shepherdstown as the share of the population in the area that is fully vested in the governing of the community continues to decline as growth occurs at the town's doorstep.

## 4.6 Develop and Implement a Public Outreach Strategy for Annexation

**STRATEGY:** Develop and implement a public outreach strategy for communicating with residents of Shepherdstown and in potential annexation areas about the potential costs and benefits of the expansion of the corporate limits.

**JUSTIFICATION:** Since annexation will be primarily dependent on the assent of the residents and property owners in the areas targeted for annexation (and potentially the residents of the town, depending on the particular method of annexation), it will be critical for the town to provide timely, robust, factual and positive information to those who will ultimately have the final say on annexation. The development and dissemination of a compelling message that is fully transparent, in terms of both the benefits and responsibilities that are associated with annexation, will help the town to drive the storyline of annexation and ensure that accurate and factual information is available to the community.

## 4.7 Work to Strengthen and Improve Annexation Laws

**STRATEGY:** Work with the West Virginia Municipal League and directly with other municipal governments to lobby for the strengthening and modernization of annexation laws in favor of sound and rational municipal growth strategies.

**JUSTIFICATION:** As a community that is interested in pursuing annexation in the future, Shepherdstown could lend its voice to efforts by other municipal governments in the state to modernize annexation laws. As a representative of the interests of local governments, the West Virginia Municipal League is the most appropriate vehicle for working toward more progressive annexation laws.



*This map depicts the potential extent of a locally designated Municipal Growth Area within the adopted Growth Management Boundary. The Municipal Growth Area represents the potential extent of future annexation and the provision of urban services over the next 20 years.*

-  Growth Management Boundary
-  Municipal Growth Area

Potential Municipal Growth Area



*This map depicts a potential phased scenario for the expansion of the town's corporate limits within a locally adopted Municipal Growth area over the next 20 years. Areas shown in orange indicate those areas that are most likely to become part of the town in the near term, based on their proximity to the corporate limits, development status and potential for future development (or conservation). This potential scenario would then have the town considering incorporating those areas shown in blue over the medium term and the areas in purple toward the end of the 20 year timeframe.*

Growth Timeframe

-  Short Term
-  Medium Term
-  Long Term

Potential Municipal Growth Strategy



Residential neighborhoods will remain strong and vibrant, and will be protected from encroachment by incompatible development and land uses.

### 5.1 Adopt a Residential Property Maintenance Code

**STRATEGY:** Adopt and enforce a strong residential property maintenance code that requires the maintenance of residential structures and their surroundings in a safe, sanitary and aesthetically compatible manner. Such an ordinance should ensure that sufficient remedies and penalties are in place to encourage the voluntary compliance with notices of violation, while leaving the Town with broad authority to abate health and safety issues if voluntary compliance is not achieved.

**JUSTIFICATION:** The failure of a single residential property owner to adequately maintain their dwelling can have an outsized effect on an entire neighborhood. Blight tends to breed blight as apathy about the appearance of homes grows, which in turn can lead to declining property values and negative impacts on the quality of life in a neighborhood. Ensuring that the town

has the ability to assert itself and bring blighted residential properties up to the standards of the town will help to maintain property values, give residents confidence in the strength of their investments and support the quality of life in neighborhoods.

### 5.2 Implement a Rental Property Registration and Inspection Program

**STRATEGY:** Implement a rental property certification and inspection program that would require the registration and periodic inspection of rental properties for compliance with the residential property maintenance code (once adopted).

**JUSTIFICATION:** The large share of the town's housing stock that is comprised of rental properties can lead to negative impacts on the quality of life in the town's neighborhoods as rental property owners and their tenants tend not to invest the same amount of

resources in the maintenance of these properties as the owners of owner occupied properties do. Deferred maintenance, among other potential issues, can lead to problems with certain rental properties. By requiring registration and periodic inspection of rental properties, the town can help to ensure that the stock of rental housing in the community is maintained to the same standards as expected of owner occupied homes.

### **5.3** Maintain On-Street Parking Limits in Neighborhoods

**STRATEGY:** Continue to enforce reasonable limits on parking in residential neighborhoods to ensure that each residence is afforded sufficient parking and to limit nonresidential traffic and parking in neighborhoods.

**JUSTIFICATION:** Given the limited supply of on-street parking in the town, commuters will tend to migrate into residential areas if allowed. Maintaining current limits on parking by nonresidents on neighborhood streets will help to ensure that residents have adequate access to on-street parking and limit traffic on neighborhood streets.

### **5.4** Improve the Appearance and Safety of Alleys

**STRATEGY:** Develop and implement a comprehensive program to improve the appearance of residential alleys and address the safety of structures along alleyways.

**JUSTIFICATION:** Maintaining a positive aesthetic appearance along the town's alleyways will help to reinforce property values and deter activity that may be detrimental to neighborhoods. During the development of the plan, a number of structures along alleyways were observed that appeared to be in substandard condition, potentially impacting the safety of travel along alleys if left uncorrected in the future. Identifying substandard structures and requiring their rehabilitation or demolition will help to ensure both the safety and appearance of alleys.



Land use and development regulations will reflect best practices in current use and promote growth that is compatible with Shepherdstown's character.

### 6.1 Adopt and Enforce Building Code Regulations

**STRATEGY:** Adopt the West Virginia State Building Code and partner with Jefferson County to provide administration and enforcement of the Code to ensure that construction activity is undertaken in compliance with relevant life/safety and energy efficiency standards.

**JUSTIFICATION:** While individual contractors engaged in construction projects in town are required to maintain compliance with the state building code, there is no local review or inspection of building plans or construction activity. Adopting the state building code locally will allow the town to enforce the code and maintain a more vigilant posture with respect to the quality of construction activities occurring in town. Given the limited resources of the community, contracting with Jefferson

County to administer and enforce the code would be the most cost effective and efficient method of ensuring compliance.

### 6.2 Development Review Processes Assessment

**STRATEGY:** Review policies and procedures for development review to ensure that no unnecessary obstacles are present that may serve to discourage investment in the community, while also ensuring that an adequate level of technical review and public input is included in the decision-making process. Examples of policies to review include submittal and review schedules, development review and permitting fees, the level of detail required for preliminary or conceptual development plans, the number of hearings required for development approval and the types of approvals that may be granted administratively.



**JUSTIFICATION:** Lengthy or complicated development review processes can serve as a deterrent to investment. Ensuring that the town maintains an adequate level of technical review and public input, where warranted, in the development review process is critical to realizing positive outcomes, but process should not be more important than the results. A collaborative approach in the initial steps of the development review process, in which the developer and the town work together to iron out any differences prior to formal review or hearings can help to achieve better results and ensure that a submitted development plan is acceptable and will not require significant revision. Delegating as much authority as possible to staff members to approve certain types of development plans (within reason) is also an effective method of streamlining the administration of a development ordinance in that it generally allows for a faster and more efficient process in contrast to review and approval processes that rely on a public board or commission.

characteristics of buildings and sites, with a traditional “use” based approach to ensure that the character and integrity of the community and its neighborhoods are preserved.

**JUSTIFICATION:** The aesthetic character and form of development was consistently identified as the most important factor in the future growth of the town. A form based code approach, such as that provided in the Transect Code, can provide an avenue through which the town can ensure that future growth is consistent with its character. A particular advantage of the Transect Code is that it regulates development in a contextual format, from rural to urban, and does not impose identical regulations throughout a community as some form based codes do. Given the current regulatory environment, it would probably be necessary to combine the transect code with a more traditional approach to regulating land uses and development in some established areas of town to help preserve the character of the town.

## **6.3** Consider Adoption of Form Based Development Regulations

**STRATEGY:** Consider adopting a framework for development regulations that combines a “form-based” approach to the regulation of development, which emphasizes the physical

# LU GOAL 7

Growth will be directed to those areas that have sufficient transportation and utility infrastructure capacity, as well as convenient access to other public services that are necessary to serve it.

## 7.1 Enforce Adequate Public Facilities Regulations

**STRATEGY:** Continue to enforce the Town’s Adequate Public Facilities regulations to ensure that services are available for new development and to fund necessary infrastructure improvements.

**JUSTIFICATION:** Given the small size and limited resources of the town, new development of any size can have a significant impact on the town’s ability to maintain current levels of service. Through the Adequate Public Facilities regulations, the town can analyze the effects of new development or annexation on its service levels and determine whether revenues from the proposed development, or any proffers made, will be sufficient to ensure a continuation of existing service levels.

## 7.2 Expand the Scope of Adequate Public Facilities Regulations

**STRATEGY:** Amend the Adequate Public Facilities regulations to include the consideration of the provision of fire, police, sanitation, street maintenance and parks to ensure that these other services are either present or can be provided to the development in a cost effective and efficient manner.

**JUSTIFICATION:** The current scope of the adequate public facilities regulations only measures impacts on water and sewer service, schools and road capacity. Expanding the scope to include the services referenced above will help to better assess the true impact of a development on all of the municipal services offered by the town.



## 7.3

### Proactive Adequate Public Facilities Determinations

**STRATEGY:** Proactively identify and designate areas that have sufficient road and utility capacity, as well as access to other public services, and allow development in those areas to utilize an abbreviated Adequate Public Facilities review process.

**JUSTIFICATION:** The pre-identification of areas where services can be provided without a negative impact on the overall level of service to the community can help to direct development to desired / beneficial growth areas. Similarly, areas that are limited in their capacity to accommodate new development can be identified to discourage development in those areas. This will help to provide a higher degree of certainty to developers that are looking to invest in the community, while also potentially limiting the amount of time that is devoted to reviewing development proposals in areas where sufficient capacity does not exist to support growth.

## 7.4

### Coordination of Land Use and Utility Capacity

**STRATEGY:** Work with Jefferson County to adopt future land use and zoning designations for areas in the town's utility service area that reflect the existing and planned infrastructure capacities in those areas.

**JUSTIFICATION:** Aligning the County's land use and zoning classifications with the capacity of the town's utility system to serve new development will help to ensure that developer and property owner expectations are properly scaled to the carrying capacity of the utility system. This type of alignment can also lower development costs by directing growth towards those areas where costly utility extensions are not necessary.



CORPORATION OF SHEPHERDSTOWN  
COMPREHENSIVE PLAN