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CLERK OF COUNTY COMMISSION
OF JEFFERSON COUNTY

(PROPOSED)
JEFFERSON COUNTY
SUBDIVISION ORDINANCE
JEFFERSON COUNTY, WEST VIRGINIA

Prepared By The
Jefferson County Planning Commission

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ARTICLE I. AUTHORITY; PURPOSE; TITLE

Section 1.0 General Authority

This Ordinance is adopted by authority of the West Virginia Code, Chapter 8, Article 24.

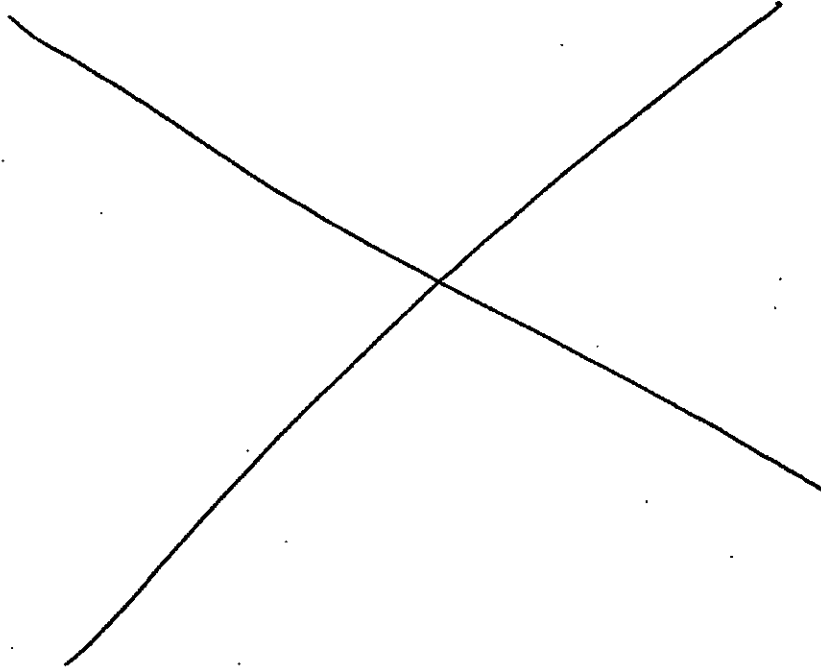
Section 1.1 Purpose

This Ordinance is adopted for the following purposes:

- a. To protect and provide for the public health, safety, and general welfare of the County.
- b. To guide future growth and land development according to the Comprehensive Plan.
- c. To secure a community growth that is commensurate with and promotive of the efficient and economical use of public funds.
- d. To promote the harmonious development of the County and to secure safety from fire, flood and other dangers.
- e. To prevent overcrowding of the land and undue congestion of population and traffic.
- f. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- g. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, and other public requirements and facilities.
- h. To establish minimum requirements for the design, construction and maintenance of subdivision projects and to assure the development of uniform subdivision platting requirements and procedures that will result in accurate land surveys and clear land titles.
- i. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and natural beauty of the community.

Section 1.2 Title

This Ordinance shall be known, cited and referred to as the Jefferson County Subdivision Ordinance.



ARTICLE 2. EFFECTIVE DATE; SUBDIVISION EXEMPTIONS;
REPEAL AND REPLACEMENT OF EXISTING ORDINANCE

Section 2.0 Effective Date

This Ordinance, established by resolution of the Jefferson County Commission on _____, shall take effect on the _____ day of _____.

Section 2.1 Subdivision Exemptions

This Ordinance shall apply to all land subdivision projects within unincorporated areas of Jefferson County, West Virginia, with the exception of the following:

- a. The formation of individual lots, provided such lots are each ten (10) acres or larger in size; and, provided the deed to each such lot clearly states that the lot is to be used exclusively for the location of a single family residence.
- b. The formation of individual lots provided the deeds to such lots state that the property is to be merged with adjoining land for the exclusive purpose of increasing land area or adjusting shape. Properties so merged may not be considered as separate parcels and may not be used or sold individually unless in agreement with prevailing county land development laws.
- c. The formation of one lot of less than ten (10) acres, provided such lot is taken from a tract of land lawfully on record prior to October 30, 1975. A lot so formed is termed an "outsale lot" and must be recorded with the Clerk of the Jefferson County Commission. Four years after title to an outsale lot is recorded, the owner of the remaining property may once again exercise an outsale. Only two (2) such lots may be formed. The division of remaining land into lots of less than ten (10) acres will then be recognized and processed as a subdivision.

Where a person owns two or more tracts that are joined together by a common boundary(s) or point(s), such adjoining tracts, for the purpose of forming an outsale lot, shall be considered a single tract.

- d. The formation of one lot of less than ten (10) acres, provided such lot is transferred by deed to a parent or a child of the land owner. The deed shall identify the relationship between grantor and grantee. A parent or a child may receive only one such exempt lot within the county and any such exempt lot which is resold by a parent or a child within four years from the date the deed to the lot is recorded, shall constitute a subdivision and shall comply with the provisions of this Ordinance.
- e. The formation of cemetery lots.

- f. Subdivisions, of which plats or deeds were recorded with the Clerk of the County Commission prior to the effective date of this Ordinance; provided such plats or deeds are of sufficient survey accuracy to permit the clear conveyance of individual lots by direct plat or deed reference without modification. Subdivision plats or deeds recorded with the Clerk of the County Commission shall represent only the land or property subdivided and shall not exempt from this Ordinance adjacent or adjoining land that is not subdivided, regardless of ownership.
- g. Subdivisions or sections of subdivisions which are under Planning Commission review on the effective date of this Ordinance; provided such subdivisions or sections of subdivisions have advanced to the stage of Preliminary Plat acceptance.

Section 2.2 Repeal and Replacement of Existing Ordinance

This Ordinance repeals and replaces the Rules and Regulations for the Subdivision of Land, Jefferson County, West Virginia, adopted June 8, 1972, as amended.

ARTICLE 3. INTERPRETATIONS AND DEFINITIONS

Section 3.0 Interpretations

a. For the purpose of this Ordinance the following interpretations shall apply:

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural.
3. The word "shall" or "will" is mandatory.
4. The word "should" is advisory.
5. The word "building" or "structure" is construed as if followed by the phrase "or part thereof".
6. The word "Ordinance" refers to the Jefferson County Subdivision Ordinance.
7. Jefferson County or "County" refers to Jefferson County, West Virginia.
8. "Planning Commission" refers to the Jefferson County Planning Commission.
9. "County Commission" refers to the Jefferson County Commission.

Section 3.1 Definitions

a. For the purpose of this Ordinance, the following definitions shall apply:

1. Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. Applicant. (Same as Subdivider).
3. Azimuth. A horizontal angle accruing clockwise from magnetic north or astronomical north beginning with 000° 00' 00" and not exceeding 360°.
4. Base Course. The layer of a street immediately in contact with the sub-grade.
5. Bearing. An acute horizontal angle measured clockwise or counterclockwise from north or south (magnetic or astronomical), toward the east or west.
6. Building. Any structure placed on land, having a roof, and used for the habitation or shelter of human beings or animals; or used for the shelter or storage of property or for use and occupation by a trade, manufacturing, or service firm.

7. Building Line. A line inside a property boundary defining the minimum distance any structure placed on the property must be set back from the property boundary.
8. Building Site. A specific area within a PUD subdivision that is identified for the location of one principal building. A building site within a PUD subdivision is similar to an individual lot within a conventional subdivision. Building sites are outlined, dimensioned and scaled on PUD subdivision plats but (unlike lots) are not labeled with directional references.
9. Campground. Any area, place, parcel or tract of land on which three (3) or more campsites or spaces are occupied or intended for occupancy by camping units for overnight periods or longer. A campground shall include, but not be limited to, tourist camp, travel trailer camp, recreation camp, church camp, family campground, camp resort and camp community. A campground is so defined whether or not campsites and facilities are granted free of charge, by rental fee, by lease, by covenant, by restriction, or by easement.
10. Camping Unit. Any device or vehicular type structure used for the purpose of temporary living or shelter during periods of recreation, vacation, leisure time or travel. A camping unit shall include, but not be limited to, tent, tent-trailer, camping trailer, travel trailer, pick-up camper, motor home, and recreational mobile home.
11. Campsite. A designated site or plot of ground within a campground that is used or intended for occupation by a camping unit.
12. Cartway. (same as road)
13. Community Impact Statement (CIS). A written report prepared by a subdivider describing the scope and feasibility of his proposed subdivision. The CIS also describes the physical, social and economic impacts a proposed subdivision may bring to the County and to the immediate area.
14. Conventional Subdivision. A subdivision in which land is partitioned into two or more separate lots. Each lot is outlined, dimensioned, scaled and labeled with directional references on the subdivision final plat.
15. Construction Bond. A written instrument with a clause binding a subdivider to pay a certain penalty (or a portion thereof) to the County Commission; conditioned, however, with a statement that the payment of the penalty (or a portion thereof) may be avoided upon satisfactory construction and completion of improvements required within a subdivision. A construction bond is secured by a surety, by cash in escrow, or by other means satisfactory to the Jefferson County Commission and the Jefferson County Planning Commission.
16. Covenant. An agreement, restriction, or condition placed on a parcel of land which remains attached to the land and which entitles successive land owners to its benefit or to its obligation, as the case may be.

17. Deed. A written instrument, signed and delivered, by which a person transfers title to land.
18. Developer. (Same as Subdivider).
19. Dwelling Unit. A room or group of rooms which serves as the living quarters for a single family or household. In multi-family structures such as apartment buildings, dwelling units are separated from one another by walls and have individual entrances directly from the outside, or from halls, stairways, etc.
20. Easement. A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained by a person other than the owner of the land parcel.
21. Engineer. A member of the Planning Commission Staff (or a consultant) who is registered (or able to be registered) as a West Virginia Professional Engineer.
22. Flood-prone Area. Any area within the 100-year flood boundary according to the most recent Flood Boundary and Floodway Maps prepared for Jefferson County by the Department of Housing and Urban Development, Federal Insurance Administration.
23. Grade. The slope of a road, street, or other public way expressed as a percentage. A 7 percent slope means a vertical drop of 7 feet for every 100 feet of horizontal measurement.
24. Improvements. Modifications to land which increase its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains, sidewalks, street signs, modifications to watercourses, water supply facilities, sewage disposal facilities, and park and recreation equipment.
25. Lot. Any tract, parcel, plot, site or area of land which is described by boundaries having both linear dimensions and directional references. A lot may be improved by the construction of one principal building.
26. Lot Frontage. The boundary of a lot that is in contact with a road or right-of-way. Where a lot boundary contacts more than one road, the boundary of greatest length along a road shall be considered the front of the lot.
27. Lot of Record. A written or graphic description of a lot that is on record in the office of the Clerk of the County Commission of Jefferson County.
28. Lot Boundary. The perimeter line enclosing a lot.
29. Mobile Home. A portable dwelling that is manufactured as a unit or in sections at a factory and transported on its own chassis (frame and wheels) to a lot or site for location. A mobile home may contain parts that can be folded, collapsed or telescoped when being towed and expanded to provide additional living area.

A mobile home is so defined whether or not the wheels have been removed and whether or not resting on a permanent foundation. This is not to include a sectional or modular home.

30. Mobile home site. A designated site (building site) or area of land within a mobile home park which is rented for the location of a mobile home.
31. Mobile home stand. The level portion of a mobile home site on which a mobile home is placed and anchored.
32. Monument. A stone or concrete marker placed in the ground for the purpose of recovering the survey of a subdivision. Monuments shall be not less than 24" long by 6" square or in diameter at the top with proper centers.
33. Obligee. A person in favor of whom an obligation is contracted.
34. Outsale Lot. A lot of less than 10 acres which, under certain circumstances, may be taken from a larger tract of land and placed on record without the need to pass through the subdivision review process. An outsale lot is exempted from the provisions of this Ordinance.
35. Person. Any individual, corporation, firm, association, syndicate, trust, partnership or other legal entity.
36. Planned Unit Development (PUD) Subdivision. A subdivision in which land is partitioned not into smaller separate lots, but into 2 or more distinct building sites. Each building site may be improved by the construction of one principal building. The following projects, involving more than one building are frequently developed as PUD's: Industrial Park, Mobile Home Park, Campground, Apartment Complex, Motel Complex, Commercial Shopping Center, Multi-purpose Recreation Project.
37. Planning Commission Staff. All employees of the Planning Commission whether part-time, full-time, contractual or other.
38. Plat. A scaled, graphic drawing of a land subdivision project prepared according to the provisions of this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.
39. Plat, Final. The final version of a land subdivision project which is prepared according to the provisions of this Ordinance and which, if approved by the Planning Commission, is recorded in the office of the Clerk of Jefferson County.

40. Plat, Preliminary. A preliminary version of a land subdivision project which is prepared according to the provisions of this Ordinance and which is used for the purpose of reviewing the detailed aspects of a proposed subdivision before a particular design or layout is finalized.
41. Plat, Sketch. An informal drawing of a land subdivision design and layout which is prepared according to the provisions of this Ordinance and which assists the Planning Commission and the subdivider in reviewing the general scope, feasibility and impact of a proposed project.
42. Principal Building. The one building on a lot or building site in which the principal land use associated with the lot or building site is conducted. More than one principal building on a lot constitutes a PUD subdivision requiring the formation of separate building sites as herein defined.
43. Public Highway (Road). Any highway or road in Jefferson County which is part of the Federal or West Virginia public highway system and which is so identified and numbered on the most recent General Highway Map published by the West Virginia Department of Highways.
44. Resubdivision. A change in a recorded subdivision plat altering the dimensions of lines and properties thereon, or altering any terms, conditions or performance requirements under which the subdivision was originally approved and recorded.
45. Right-of-way. A right which grants passage across or through a property. A right-of-way is also the (usually dimensioned) path along which the right of passage is granted.
46. Road. A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.
47. Road Profile. A side view of the centerline of a road, showing centerline stations, grades, transition curves, lengths, and the relationship of the road to existing ground elevations.
48. Shoulder. A smooth graded, stabilized strip of land along the sides of a road. Shoulders permit vehicles to leave a road during emergencies; contribute to carry water away from a road to prevent erosion; and, assist to provide safe visibility.
49. Staff. (Same as Planning Commission Staff).
50. Street. (Same as Road).
51. Structure. Anything constructed, the use of which requires fixed location on the ground; or, anything attached to something having such location. A structure does not include fences, individual driveways, or retaining walls.
52. Subdivide. The process of forming a subdivision.

53. Subdivider. Any person commencing to effect the subdivision of land under the provisions of this Ordinance.
54. Subdivision. The partition or division of land into two or more lots, tracts, parcels, plots, sites, areas, units, interests, or other divisions of land, for the purpose, whether immediate or future, of offer, sale, lease, transfer of ownership, building construction, development, or land use. Subdivision applies to all forms of development including residential, commercial and industrial, and includes the division of land either by deed, metes and bounds description, devise, intestacy, lease, map, plat or other instrument, or by act of construction or land use. Subdivision includes resubdivision and, when appropriate to the context, shall relate to the land subdivided.
- Two types of subdivisions are recognized by this Ordinance:
- a. Conventional subdivision consisting of separate lots.
 - b. Planned Unit Development (PUD) subdivision consisting of two or more building sites on a single tract.
- (See Section 2.1 for Subdivision Exemptions)
55. Subdivision Review Panel. An informal panel of officials that advises the Planning Commission during evaluation of subdivision proposals. Members of the Subdivision Review Panel represent various government agencies and public service companies.
56. Surveyor. Any person licensed to practice land surveying in the State of West Virginia.
57. Tent area. A clearly designated site or area of land within a campground which is intended exclusively for tents.
58. Tract. (Same As Lot, Although Generally Applied to Larger Acreage).
59. Turnaround. A circular area at the end of a deadend road where vehicles are able to conveniently turn around without leaving the road.
60. Variance. A departure from the provisions of this Ordinance granted by the Planning Commission.

ARTICLE 4. GENERAL PROVISIONS

Section 4.0 Compliance With Comprehensive Plan

Proposed subdivisions shall, to the extent permitted by law, comply with the objectives and policies of the Jefferson County Comprehensive Plan.

Section 4.1 Use of All Land

All portions of a tract of land being subdivided shall be taken up in lots, streets, public lands or other designated uses so that remnants and landlocked areas are not created.

Section 4.2 Health and Highway Laws

Laws and regulations of the West Virginia Department of Highways, the West Virginia Department of Health, and the Jefferson County Board of Health are considered minimal requirements under the provisions of this Ordinance.

Section 4.3 Independent Review of Subdivision Sections

Review and approval of any section of a subdivision does not constitute an intention or responsibility on the part of the Planning Commission to approve future sections of the subdivision. This provision shall apply regardless of improvements, expenditures, or efforts a subdivider may make (at his own risk) in anticipation of future approval by the Planning Commission.

Section 4.4 Private Contracts

Unless specified otherwise, approval of a subdivision by the Planning Commission bears no relation to any private easement, covenant, agreement, restriction or condition accompanying said subdivision nor is the responsibility of enforcing such private easement, covenant, agreement, restriction or condition assumed by the County Commission or the Planning Commission.

Section 4.5 Delegation of Responsibility

At the discretion of the Planning Commission, administrative activities required by this Ordinance may be delegated to a Committee of the Planning Commission or to the Planning Commission staff.

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Section 4.6 Sources of Information

In order to permit a complete review and evaluation of subdivision proposals, the Planning Commission may request information and comment from any individual or agency. Such requests may be made at any time through correspondence, by telephone, or at meetings conducted for that purpose.

All information and comment received by the Planning Commission shall become a part of the official record for the subdivision under consideration.

Section 4.7 Debris, Waste and Construction Materials

No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, construction material or other waste material of any kind shall be left or deposited in any area of a subdivision at the time improvements are inspected for completion by the Engineer.

Section 4.8 Access to Public Highways

Any proposed subdivision that is not adjacent to a public highway shall be connected to a public highway by a right-of-way(s) and road(s) that meet the standards required for rights-of-way and roads within the proposed subdivision. This provision may require upgrading of rights-of-way and roads that are not owned by the subdivider and that were platted and recorded prior to the date the subdivider filed a subdivision application.

Section 4.9 Occupancy

No home or other residential structure shall be occupied in a subdivision served by a central water supply facility or a central sewage treatment facility until the home or other residential structure is connected to the appropriate water or sewage system(s) in an operational condition as approved by the West Virginia Department of Health.

No commercial or industrial structure shall be used or occupied in a subdivision served by a central water supply facility or a central sewage treatment facility until the commercial or industrial structure is connected to the appropriate water or sewage system(s) in an operational condition as approved by the West Virginia Department of Health.

Section 4.10 Flood-Prone Areas

Areas of a subdivision that are flood-prone may not be improved by the construction of buildings.

Section 4.11 Inspections

All subdivisions reviewed under this Ordinance are subject to announced and unannounced inspections by the Engineer or other designated official. Such inspections are necessary to determine project feasibility; to review the progress of construction; and, to conduct maintenance inspections of parks, roads, drainage, and water and sewage treatment systems.

Section 4.12 Single Ownership

Land that is jointly owned by several individuals is treated, by this Ordinance, as though it is owned by a single entity.

ARTICLE 5. COMMUNITY IMPACT STATEMENT (CIS)

Section 5.0 Introduction

No other form of land development has the potential to change a rural community's character so swiftly and massively as subdivision development. Scores of rural communities have been overwhelmed by rapid, haphazard residential subdivision development--only to conclude that too little was done too late.

Haphazard residential subdivision development is wasteful of land resources; excessively demanding of public services such as police and fire protection, schools, utilities, and roads; costly in terms of local taxes and social turmoil; and, unpredictable.

Many rural communities are not prepared to examine or to influence the issues that surround subdivision proposals. A lesser number of rural communities are not even prepared to gather basic factual information about proposed subdivisions so that they may brace for the demands of future populations that will live in or make use of such subdivisions. The Community Impact Statement (CIS) requirement of this Article provides Jefferson County with an opportunity to acquire information about a subdivision proposal before the project is formalized; and, with an opportunity to advise the subdivider of the Planning Commission's informal disposition toward a subdivision proposal.

Section 5.1 Description and Content

The Community Impact Statement (CIS) is a complete report about a subdivision proposal which: (1) discloses all basic information about the subdivision; and (2) explains the physical, social and economic impacts the subdivision is expected to have on the community when the subdivision is fully developed.

The developer of a subdivision is responsible for preparing the Community Impact Statement and submitting it to the Planning Commission before the Pre-application Conference as outlined in Section 7.1 of this Ordinance. The Community Impact Statement is reviewed by the Planning Commission early in the subdivision process before the developer has invested in major services such as detailed survey and engineering studies. Changes in a subdivision proposal can be accomplished with a minimum of cost and effort if they are accomplished during CIS review early in the subdivision process. Acceptance or rejection of a CIS by the Planning Commission informs the developer that his subdivision proposal is generally suitable/unsuitable and will be so considered during the review process, unless substantial new or corrected information is revealed at a later date.

The content of a CIS shall be sufficiently detailed to permit an examination of the scope of a subdivision proposal and to permit an evaluation of the proposal according to the impact it may be expected to have on the local community.

(a) Basic descriptive information about a subdivision proposal shall include:

1. Name and address of owner/developer

2. Name and address of contact person
3. Tract size, shape and location
4. Project design or layout
5. Number, approximate size and location of proposed lots or building sites
6. General description of surface conditions (topography)
7. Soil and drainage characteristics
8. Existing natural or manmade features including, vegetative cover, water bodies, quarries, and rock outcroppings
9. General location and description of existing structures
10. General location and description of existing easements or rights-of-way
11. Existing covenants and restrictions
12. Approximate size, location and purpose of areas to be dedicated.
13. Intended improvements
14. Intended land uses
15. Intended earthwork that would alter the natural topography
16. Proposed covenants and restrictions
17. Tentative development and construction schedule
18. Market surveys and feasibility studies
19. Anticipated project costs
20. Anticipated funding sources

(b) A discussion of the relationship of the proposed subdivision to the community (County) and the area around the subdivision shall consider the following items:

Physical Impacts

1. Earthwork, as it affects drainage, removal of vegetation and soil, and alteration of the natural terrain
2. Conversion of farm land to urban uses
3. Wildlife populations
4. Groundwater and surface water resources--use, depletion, contamination, flow changes

5. Compatibility of the project with the surrounding area in terms of land use and visual appearance
6. Impact on sensitive natural areas such as water recharge areas, stream and river banks, hillsides, forests, wetlands, water bodies

Social Impacts

7. Demand for schools and educational facilities
8. Traffic characteristics--type and frequency of traffic; adequacy and safety of existing transportation routes and facilities; origin and destination of traffic
9. Demographic impact
10. Health and emergency medical services
11. Fire protection
12. Police protection
13. Trash removal
14. Electrical power service
15. Telephone service
16. Sewer and water services
17. Relationship of the project to the Comprehensive Plan
18. Housing supply and demand
19. Proximity and relationship to known historic features
20. Recreation

Economic Impacts

21. Property tax evaluation
22. Anticipated bank deposits and loans
23. Anticipated local spending (construction, retail, service, etc.)
24. Local employment implications
25. Expected changes in property values

Particularly under the category of Social Impacts, the Community Impact Statement should evaluate the adequacy of available public and private services to meet the demands expected from the subdivision proposal as fully developed. Statements of adequacy from appropriate service agencies may be submitted in this regard.

The method by which a developer prepares and presents a CIS is left to the discretion of the developer. Where a subdivision proposal appears to the Planning Commission to be of major concern, the developer may be required to prepare a CIS according to the outline presented in The Environmental Impact Handbook by Robert W. Burchell and David Listokin (Rutgers University, New Brunswick, New Jersey; 1975). Reference copies of this publication are available in the Planning Commission office.

Section 5.2 Requirement and Purpose

All subdivision proposals shall be accompanied by a written Community Impact Statement unless the scale of a project is determined by the Planning Commission to be so small that a CIS would not be useful. The requirement of a CIS serves three purposes:

- (a) The requirement of a CIS compels a developer to research and take into consideration more physical, social and economic factors than he might otherwise do before selecting a particular subdivision proposal.
- (b) The requirement of a CIS gives adjoining property owners, County residents, and public service agencies early notice and useful information about a proposed subdivision.
- (c) The requirement of a CIS provides the Planning Commission with much of the essential information it must have in order to consider the final approval of a subdivision according to the provisions of the West Virginia Code, Section 8-24-30.

ARTICLE 6. CONDITIONAL APPROVAL; BONDING

Section 6.0 Conditional Approval

A subdivision which has been reviewed at a Final Plat Public Hearing and which has not been disapproved may receive conditional approval provided the developer signs a construction agreement with the Planning Commission. The agreement shall specify the subdivision improvements required of the developer and the date by which the improvements are to be completed. Three years are granted for completion of roads and associated drainage--two years for water and sewer system installation.

During construction of a subdivision according to a signed construction agreement, the seal of the Planning Commission is withheld from the Final Plat--rendering the plat not recordable. The seal of the Planning Commission is placed on the Final Plat only after the construction of improvements is certified as complete and satisfactory by the Engineer.

Section 6.1 Construction Bond

A subdivision which has been reviewed at a Final Plat Public Hearing and which has not been disapproved shall be given final approval and the seal of the Planning Commission, provided the developer secures a Construction Bond for completing the improvements. The Construction Bond must be with surety satisfactory to the Planning Commission and must designate the Jefferson County Commission as obligee. The principal sum of the Construction Bond shall be established by the Engineer at 115 percent of the estimated cost of constructing the required improvements. The Construction Bond shall specify a completion date that is no more than three (3) years from the date the Bond is signed. Water and sewer lines may be required to be installed within two (2) years to permit the settlement of backfill in trenches. Prior to the arrival of bond completion dates, the Planning Commission shall attempt to remind each developer of his obligation to complete required improvements.

In the event required improvements are not constructed according to the terms of the Bond, the County Commission shall declare the Bond in default and shall request funds from the surety sufficient to complete the unfinished construction. The surety shall, without delay, inspect the subdivision for unfinished construction and shall immediately thereafter release the funds requested by the County Commission. Improvements to the subdivision alleged by the subdivider to have been made after inspection by the Surety shall not be grounds for a reinspection or for a reduction of the funds to be released as requested by the County Commission.

The County Commission shall be authorized to contract for the completion of required improvements and shall be authorized to enter upon the subdivision property for the purpose of completing such improvements.

ARTICLE 7. SUBDIVISION REVIEW PROCESS: FORMS AND FEES; DATES

Section 7.0 General Review Process

Subdivision proposals are reviewed at four stages:

- a. Pre-application Conference - Staff
- b. Community Impact Evaluation - Planning Commission
- c. Preliminary Plat Conference - Staff
- d. Final Plat Public Hearing - Planning Commission

Upon request, exceptions from the review process may be granted by the Planning Commission for individual subdivision proposals that are small and appear to have little impact on the County. The Planning Commission may advance such minor subdivisions directly to the Final Plat stage, provided a site inspection by the Staff reveals no apparent difficulty. Minor subdivisions shall be accompanied by all support material normally required for larger subdivisions, except that a Community Impact Statement and topographic map shall not be required.

The Pre-application Conference and the Community Impact Evaluation are conducted before a formal application is submitted and before a major financial investment is put into a proposal in the form of detailed survey and engineering services. The Pre-application Conference and Community Impact Evaluation permit early review of the major aspects of a proposed subdivision at a time when constructive comment and change can be easily accomplished.

Planning Commission evaluation of the Community Impact Statement results in an opinion regarding overall community acceptability of a subdivision proposal. The Commission's opinion serves as a basis for a final plat decision, subject to new or corrected information that may be revealed at or before the Final Plat Public Hearing.

The Preliminary Plat Conference takes place after formal application and fees are submitted to the Planning Commission. Generally, this stage is primarily concerned with the technical aspects of a subdivision proposal, such as engineering and platting standards, survey requirements, development staging and bonding.

The Final Plat Public Hearing is all inclusive and may deal with any aspect of a subdivision proposal that is presented for discussion.

Section 7.1 Detailed Review Process

- (a) The subdivision review process described in this Section outlines the step-by-step activities that take place during the routine processing of a subdivision proposal. Any changes in the subdivision review process that are made by the Planning Commission shall be put in written form and shall identify the nature of the change and the date the change was voted upon.

Written changes in the subdivision review process shall be attached to this Ordinance and shall be distributed to the public as supplemental material.

Subdivision Review process:

1. Subdivider contacts Planning Commission office (725-6591) to schedule a Pre-application Conference with the Staff. Staff conferences are held on the first and third Friday of each month in the Planning Commission office beginning at 10:00 A.M.
2. Subdivider mails to the Planning Commission office and to each member of the Planning Commission a copy of the subdivision Sketch Plat and Community Impact Statement (including a USGS topographic map showing the location of the tract). The Sketch Plat and Community Impact Statement must be received by the Planning Commission office and by each Planning Commission member at least 15 days prior to the date of the scheduled Pre-application Conference.
3. Planning Commission members and/or staff inspect site of proposed subdivision prior to Pre-application Conference.
4. PRE-APPLICATION CONFERENCE held between Subdivider and Planning Commission Staff. Sketch Plat and Community Impact Statement are reviewed and discussed. Primary emphasis is placed on project design and site layout and on the Community Impact Statement. The scope of the subdivision proposal is examined according to the effect it will have on the physical, social and economic conditions within the County. Modifications to the Sketch Plat or Community Impact Statement material are made by the Subdivider, if appropriate. The Subdivider is advised of the date and time his proposal will be brought before the Planning Commission for Community Impact Evaluation. Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month.
5. Planning Commission places a notice in the Spirit of Jefferson advising the public of the Community Impact Evaluation before the Planning Commission.
6. COMMUNITY IMPACT EVALUATION held before the Planning Commission during a regular meeting. The Planning Commission reviews the Sketch Plat and Community Impact Statement. The Planning Commission renders an informal opinion to accept or reject the suitability of the subdivision proposal based on the Sketch Plat, Community Impact Statement and other support material submitted.
7. Planning Commission advises the Subdivider, by letter, of its opinion, in order to provide the Subdivider with useful suggestions and with an early indication of the project's acceptability (or nonacceptability). The informal opinion serves as a basis upon which the final Planning Commission decision is reached; subject to new or revised information that may be presented at the Final Plat Public Hearing. (See Step #18)

8. Planning Commission advises the Subdivider, by letter, that a preliminary plat may be prepared and submitted for review. A subdivision application form and schedule of fees is mailed with the letter.
9. Subdivider submits to the Planning Commission office a completed subdivision application form, fees, two paper prints of the preliminary plat, and two copies of all support material required to accompany the preliminary plat. All items must be received by the Planning Commission office at least 15 days prior to the next staff conference. (First and third Friday of each month at 10:00 A.M.).
10. Planning Commission places a notice in the Spirit of Jefferson advising the public of the upcoming Preliminary Plat Conference with the Planning Commission staff.
11. Planning Commission members and/or staff may inspect site of proposed subdivision prior to Preliminary Plat Conference.
12. PRELIMINARY PLAT CONFERENCE held between Subdivider and Planning Commission staff on a regular Friday conference day. The staff approves, approves with conditions or disapproves the Preliminary Plat and accompanying material. Steps needed to develop a Final Plat are outlined and bonding procedures are discussed, if applicable.
13. Planning Commission staff notifies subdivider by letter of the decision made at the Preliminary Plat Conference. Reasons are itemized and general procedures to develop a Final Plat are reviewed. Bonding requirements are stated, if applicable.
14. Subdivider submits to the Planning Commission office two paper prints of a Final Plat and two copies of any support material not previously filed.
15. Planning Commission places a notice in the Spirit of Jefferson advising the public of the Final Plat Public Hearing before the Planning Commission. The notice is placed in the Spirit of Jefferson at least 30 days before the date of the intended Final Plat Public Hearing.
16. Planning Commission staff notifies Subdivider of additional information required or corrections that must be made to the subdivision proposal and Final Plat.
17. Subdivider submits to the Planning Commission office two paper copies, one opaque linen copy and one reproducible sepia copy of the Final Plat.
18. FINAL PLAT PUBLIC HEARING held before the Planning Commission during a regular meeting. New or revised information not previously considered at the Community Impact Evaluation stage is solicited from the public. The Planning Commission, after considering public comment, all previous information and comment,

the provisions of this Ordinance, and the provisions of Section 8-24-30 of the West Virginia Code, approves, approves with conditions or disapproves the subdivision proposal and Final Plat.

19. The Planning Commission shall approve, approve with conditions, or disapprove a subdivision proposal and Final Plat within 60 days from the day the final plat and support material are submitted to the Planning Commission office. Failure to take action within the 60 day period shall result in final plat approval, unless a waiver of the 60 day period is granted to the Planning Commission by the subdivider.
20. If the subdivision proposal and Final Plat are approved, the seal of the Planning Commission is placed on the appropriate prints of the Final Plat.
21. If the subdivision proposal and Final Plat are approved subject to conditions, the conditions must be placed on the Final Plat prior to the seal of the Planning Commission.
22. If the subdivision proposal and Final Plat are disapproved, the Subdivider is advised in writing of the Planning Commission action and of the specific reasons upon which the action was based.

Section 7.2 Forms and Fees

Application forms and instructional material regarding the subdivision review process shall be prepared by the Planning Commission and shall be made available to the public. Subdivision processing fees shall be as follows:

Conventional Subdivisions

\$85.00 per Subdivision Plat
\$25.00 per Lot within the Subdivision

Planned Unit Development (PUD) Subdivisions

Mobile Home Park

\$15.00 per gross project acre
\$20.00 per mobile home stand
\$60.00 per principal building

Campground

\$ 5.00 per gross project acre
\$ 2.00 per campsite
\$50.00 per principal building

Other

\$ 5.00 per gross project acre
\$50.00 per principal building

\$ 2.00 per motel unit
\$ 2.00 per apartment unit
\$ 2.00 per townhouse unit
\$ 2.00 per condominium unit
\$15.00 per single family detached home site

Review of Subdivision Plats showing Minor Changes or Corrections

\$50.00

Section 7.3 Dates

All stages of the subdivision review process shall be conducted according to a uniform schedule of dates, times and places as determined by the Planning Commission and subject to change only by formal action of the Planning Commission. Staff conferences shall be held on the first and third Friday of each month as necessary. Planning Commission review sessions shall be held during regular Planning Commission meetings on the second and fourth Tuesdays of each month.

Routine processing of a subdivision shall take no longer than four (4) calendar months from the date of the Pre-application Conference, provided required materials are submitted on time. Longer processing times may be necessary if a developer is unable to submit required materials (certificates, plats, permits, maps) within the four (4) month period. If, after fifteen (15) months from the date of the Pre-application Conference, a subdivision proposal has not been advanced through the stage of a Final Plat Hearing, the application and file for the subdivision will be automatically closed. Re-processing of the same subdivision proposal shall be required to begin, as a new project, with the Pre-application Conference.

ARTICLE 8. REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS

Section 8.0 Minimum Requirements and Standards

The requirements and standards of this Article are minimal and are not intended to discourage the use of higher standards by subdividers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of this Ordinance can be better served.

Section 8.1 Plat Requirements

- a. The Sketch Plat, submitted for review at the Pre-application Conference, shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. The sketch plat may be drawn free hand and shall be at a scale acceptable to the Engineer. Contour lines as shown on the appropriate U.S.G.S. Topographic Quadrangle map should be transferred to the sketch plat. Natural features such as woods, watercourses, prominent rock outcroppings, sink holes and quarries should be highlighted.

The Sketch Plat shall be accompanied by a tract location map, a Community Impact Statement, and a tentative list of restrictive covenants and conditions or a tentative statement of project rules and regulations.

- b. The Preliminary Plat, submitted for review at the Preliminary Plat Conference, shall be drawn or reproduced on paper at a scale of one inch (1") equals one hundred feet (100') or larger. The plat shall be twenty-two inches (22") by thirty inches (30") in size. More than one sheet may be used provided all sheets are indexed.

The Preliminary Plat shall show or be accompanied by:

1. A $\frac{1}{2}$ inch border along all sides except the left side (a 22" side) which shall have a 1 $\frac{3}{4}$ inch border.
2. A title block in the lower right corner to include: the name by which the subdivision will be recorded; location of subdivision by County and State; name(s) and address(es) of owner(s); name and address of registered engineer or surveyor who surveyed the tract and prepared the plat.
3. North arrow, date and graphic scale.
4. A small scale inset map showing the location of the subdivision in the County.
5. If appropriate, a small scale inset map showing the location of the subdivision section relative to other sections of the same subdivision.

6. The subdivision perimeter boundary described by bearings (or azimuths) and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.
7. Lot boundary lines drawn to scale and dimensioned.
8. A number to identify each lot.
9. A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
10. Existing easements and rights-of-way accurately identified, located and dimensioned.
11. Proposed easements and rights-of-way (roads, sidewalks, drainage, utilities, etc.) identified and drawn to scale. Roads and sidewalks shall be identified and drawn to scale. Roads shall be named.
12. Easements and rights-of-way that may serve at a future date to connect with adjoining properties.
13. Identification of all current adjoining properties by ownership, tax map reference, and deed book reference. Departure lines for adjoining properties shall be shown on the plat.
14. Contour lines with vertical intervals of five feet (5') or, in the case of relatively flat terrain, intervals of two feet (2'). Source of contour line information. Greater contour intervals may be accepted by the Engineer, if compatible with surface topography. (Interpolation of U.S.G.S. contour information is not acceptable).
15. The location of bench marks used in the survey, if available.
16. Existing physical features including: woods, watercourses, prominent rock outcroppings, sink holes, quarries, culverts, bridges, drains, buildings, sewer lines, water mains, fire hydrants, power lines, telephone lines.
17. Adjoining roads including right-of-way widths, road widths and names.
18. A tentative list of restrictive covenants.
19. Reservations of land for public or semi-public use.
20. Surface drainage plan and erosion control methods, including flow computations, directions of flow, culverts, bulkheads, inlets, and other related improvements to be installed. Materials and dimensions of all improvements, and description of vegetative or other stabilizing material intended for all exposed areas.

21. Complete design and construction plans, profiles and engineering specifications for proposed water treatment and distribution facilities and proposed sewage collection and treatment facilities to be installed.
 22. Appropriate certificates of approval (entrance permits) from the West Virginia Department of Highways.
 23. Appropriate certificates of approval from State and local health authorities concerning water/sewer systems.
 24. Appropriate certificates of approval from the State Department of Natural Resources.
 25. Evidence that the West Virginia Public Service Commission has been notified in writing of intentions to construct and operate water/sewer systems.
 26. Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed.
 27. Description of soils and subsurface geology and hydrology.
 28. Building setback lines. (This may be accomplished by a notation on the plat citing the minimum building setback requirements).
- c. The Final Plat, submitted for review at the Final Plat Public Hearing, shall be drawn or reproduced on opaque linen suitable for recordation. The plat shall be drawn at a scale of one inch (1") equals one hundred feet (100') or larger and shall be twenty-two inches (22") by thirty inches (30") in size. More than one sheet may be used provided all sheets are indexed.

The Final Plat shall show:

1. A $\frac{1}{2}$ inch border along all sides except the left side (a 22" side) which shall have a 1 $\frac{3}{4}$ inch border for binding.
2. A title block in the lower right corner to include: the name by which the subdivision will be recorded; location of the subdivision by County and State; name(s) and address(es) of owner(s); name and address of registered engineer or surveyor who surveyed the tract and prepared the plat.
3. North arrow, date and graphic scale.
4. A small scale inset map showing the location of the subdivision in the County.
5. If appropriate, a small scale inset map showing the general location of the subdivision section relative to other sections of the same subdivision.
6. The subdivision perimeter boundary described by bearings (or Azimuths) and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:7500 or better. All perimeter corners shall be permanently marked and in place.

7. The location and description of permanent concrete control monuments acceptable to the Engineer. (The Engineer should be provided with a plan of projected permanent concrete monumentation. Where possible, permanent concrete monuments should be intervisible; at least 750 feet apart; away from future roadwork; and, at least 2 per section or block.)
8. Lot boundary lines described by bearings (or Azimuths) and distances. Lot boundaries shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.
9. A number to identify each lot.
10. A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
11. Existing easements and rights-of-way accurately defined, located and dimensioned.
12. Proposed easements and rights-of-way (roads, sidewalks, drainage, utilities, etc.) identified and drawn to scale. Proposed roads and sidewalks shall be identified and drawn to scale. Roads shall be named.
13. Easements and rights-of-way that may serve at a future date to connect with adjoining properties.
14. Identification of all current adjoining properties by ownership, tax map reference, and deed book reference. Departure lines for adjoining properties shall be shown on the plat.
15. A final list of restrictive covenants and conditions.
16. A notation that states "The Seller of any lot within this subdivision shall provide the Buyer with a reasonable opportunity, before settlement, to determine that the lot is suitable for the construction of a septic disposal system. If, before settlement, the Buyer is denied a septic system construction permit by the Jefferson County Health Department, the Buyer may refuse to purchase the lot without penalty."
17. A Statement of Acceptance signed and dated by the subdivider. The Statement shall read "The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon."
18. Reservations of land for public or semi-public use.
19. Building setback lines. (This may be accomplished by a notation on the plat citing the minimum building setback requirements).
20. Certification of the surveyor or engineer as to the preparation and accuracy of the plat.
21. Such other conditions, certificates, affidavits, endorsements or dedications as may be deemed necessary by the Planning Commission.

22. A computation of the total tract area and a computation of the area included in rights-of-way.
23. Area of each lot to the nearest .01 acre or to the nearest 100 square feet.
24. Curve data--radius, delta, arc, tangent, chord and chord bearing.
25. Descriptive lines inside the tract boundary:
 - * Tract boundary - heavy dashed and two dotted lines
 - * Lot boundaries - medium solid lines
 - * Rights-of-way - heavy solid lines
 - * Restriction lines - medium dashed lines
 - * Easements and other reserved areas - medium dotted lines
26. Descriptive lines outside the tract boundary:
 - * Property lines of adjacent tracts - medium dashed and two dotted lines
 - * Lot boundaries - light solid lines
 - * Rights-of-way - medium solid lines
 - * Restriction lines - light dashed lines
 - * Easements and other reserved areas - light dotted lines

(NOTE: Descriptive lines outside the tract boundary are useful for purposes of tract location and orientation. However, such outside lines are not within the scope of the subdivision being platted and should not be given dimensions which might confuse existing descriptions on record).

Section 8.2 Design and Construction Requirements

a. Roads and Rights-of-way

1. Subdivision roads shall be coordinated with existing or proposed public roads. Generally, individual lots shall not have direct access to public roads. Lots must be served by internal subdivision roads unless otherwise approved by the Planning Commission. Subdivision road entrances onto public roads must be acceptable to the Planning Commission and to the West Virginia Department of Highways, as to location, number of entrances, drainage provisions, traffic safety and general design.
2. Generally, a subdivision shall be served by at least two entrances. Where a subdivision entrance slopes toward a public highway, the entrance slope may not exceed a three percent grade for at least 100 linear feet into the subdivision. Where a subdivision entrance slopes away from a public highway, the entrance slope may not exceed a five percent slope for at least 100 linear feet into the subdivision.

3. Subdivision road design shall have a reasonable relationship to tract topography in order to minimize earthwork and erosion, insure reasonable grades and produce useable lots. Rectilinear road patterns are discouraged.
4. Subdivision road design shall minimize through traffic.
5. All subdivision road rights-of-way shall be at least 40 feet in width. Greater widths may be required by the Engineer as conditions require. Cut and fill slopes shall be contained within road rights-of-way.
6. Subdivision roads serving ten or fewer dwelling units are termed "local subdivision roads" and shall meet the following specifications:
 - width of finished road - 18 feet
 - width of shoulder - 2 feet on each side
 - road grade - minimum 0.5 percent
 - maximum 10 percent
7. Subdivision roads serving more than ten dwelling units are termed "primary subdivision roads" and shall meet the following specifications:
 - width of finished road - 20 feet
 - width of shoulder - 2 feet on each side
 - road grade - minimum 0.5 percent
 - maximum seven percent
8. All subdivision roads shall be sloped laterally or sloped from a centerline crown at a ratio of 1/4 inch vertical to 1 foot horizontal.
9. Roads entering a subdivision may be required by the Planning Commission to have a width of twenty-five feet (or greater as conditions demand) for a distance of two hundred feet into the subdivision.
10. Dead-end subdivision roads and rights-of-way shall terminate in turnarounds according to the following:
 - local subdivision roads:
 - diameter of turnaround right-of-way - 100 feet
 - diameter of finished road in turnaround - 80 feet
 - width of shoulder - 2 feet
 - fillet radius - 20 feet
 - primary subdivision roads:
 - diameter of turnaround right-of-way - 100 feet
 - diameter of finished road in turnaround - 80 feet
 - width of shoulder - 2 feet
 - fillet radius - 20 feet

Turnarounds may be landscaped in the center with trees, shrubs or other suitable vegetation.

11. All subdivision roads shall be clearly identified by permanent road signs. A road sign at the entrance to each subdivision shall identify the name of the subdivision as well as the name of the entrance road. Each road sign shall be of all weather material no less than 6 inches by 18 inches in size and shall be secured or hung from a sign post at a height of 7-10 feet above ground level. Sign posts shall be no less than 4 inches by 4 inches in cross section and shall be of treated wood or its equivalent. Metal sign posts, approved by the Engineer, may be substituted for wood posts. Sign posts shall be anchored 3 feet into the ground, preferably with cement.
12. Road surfaces in conventional subdivisions shall be constructed of gravel or asphalt. Gravel roads are permitted in subdivisions designed for a total of five dwelling units or less or in subdivisions designed for a net residential density equal to or less than one dwelling unit per five acres of land. Asphalt roads are required in subdivisions that do not qualify for gravel roads.
13. Gravel roads shall be constructed on a compacted subgrade free of organic matter. Gravel shall be a well-graded crushed stone aggregate such as 3/4 inch crusher run which shall be placed and rolled in a moist condition so that fines remain mixed with the more coarse material. Gravel roads shall measure 6 inches thick after rolling. The gravel surface shall be smooth, uniform and tightly packed. Limestone "dust" may be required to achieve a satisfactory road surface.
14. Asphalt roads shall be constructed as gravel roads with the addition of a built up surface. Asphalt shall be applied to the prepared gravel surface following the application of a liquid asphalt prime coat. Asphalt shall consist of a plant mixed bituminous material rolled smooth to a depth of at least 2 inches. The asphalt surface shall be smooth, seamless and of a uniform texture. Asphalt material shall comply with the minimum specifications required by the West Virginia Department of Highways for public roads. (Concrete roads may be substituted for asphalt roads provided the concrete roads equal or exceed asphalt roads in longevity and performance as determined by the Engineer).
15. Subdivision roads shall be constructed with a minimum fillet curve radius of 20 feet at intersections, except that road entrances to subdivisions shall have a minimum fillet curve radius of twenty-five feet where they join public roads.
16. A conveniently located and dimensioned area of 1000 square feet or greater shall be dedicated for the purpose of school bus service and mail service. Such area shall be surfaced with the same material required for roads in the subdivision.

b. Curbs, Gutters, Sidewalks

1. Road curbs, gutters, and sidewalks shall be required in conventional subdivisions where net residential density is equal to or greater than four dwelling units per acre of land.
2. Road curbs, gutters, and sidewalks shall be required in non-residential conventional subdivisions unless exempt by the Planning Commission because of low traffic and pedestrian flows.

3. Road curbs shall be constructed of grade A (3,000 lb.) concrete to a height of no less than 7½ inches above the finished road surface. The base of curbs shall be nine inches measured in cross-section. Curb sides may be sloped inward to join a rounded top having a radius of two inches or more.
4. Drainage gutters shall be provided at the curb and road surface interface. Gutters shall be designed to carry peak water flows expected from a 25 year frequency storm occurring over the entire contributing watershed.
5. Sidewalks shall be constructed of plant-mixed bituminous material or its equivalent rolled to a depth of four inches. Sidewalks shall be three feet wide and placed on a suitable base approved by the Engineer.

Sidewalks shall be adjacent to and serve each lot in a conventional subdivision and where a sidewalk is located outside of a road right-of-way, it shall be identified by a separate, platted right-of-way.

c. Storm Water Drainage and Erosion Control

1. Provision for storm water drainage and erosion control shall be based on peak flows resulting from a 25 year frequency storm occurring over the entire contributing watershed.
2. Storm water drainage resulting from a subdivision proposal shall not be discharged onto adjoining properties in volumes and at rates that exceed the natural runoff originating from the tract when it was undeveloped and stabilized.
3. Where gutters are not required, drainage ditches shall be constructed to direct storm water into natural drainageways. Drainage ditches shall present a smooth, uniform cross-section and shall have side slopes no steeper than 33 percent.
4. Drainage ditches shall not meander and where adjacent to roads, shall be generally parallel to such roads except where necessary to effect entrance into culverts, to accommodate the ditch at the base of fill slopes, or to provide a suitable discharge point.
5. No changes shall be made in the contour of the land, and no grading, excavating, removal or destruction of topsoil, trees or other vegetative cover shall be commenced, until a plan for minimizing erosion and sedimentation has been reviewed and approved by the Engineer. During review for erosion and sediment control the Engineer shall take into consideration the recommendations and standards contained in the most recent edition of the Erosion and Sediment Control Handbook for Urban Areas in West Virginia published by the U. S. Soil Conservation Service in cooperation with West Virginia's Soil Conservation Districts. Comments may be requested from the Eastern Panhandle Soil Conservation District Office.

All exposed slopes shall be stabilized with vegetative cover or other suitable stabilizing material required by the Engineer for the particular slope, soil, and moisture conditions encountered. As a minimum, exposed slopes shall be seeded according to the Erosion and Sediment Control Handbook above. Germination adequate to control erosion shall be evidenced.

6. The smallest practical area of land shall be exposed at any one time during development. Exposure shall be for the shortest practical period of time.
7. Cut and fill activity/material shall not encroach on adjoining property.
8. Culverts shall be galvanized corrugated metal or better and shall have a minimum diameter of 15 inches. (Smaller diameters may be accepted for culverts passing under driveways to individual lots). Culverts under subdivision roads shall extend from ditch grade line to ditch grade line at a slope of no less than 0.5 percent and shall be installed with inlet inverts or drop inlet entrances at the ditch grade line. Design for temporary ponding of water above the inlet may be allowed provided the inlet is fitted with a protective cover or grate and provided no personal injury or property damage is likely from such ponding. Outlets shall be protected from scour by riprap aprons or other energy dissipating devices.
9. Culverts shall pass under subdivision roads at a minimum depth of 12 inches as measured from the finished road surface to the culvert crown.
10. The installation of culverts under driveways to individual lots shall be acceptable to the Subdivider or manager of road maintenance. In all cases such culverts shall be placed along the ditch grade line and shall be sized to accommodate expected water flows as approved by the Engineer. Swales may be used at driveway entrances where approved by the Engineer.

d. Water and Sewer Systems

1. Water and sewer systems shall be designed and constructed according to the written regulations of the West Virginia Department of Health. Any departure from such written regulations must be acceptable to the West Virginia Department of Health and to the Planning Commission prior to construction. Complete plans, profiles and engineering specifications for water and sewer systems must be submitted to the Planning Commission along with the Preliminary Plat.
2. Where possible, water and sewer lines intended to parallel subdivision roads shall be laid within road rights-of-way but not under finished road surfaces.
3. Service laterals to individual lots or sites shall be installed before finished road surfaces are constructed.
4. Water and sewer lines shall be placed in trenches on a bedding material suitable to prevent rupture as determined by the Engineer.
5. Trenches required for water and sewer lines must be backfilled with material suitable to the Engineer and compacted to a uniform rating of 95 percent of maximum dry density.

6. Fire hydrants shall be installed on central water systems in subdivisions that are served by existing municipal systems or other water systems that have at least 60,000 gallons of storage capacity and a pumping capacity to deliver 500 GPM at a residual pressure of 20 PSI.
7. Subdivisions of 300 dwelling units or more shall be served by central water systems. Such water systems shall be equipped with fire hydrants and shall meet all other requirements herein specified for fire hydrant installation and operation. Non-residential subdivisions shall be served by central water systems and fire hydrants sufficient to meet all requirements of the West Virginia Fire Marshal.
8. Subdivisions with central water systems that do not meet the standards required for the installation and operation of fire hydrants shall provide proper tap connections at the storage site to permit water draws by pumper trucks or tank trucks.
9. Fire hydrants shall be installed at maximum intervals of 1000 feet and shall be connected to water lines that are at least 6 inches in diameter. Fire hydrants shall be properly valved to water lines to prevent freezing.
10. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia Fire Marshal and the Jefferson County Volunteer Fireman's Association.

e. Lots and Setbacks

1. Minimum lot sizes shall be as follows:

10,000 s.f. - if served by a central water system and a central sewer system

20,000 s.f. - if served by a central water system or a central sewer system

40,000 s.f. - if served by an individual water facility and an individual sewer facility (generally, this refers to an on-site drilled well and an on-site septic system). Where a larger lot size is required in this category by the West Virginia Department of Health, such larger lot size shall prevail.

Smaller lots may be accepted by the Planning Commission provided dedicated open areas (not to include required park and recreation land or road rights-of-way) are identified on the subdivision plat; and, provided the land identified for open areas equally compensates for the land lost as a result of the smaller lots.

2. Lot boundary lines shall not extend into road rights-of-way but shall be drawn to the edge of such road rights-of-way.
3. Every lot shall have a minimum road frontage (width) of 80 feet along a road right-of-way. Lesser lot widths may be accepted

by the Engineer along road turnarounds. The ratio between lot depth and lot width shall not exceed 3:1. Lots with long, narrow extensions (pipestems) shall not be permitted even though average depth to width ratios do not exceed 3:1.

4. Acute lot corners shall have angles of no less than sixty degrees. Lot corners of less than sixty degrees may be accepted by the Engineer for lots along road turnarounds.
5. Buildings shall be set back a minimum 25 feet from front lot lines and 12 feet from side and rear lot lines. Portions of lots in identified flood-prone areas or areas subject to other hazards or perils shall not be occupied by buildings.

f. Surveys

1. The preliminary and final plat for a subdivision shall be prepared and certified as to preparation and accuracy by a West Virginia licensed surveyor or engineer.
2. Permanent monuments shall be of the type specified by the West Virginia Laws, Rules and Regulations of the State Board of Examiners of Land Surveyors (July 1, 1976); or as specified by the Engineer.
3. Permanent lot corner markers shall be in place prior to the conveyance of individual lots.
4. Bearings (or Azimuths) shall be dimensioned to the nearest 0.5 minute, distances to the nearest .01 foot and areas to the nearest .01 acre or 100 square feet.
5. For subdivisions of 10 lots or more, the north arrow and directional dimensions shall refer to the astronomical meridian as measured on site or the West Virginia or Maryland State Plane Coordinate System. When state plane coordinates are used, the theta angle (mapping angle) shall be stated so that grid north directions may be rotated to astronomical north. Also, when state plane coordinates are used, at least two corners shall have their coordinates listed on the Final Plat and these coordinates shall not be surface coordinates.
6. New sections of any subdivision on record at the time this Ordinance was adopted may use directional references that align with the directional references of the recorded subdivision.

g. Construction Plans and Specifications

1. All construction plans and specifications submitted shall be acceptable to the Engineer and shall be used to evaluate progress during construction.
2. Changes or revisions in construction plans and specifications shall not be made unless first approved by the Engineer and other appropriate agencies.

3. Changes or revisions in construction plans and specifications shall be clearly dated.
4. "As built" plans and specifications shall be submitted if requested by the Engineer.

h. Construction Practices

1. All subdivision improvements including roads, curbs, sidewalks, parks, drainage, water systems, sewer systems, and appurtenant structures and buildings shall be constructed in a workmanlike manner.
2. Completed improvements shall present a finished appearance as determined by the Engineer. All built up or disturbed surfaces shall be smooth and adequately compacted or stabilized. Roads, sidewalks and curbs shall be laid at a uniform width and depth and shall have clean edges. Parking areas shall also be smooth, compacted and clean at the edges. Roads, sidewalks and parking areas shall have a surface that is of a uniform material and texture. Finished surfaces that display any patchwork shall be resurfaced if requested by the Engineer. Any patchwork performed shall be acceptable to the Engineer.

Appurtenant buildings and structures such as water and sewerage plants shall be complete and finished on the exterior with site grading and stabilization complete. All fences shall be erected vertically and shall not sag or bow. Protective fences (e.g. around water and sewage treatment plants) shall be chain link. Water and sewage treatment plants shall be finished and orderly. All components shall be properly leveled and shall be housed in enclosures acceptable to the Engineer. Treatment plant sites shall be smooth graded and stabilized.

Culvert inlets and outlets shall not be ragged. Catch basins, grates, bulkheads, energy dissipators, riprap linings and other similar drainage accessories shall be constructed in a manner acceptable to the Engineer.

Safe practices shall be used during all phases of construction. This shall include the use of methods, practices and equipment that are reasonably safe not only for employees or workers, but for neighboring property owners and their property.

ARTICLE 9. REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT (PUD)
SUBDIVISIONSSection 9.0 Minimum Requirements and Standards

The requirements and standards of this Article are minimal and are not intended to discourage the use of higher standards by subdividers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of this Ordinance can be better served.

Section 9.1 Plat Requirements

- a. The Sketch Plat, submitted for review at the Pre-Application Conference, shall be on white paper and shall show in simple form the proposed layout of buildings, roads, parking areas, recreation areas and other features in relation to each other and to the tract boundary. The Sketch Plat may be drawn free-hand and shall be at a scale acceptable to the Engineer. Contour lines as shown on the appropriate U.S.G.S. Topographic Quadrangle Map should be transferred to the sketch plat. Natural features such as woods, watercourses, rock outcroppings, sink holes, and quarries should be highlighted.

The Sketch Plat shall be accompanied by a tract location map, a Community Impact Statement, and a tentative list of restrictive covenants and conditions or a tentative statement of project rules and regulations.

- b. The Preliminary Plat, submitted for review at the Preliminary Plat Conference, shall be drawn or reproduced on paper at a scale of one inch (1") equals one hundred feet (100') or larger. The plat shall be twenty-two inches (22") by thirty inches (30") in size. More than one sheet may be used provided all sheets are indexed.

The Preliminary Plat shall show or be accompanied by:

1. A $\frac{1}{2}$ inch border along all sides except the left side (a 22" side) which shall have a 1 $\frac{3}{4}$ inch border.
2. A title block in the lower right corner to include; location of subdivision by County and State; name(s) and address(es) of owner(s); name and address of registered engineer or surveyor who surveyed the tract and prepared the plat.
3. North arrow, date and graphic scale.
4. A small scale inset map showing the location of the subdivision in the county.

5. If appropriate, a small scale inset map showing the location of the subdivision section relative to other sections of the same subdivision.
6. The subdivision perimeter boundary described by bearings (or Azimuths) and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.
7. A dimensioned and scaled outline of each site (building site) upon which a principal land use or a principal building is to be located. Identify each building site as to approximate acreage, proposed use, size of building and number and location of parking spaces.
8. A number to identify each building site.
9. A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
10. Existing easements and rights-of-way accurately identified, located and dimensioned.
11. Proposed easements and rights-of-way (roads, sidewalks, drainage, utilities, etc.) identified, dimensioned, and drawn to scale. Proposed roads and sidewalks shall be identified and drawn to scale. Roads shall be named.
12. Easements and rights-of-way that may serve at a future date to connect with adjoining properties.
13. Identification of all current adjoining properties by ownership, tax map reference, and deed book reference. Departure lines for adjoining properties shall be shown on the plat.
14. Contour lines with vertical intervals of five feet (5') or, in the case of relatively flat terrain, intervals of two feet (2'). Source of contour line information. Greater contour intervals may be accepted by the Engineer if compatible with surface topography. (Interpolation of U.S.G.S. contour information is not acceptable).
15. The location of bench marks used in the survey, if available.
16. Existing physical features including: woods, watercourses, prominent rock outcroppings, sink holes, quarries, culverts, bridges, drains, buildings, sewer lines, water mains, fire hydrants, power lines, telephone lines.
17. Adjoining roads including right-of-way widths, road widths and names.
18. A tentative list of restrictive covenants and conditions or a tentative statement of project rules and regulations.
19. A tentative project development schedule (construction schedule) for all improvements to be installed on the tract.

20. Reservations of land for public or semi-public use.
 21. Surface drainage plan and erosion control methods, including flow computations, directions of flow, culverts, bulkheads, inlets and other related improvements to be installed. Materials and dimensions of all improvements and description of vegetative or other stabilizing material intended for all exposed areas.
 22. Complete design and construction plans, profiles and engineering specifications for proposed water treatment and distribution facilities and proposed sewage collection and treatment facilities to be installed.
 23. Appropriate certificates of approval (entrance permits) from West Virginia Department of Highways.
 24. Appropriate certificates of approval from State and local health authorities concerning water/sewer systems.
 25. Appropriate certificates of approval from the State Department of Natural Resources.
 26. Evidence that the West Virginia Public Service Commission has been notified in writing of intentions to construct and operate water/sewer systems.
 27. Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed.
 28. Description of soils and subsurface geology and hydrology.
 29. Building setback lines. (This may be accomplished by a notation on the plat citing the minimum building setback requirements).
- c. The Final Plat, submitted for review at the Final Plat Public Hearing, shall be drawn or reproduced on opaque linen suitable for recordation. The plat shall be drawn at a scale of one inch (1") equals one hundred feet (100') or larger and shall be twenty-two inches (22") by thirty inches (30") in size. More than one sheet may be used provided all sheets are indexed.

The Final Plat shall show:

1. A $\frac{1}{2}$ inch border along all sides except the left side (a 22" side) which shall have a 1 $\frac{3}{4}$ inch border for binding.
2. A title block in the lower right corner to include: the name by which the subdivision will be recorded; the location of the subdivision by County and State; name(s) and address(es) of owner(s); name and address of registered engineer or surveyor who surveyed the tract and prepared the plat.
3. North arrow, date and graphic scale.

4. A small scale inset map showing the location of the subdivision in the county.
5. If appropriate, a small scale inset map showing the position of the subdivision section relative to other sections of the same subdivision.
6. The PUD subdivision perimeter boundary described by bearings (or Azimuths) and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:7500 or better. All perimeter corners must be permanently marked and in place.
7. At least two permanent concrete control monuments described and in place where acceptable to the Engineer.
8. A dimensioned and scaled outline of each site (building site) upon which a principal land use or a principal building is to be located. The position of each building must be referenced to a station along the centerline of an interior subdivision road right-of-way. Identify each building site as to approximate acreage, proposed use, size of building, number, location and layout of parking spaces, the location and dimensions of entrances and exits, and the location and dimensions of sidewalks.
9. A number to identify each building site.
10. A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
11. Existing easements and rights-of-way accurately identified, located and dimensioned.
12. Proposed easements and rights-of-way (roads, sidewalks, drainage, utilities, etc.), identified and drawn to scale. Road right-of-way centerlines must be stationed at 100' intervals and described by bearings, (or Azimuths) distances and curve data. Proposed roads and sidewalks shall be identified and drawn to scale. Roads shall be named.
13. Easements and rights-of-way that may serve at a future date to connect with adjoining properties.
14. Identification of all current adjoining properties by ownership, tax map reference, and deed book reference. Departure lines for adjoining properties shall be shown on the plat.
15. A final list of restrictive covenants and conditions including any special covenants and conditions requested by the Planning Commission or a final statement of project rules and regulations.
16. A notation on the final plat stating that identified building sites are not to be sold.
17. A final project development schedule (construction schedule) for all improvements to be installed on the tract.

18. A Statement of Acceptance signed and dated by the subdivider. The Statement shall read "The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon."
19. Reservations of land for public or semi-public use.
20. Building setback lines. (This may be accomplished by a notation on the plat citing the minimum building setback requirements).
21. Certification of the surveyor or engineer as to the preparation and accuracy of the plat.
22. Such other conditions, certificates, affidavits, endorsements or dedications as may be deemed necessary by the Planning Commission.
23. A computation of the total tract area and a computation of the area included in rights-of-way.
24. Curve data--radius, delta, arc, tangent, chord and chord bearing.
25. Descriptive lines inside the tract boundary:
 - * Tract boundary - heavy dashed and two dotted lines
 - * Building site boundaries - medium solid lines
 - * Building outline - entire building may be solid or gray-tone
 - * Rights-of-way - heavy solid lines
 - * Right-of-way centerlines - light solid lines with marked stations
 - * Restriction lines - medium dashed lines
 - * Easements and other reserved areas - medium dotted lines
26. Descriptive lines outside the tract boundary:
 - * Property lines of adjacent tracts - medium dashed and two dotted lines
 - * Lot boundaries - light solid lines
 - * Rights-of-way - medium solid lines
 - * Restriction lines - light dashed lines
 - * Easements and other reserved areas - light dotted lines

(NOTE: Descriptive lines outside the tract boundary are useful for purposes of tract location and orientation. However, such outside lines are not within the scope of the subdivision being platted and should not be given dimensions which might confuse existing descriptions on record).

Section 9.2 Design and Construction Requirements

a. Roads and Rights-of-Way

1. PUD Subdivision roads shall be coordinated with existing or proposed public roads. Generally, individual building sites shall not have direct access to public roads. Building sites

shall be served by internal PUD subdivision roads unless otherwise approved by the Planning Commission. PUD subdivision road entrances onto public roads shall be acceptable to the Planning Commission and to the West Virginia Department of Highways according to location, number of entrances, drainage provisions and traffic safety.

2. Generally, a PUD subdivision shall be served by at least two entrances. Where a PUD subdivision entrance slopes toward a public highway, the entrance slope may not exceed a three percent grade for at least 100 linear feet into the subdivision. Where a PUD entrance slopes away from a public highway, the entrance slope may not exceed a five percent grade for at least 100 linear feet into the subdivision. The Engineer may require suitable road grades for distances that exceed 100 feet into a subdivision if expected traffic flows indicate such a need.
3. PUD subdivision road design shall have a reasonable relationship to tract topography in order to minimize earthwork and erosion, insure reasonable grades and produce useable building sites. Rectilinear road patterns are discouraged.
4. PUD subdivision road design shall minimize through traffic.
5. PUD subdivision road rights-of-way shall be at least 40 feet in width. Greater right-of-way widths may be required by the Engineer.
6. PUD subdivision roads are termed "primary subdivision roads" and shall meet the following specifications: (Greater road widths may be required by the Planning Commission Engineer if expected traffic flow exceeds design capacity)
 - width of finished road - 20 feet
 - width of shoulder - 2 feet on each side
 - road grade - minimum one percent
 - maximum seven percent
7. PUD subdivision roads shall be sloped laterally or sloped from a centerline crown at a ratio of 1/4 inch vertical to 1 foot horizontal.
8. Roads entering a Planned Unit Development subdivision may be required by the Planning Commission to have a width of twenty-five feet for a distance of two hundred feet into the subdivision. Greater road widths and lengths may be required by the Engineer if expected traffic flows indicate such a need.
9. Dead-end PUD subdivision roads and rights-of-way shall terminate in parking areas adequately dimensioned to serve anticipated parking and traffic flow, or turnarounds according to the following:

diameter of turnaround right-of-way	-	100 feet
diameter of finished road in turnaround	-	80 feet
width of shoulder	-	2 feet
fillet radius	-	20 feet

Turnarounds may be landscaped in the center with trees, shrubs or other suitable vegetation.

Parking areas shall be sized, designed and dimensioned according to standards and principles contained in the Community Builders Handbook.

10. PUD subdivision roads shall be clearly identified by permanent road signs. A road sign at the entrance to each subdivision shall identify the name of the subdivision as well as the name of the entrance road. Each road sign shall be of all weather material no less than 6 inches by 18 inches in size and shall be secured or hung from a sign post at a height of 7'-10' above ground level. Sign posts shall be no less than 4 inches by 4 inches in cross-section and shall be of treated wood or its equivalent. Metal sign posts, approved by the Engineer, may be substituted for wood posts.
 11. Asphalt roads shall be constructed in all PUD subdivisions according to the provisions of Section 8.2, a, 14.
 12. PUD subdivision roads shall be constructed with a minimum fillet curve radius of twenty feet at intersections, except that road entrances to PUD subdivisions shall have a minimum fillet curve radius of twenty-five feet where they join public roads.
 13. When residential units are proposed in a PUD subdivision, a conveniently located and dimensioned area of one thousand (1000) square feet or greater shall be dedicated for the purpose of school bus service and mail service. Such area shall be asphalt surfaced as required under Item 11 above.
- b. Curbs, Gutters, Sidewalks
1. Road curbs and gutters shall be constructed in all PUD subdivisions except Campgrounds.
 2. Sidewalks shall be constructed in PUD subdivisions where the Planning Commission determines that pedestrian traffic will equal or exceed that generated by conventional subdivisions having a net residential density of four or more dwelling units per acre of land. Sidewalks are not required in Campgrounds.
 3. Road curbs shall be constructed as required by Section 8.2, b, 3.
 4. Drainage gutters shall be constructed as required by Section 8.2, b, 4.
 5. Sidewalks shall be constructed as required by Section 8.2, b, 5. Sidewalks shall be adjacent to and serve each building site within a PUD subdivision and where a sidewalk is located outside of a road right-of-way, it shall be identified by a separate platted right-of-way.

- c. Storm Water Drainage and Erosion Control
 - 1. Provisions for storm water drainage and erosion control shall be as required by Section 8.2, c, 1-9.
 - 2. The placement of culverts under entrances to individual building sites shall be the responsibility of the subdivider. Such culverts shall be placed along the ditch grade line and shall be sized to accommodate expected water flows as approved by the Engineer.
- d. Water and Sewer Systems
 - 1. Provisions for water and sewer systems shall be as required by Section 8.2, d, 1-10.
- e. Building Sites and Setbacks
 - 1. Each building site shall be designed and dimensioned so that the intended building and associated parking area cover no more than fifty percent of the building site.
 - 2. The ratio between building site depth and width shall not exceed 3:1. Building sites with long narrow extensions (pipestems) shall not be permitted even though average depth to width ratios may not exceed 3:1.
 - 3. Acute corners of building sites shall have angles of no less than sixty degrees, unless otherwise approved by the Engineer due to site limitations or other design considerations.
 - 4. Building site boundary lines shall not extend into road rights-of-way but shall be drawn to the edge of such road rights-of-way.
 - 5. Every building site shall have a minimum road frontage (width) of 80 feet along a platted road right-of-way. Lesser widths may be accepted by the Engineer along road turnarounds.
 - 6. Buildings shall be set back a minimum of 25 feet from front building site lines and 12 feet from rear and side building site lines. Portions of building sites in identified flood-prone areas or areas subject to other hazards or perils shall not be occupied by buildings.
- f. Underground Utilities
 - 1. All utility lines (e.g. power, telephone) within PUD subdivisions shall be placed underground.
 - 2. All PUD subdivision shall be furnished with lighting units to illuminate sidewalks and roads. Lighting units shall be placed at intervals of 125 feet and shall be equipped with lights at an appropriate height to assist with the safe movement of pedestrians and vehicles at night. Layout and installation of lighting units shall be acceptable to the Engineer.

g. Surveys

1. The Preliminary and Final Plat for a PUD subdivision shall be prepared and certified as to preparation and accuracy by a West Virginia licensed surveyor or engineer.
2. Permanent monuments and markers shall be of the type specified by the West Virginia Laws, Rules and Regulations of the State Board of Examiners of Land Surveyors (July 1, 1976); or, as specified by the Engineer.
3. Tract perimeter shall be dimensioned to the nearest 0.5 minute, distances to the nearest .01 foot and areas to the nearest .01 acre.
4. Building sites or land use sites in a PUD subdivision shall be dimensioned to the nearest 1.0 foot and scaled on all plats. Such sites are not able to be conveyed and, therefore, shall not be given bearings or azimuths and shall not be staked with permanent markers.
5. The north arrow and directional dimensions shall refer to the astronomical meridian as measured on site or the West Virginia or Maryland State Plane Coordinate System. When state plane coordinates are used, the theta angle (mapping angle) shall be stated so that grid north directions may be rotated to astronomical north. Also, when state plane coordinates are used, at least two corners shall have their coordinates listed on the Final Plat and these coordinates shall not be surface coordinates.

h. Construction Plans and Specifications

1. Construction plans and specifications for PUD subdivisions shall be submitted according to the provisions of Section 8.2, g, 1-4.

i. Construction Practices

1. Construction practices for PUD subdivisions shall be according to the provisions of Section 8.2, h, 1-2.

ARTICLE 10. REQUIREMENTS FOR MOBILE HOME PARKS AND CAMPGROUNDS

Section 10.0 General

Mobile home parks and campgrounds are PUD subdivisions with special requirements of their own. The provisions of this Article are in addition to the requirements for PUD subdivisions found in Article 9. Where a requirement in this Article conflicts with a requirement in Article 9, the requirement in this Article shall prevail.

Section 10.1 Mobile Home Park Requirements

- a. The area of each mobile home site (building site) shall be a minimum of 4,000 square feet. Each mobile home site shall have a minimum road frontage (width) of 40 feet along a platted right-of-way.
- b. Each mobile home site shall provide an adequate stand for the placement of a mobile home unit. The stand must be able to safely support and hold a mobile home unit. The stand shall be constructed so as not to heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure. No more than one mobile home unit shall be placed on or above a mobile home site.

The mobile home stand shall be equipped with anchors and tie-downs such as cast-in-place concrete "deadmen", eyelets embedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile force of 2,800 pounds.

- c. Each mobile home site shall provide serviceable connections for water supply, sewage disposal and electricity. Water and sewer connections shall comply with the minimum standards of the West Virginia Department of Health. Electrical connections shall comply with the minimum standards of the Potomac Edison Power Company or the Virginia Electric and Power Company, as appropriate.
- d. Mobile homes and accessory buildings shall be set back a minimum of 20 feet from front mobile home site lines and 10 feet from rear and side mobile home site lines. Portions of mobile home sites in identified flood-prone areas or areas subject to other hazards or perils shall not be occupied by buildings.
- e. Convenient off-street parking (on each mobile home site or in designated parking areas) shall be provided at the rate of two spaces per mobile home site. Each space shall have a minimum dimension of 10 feet by 20 feet.

- f. Each mobile home stand shall be served by an individual sidewalk 2 feet in width that is constructed in the same manner and of the same material as specified by Section 8.2, b, 5. Individual sidewalks shall connect with the common sidewalks in the mobile home park, or, to paved off-street parking spaces, or, to paved streets.
- g. Mobile homes, structures, and storage buildings in a mobile home park shall be kept 25 feet back from all exterior property and right-of-way lines. Mobile homes shall be skirted with a uniform material and an access door of at least 2 feet by 2 feet shall be constructed in the skirting of each mobile home.
- h. Each mobile home park shall be served by a central water supply system.
- i. Each mobile home park shall be served by a central sewerage system. Septic systems are prohibited.

Section 10.2 Campground Requirements

- a. The area of each campsite shall be a minimum of 1,500 square feet not to include road rights-of-way. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road right-of-way.
- b. Each campsite shall provide an adequate stand for the placement of a camping unit. A campsite stand shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a 3 percent slope in any direction. No more than one camping unit shall be placed on or above a campsite.
- c. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.
- d. Main entrance and primary looping roads within a campground shall be constructed of asphalt according to the provisions of Section 8.2, a, 14.
- e. Roads within a campground that are not main entrance or primary looping roads may be constructed of gravel. Gravel roads shall be constructed on a compacted subgrade free of organic material. Gravel shall be a well-graded crushed stone aggregate such as 3/4 inch crusher run and shall be placed and rolled in a moist condition so that fines remain mixed with the more coarse material. Gravel roads shall measure 6 inches thick after rolling. Gravel road surfaces shall be smooth, of a uniform texture, and tightly compacted. Limestone "dust" may be required to achieve a satisfactory road surface.
- f. Convenient off-street parking (on each campsite or in designated parking areas) shall be provided at the rate of 1½ spaces per campsite. Each parking space shall have a minimum dimension of 10 feet by 20 feet.

As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.

- g. Each campsite shall be provided with a sanitary, covered garbage can.
- h. A tent may be placed on any campsite. In addition, however, a special tent area may be set aside and marked in a campground for the random location of tents. The capacity of a tent area shall be limited to 25 percent of the number of designated campsites within a campground. A tent area need not be served directly by water or sanitary facilities, provided a comfort station is located nearby. The size of a tent area shall be based on 500 square feet per eligible tent, (e.g. a campground with 100 campsites may set aside a tent area for 25 tents. The tent area must be at least 25 x 500 or 12,500 square feet). No wheeled vehicles or structures are permitted in a tent area and a tent area is not to be used for overflow parking or camping.
- i. A campground shall provide at least one sanitary sewerage dump station, one water refill station and one solid waste disposal collection facility.
- j. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed plus 25 percent again to accommodate a tent area (if any), plus an allowance for a sewerage dump station and a water refill station.
- k. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
- l. Road rights-of-way in a campground shall be a minimum of 30 feet in width.
- m. One-way roads that are not main entrance or primary looping roads shall be at least 12 feet in width, flanked by 2 foot shoulders on both sides. All other roads shall comply with the width requirements of Article 9.

ARTICLE 11. REQUIREMENTS FOR NON-RESIDENTIAL SUBDIVISIONS

Section 11.0 General

Non-residential subdivisions shall be subject to all requirements of this Ordinance except those requirements which are specifically intended for residences (e.g. Article 12. Land for Parks and Schools).

Section 11.1 Special Requirements

Non-residential subdivision proposals shall demonstrate to the satisfaction of the Planning Commission that road and subdivision design is specifically adapted to the uses anticipated and that the design take into account other uses in the vicinity. The following items shall be required:

- a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic to be generated thereupon.
- c. Special requirements may be imposed by the Planning Commission with respect to drainage, street, curb, gutter, and sidewalk design and construction.
- d. Every effort shall be made to protect adjacent residential areas from potential nuisances from proposed commercial or industrial subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- e. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE 12. LAND FOR PARKS

Section 12.0 Land for Parks and Recreation

The Planning Commission shall require the reservation of land for park and recreation purposes in subdivisions that are intended to contain 5 or more dwelling units. Each reservation shall be in a suitable, convenient location and shall be of a size, dimension, topography, and character conducive to use as a park, playground, playfield or similar use.

Land reserved for park and recreation purposes shall be reasonably level and dry and shall be maintained by the property owners in a useable condition as part of an overall maintenance program for the subdivision. Land reserved for park and recreation purposes shall be clearly identified on the Final Plat and shall be for the sole use and enjoyment of property owners within the subdivision.

The following table establishes the minimum land area required for park and recreation purposes based on residential density:

<u>* Dwelling Units Per Acre of Residential Land</u>	<u>Land that must be Reserved for Park and Recreation Purposes as Percentage of Residential Land</u>
Less than 2	No land required
2-5	4.0 Percent
6-10	7.0 Percent
11-15	10.0 Percent
16-20	12.0 Percent
21-25	15.0 Percent
26-30	17.0 Percent
31+	20.0 Percent

* The area of residential land contained within a conventional subdivision is computed by adding together the acreage of all platted lots that are intended for residential purposes. The area of residential land contained within a PUD subdivision is computed by adding together the acreage of all dimensioned building sites that are intended for residential purposes.

ARTICLE 13. ROAD MAINTENANCE

Section 13.0 Issue

Few problems seem to trouble subdivisions more seriously than road maintenance. Subdivision road maintenance in West Virginia is not the simple "leave it to the Highway Department" proposition that it is in neighboring states. In West Virginia there is no statutory provision for routinely turning subdivision road maintenance over to any public agency.

Subdivision road maintenance is a private matter that must be settled between subdivider and property owner. Unfortunately, the specific arrangements and responsibilities for road maintenance are seldom clearly spelled out before property is sold and homes are built. Unclear arrangements often lead to misunderstandings between subdivider and property owners and between neighbors. Roads may be left unattended to deteriorate beyond a reasonable condition. Unclear road maintenance arrangements produce poor roads, dangerous roads, unsightliness, depressed property values, angry property owners and high costs when remedial action is finally taken.

Section 13.1 Definition

Road maintenance is a natural extension of road construction and is equally as important to the healthy development of a subdivision as the original road construction itself. Although every subdivision road will have its own unique requirements for maintenance, there are several considerations which should always be included in a road maintenance program:

- a. Water and roads don't mix--this is perhaps the most important principle to bear in mind. At all costs, water should be drained away from roads into appropriate drainage facilities. Water should not be allowed to pool on roads or shoulders.
- b. Snow and ice removal should be timely. Snow and ice on roads is an obvious hazard to travel. Melting snow or ice may saturate the roadbed with water creating unstable conditions that invite accelerated road deterioration. Snow and ice damage is particularly prevalent during cycles of freezing and thawing.
- c. Roads and shoulders should be kept smooth and free from potholes and erosion channels. Roads and shoulders should be of a uniform material and texture.
- d. Drainage systems that carry water away from roads should not create erosion and sedimentation problems. Individual driveways should not impede or restrict the flow of water in drainage ditches.
- e. Culverts and other drainage facilities that become clogged with sediment or debris should be routinely cleaned until the problem creating the sediment or debris is corrected.

- f. Exposed ditches and banks that were cut when the road was constructed should be stabilized with a vegetative cover or other suitable material. Areas where fill is deposited should also be stabilized. Stabilization often requires considerable attention over several years where vegetation is involved. Vegetative cover should not be allowed to grow so high as to interfere with visibility or with the intended flow of storm water.
- g. A workable road maintenance program should begin immediately after a subdivision road is completed and approved by the Planning Commission engineer. There should be no delay in road maintenance simply because lots have not been sold or because homes have not been built. If road maintenance is needed, it should be performed.

Section 13.2 Arrangements

The role of the Planning Commission and of this Ordinance in the subdivision road maintenance business is not to participate in the physical maintenance of roads or in disputes concerning the maintenance of roads. The role is to require the preparation of written road maintenance arrangements that clearly outline road maintenance responsibilities. Written road maintenance arrangements, as approved by the Planning Commission, shall be placed on every subdivision final plat and shall be incorporated into every deed to property within a subdivision.

There is no "best" way to arrange for the maintenance of roads within subdivisions. Recognizing this, the Planning Commission will consider various arrangements developed by individual subdividers before expressing a preference. Final road maintenance arrangements shall be acceptable to the Planning Commission before being placed on a subdivision final plat or in deeds.

For conventional subdivisions in which lots are to be sold, the following road maintenance arrangements are outlined for consideration:

Road Maintenance Arrangements

(These arrangements do not require the formation of a property owners association)

These arrangements for road maintenance within the (name of subdivision) shall be binding on all property owners within the subdivision.

A. Roads Covered

1. (name of road)
2. (name of road)
3. (name of road)

B. Definition of Road Maintenance

Road maintenance shall include all activities that are necessary to:

1. Drain water away from roads into appropriate drainage facilities.
2. Remove snow and ice from roads within 24 hours after it appears in order to avoid hazards to travel and danger from freezing and thawing.
3. Maintain smooth roads and shoulders free from potholes and erosion channels.
4. Maintain roads and shoulders so that surface material and texture are uniform.
5. Maintain all drainage systems to insure proper function and to avoid erosion and sedimentation problems. This may include routine cleaning of culverts and other drainage facilities that become clogged with sediment or debris.
6. Stabilize exposed ditches, banks and fill areas that were formed when the roads were constructed. Stabilization should be accomplished with vegetative cover or other suitable material.
7. Trim vegetative cover within road rights-of-way so that growth does not interfere with visibility or the intended flow of storm water.

C. Manager of Road Maintenance (Manager)

Any person who owns 50% or more of the number of lots within (name of subdivision) shall be responsible for managing the maintenance of all covered roads. The subdivider of (name of subdivision) shall be the Manager until more than 50% of the lots are sold.

When no person owns 50% or more of the lots, a Manager shall be elected by a vote of the property owners. In voting, a property owner shall be entitled to one vote for each lot owned. A Manager shall be elected by a vote count that equals a majority of the number of lots within the subdivision.

D. Manager's Responsibilities

1. The subdivider (as the first Manager) shall, within 60 days after recording the final plat of (name of subdivision) in the Jefferson County Court House, open a checking account with a bank in Jefferson County. The checking account shall be under the name (name of subdivision) Road Maintenance Fund.
2. The Manager and one other lot owner shall (jointly) be the only people authorized to withdraw money from the Road Maintenance Fund. Money withdrawn from the Road Maintenance Fund shall be used exclusively for purposes incidental to the maintenance of covered roads.
3. The Manager shall receive all road maintenance fees and shall deposit them directly into the Road Maintenance Fund.

4. The Manager shall keep on file all canceled checks, bank statements, receipts, correspondence and other records incidental to the maintenance of covered roads.
5. In January and July of each year the Manager shall mail a financial statement to all property owners and shall include with the financial statement a brief chronological report on maintenance for the preceding six months and the condition of roads within (name of subdivision).
6. The Manager shall not be reimbursed from the Road Maintenance Fund for his time spent on road maintenance arrangements, unless approved in writing by at least five different property owners in the (name of subdivision).
7. The Manager shall have the responsibility to monitor the condition of covered roads; to determine where and when maintenance is needed; and, to contract for maintenance services using money from the Road Maintenance Fund.
8. When no one person owns 50% or more of the lots within (name of subdivision), the Manager's responsibilities may be redefined by a vote of the property owners using the same voting and counting procedures outlined for the election of a Manager.
9. The Manager shall have the authority, on behalf of all property owners in (name of subdivision), to initiate legal action to enforce the timely payment of required annual road maintenance fees.

E. Initial Road Maintenance Fee

1. As each lot is first sold from the (name of subdivision) an initial road maintenance fee of (\$ _____) shall be paid by the Purchaser to the Manager.
2. The initial road maintenance fee shall be due and payable at settlement.

F. Annual Road Maintenance Fee

1. The owner of each lot within (name of subdivision) shall, by February 1 of each year pay an annual road maintenance fee of (\$ _____) per lot to the Manager.
2. A fee adjustment shall be made for property owners who have not owned a lot(s) for a complete year on February 1. Such property owners shall pay 1/12th of the annual road maintenance fee for every full month they have owned each lot.
3. The annual road maintenance fee may be increased at any time by a vote of the property owners. In voting, a

property owner shall be entitled to one vote for each lot owned. The annual road maintenance fee may be increased by a vote count that equals a majority of the number of lots within the subdivision.

4. On behalf of all property owners in (name of subdivision), the Manager (alone or in conjunction with other property owners) may record a lien against any lot for which an annual road maintenance fee has not been received by February 1st.
5. A penalty of 1% per month shall be assessed against the unpaid balance of any past due annual road maintenance fee.
6. The Manager (alone or in conjunction with other property owners) may take the legal action necessary to collect the recorded lien on any lot.
7. A recorded lien on any lot shall be payable to the Manager together with the accrued penalties, legal costs, and attorney fees.

ARTICLE 14. HILLSIDE DEVELOPMENT

Section 14.0 General

Hillsides with slopes of 10 percent or more are sensitive areas which are frequently not able to tolerate subdivision development as it is practiced on flatter land. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features such as views can best be preserved if subdivision development is allowed to be flexible and creative. In general, the integrity and durability of a hillside is inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

Section 14.1 Principles and Guidelines

Hillside subdivision proposals will be reviewed and considered on an individual, independent basis. The natural features of each hillside will determine final subdivision design configuration. The most informal development, consistent with principles of good access, proper drainage, and resource conservation, shall be considered.

Planning Commission review of hillside subdivision proposals shall be guided by the following considerations:

- a. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.
- b. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas left in a natural condition. Use the cluster concept.
- c. Consider narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized.
- d. Consider roadside parking bays.
- e. Design and construct roads that are parallel to contour lines; preferably design and construct roads on ridges and in valleys to minimize cuts and fill. Use retaining walls where possible to minimize cuts and fill.
- f. Consider lot layouts which minimize on-site (on-lot) grading and earthwork for access, parking and building construction.
- g. Design, engineer and construct entrances to individual lots before lots are sold.
- h. Select building sites and areas for the construction of septic system drainfields before lots are sold.

- i. Include provisions within deeds of sale that require property owners to protect the hillside, woodland, etc. from destruction.

Section 14.2 Natural Areas

Hillside subdivision developments shall include the retention of land in a natural, undisturbed condition. The following table shall be used to determine the area of land that must be maintained in a substantially natural condition (no clearing, cutting, filling):

<u>* Slope of Land (Percent)</u>	<u>Percentage of Land To Be Maintained in a Natural Condition</u>
10 - 14.9	25
15 - 19.9	40
20 - 24.9	55
25 - 29.9	70
30 - 34.9	85
35+	100

- * Slope shall be determined on a grid cell basis. A grid of cells each scaled at 200' x 200', shall be placed over the subdivision topographic map. Within each cell the average slope shall be determined by measurement using the longest line that can be drawn perpendicular to topographic contour lines passing through the cell.

ARTICLE 15. COMPLIANCE: ADMINISTRATION AND ENFORCEMENT:
VIOLATION: PENALTYSection 15.0 Compliance

No land in Jefferson County subject to the provisions of this Ordinance shall be subdivided nor shall any person record a subdivision plat, deed or other instrument, begin the sale or lease of lots or development of a subdivision by constructing buildings or homes, streets or roads, water facilities, sewerage facilities, drainage facilities, or other improvements, without having first complied with the provisions of this Ordinance. An Improvement Location Permit shall not be issued for any building or structure on a lot or on land that does not comply with the provisions of this Ordinance.

Any plat, deed or other instrument which forms a new tract(s) of land not previously on record must be certified by the Planning Commission either as a subdivision or as an eligible exemption from the subdivision regulations.

A plat, deed or other instrument forming a new tract(s) of land not previously on record shall not be recorded by the Clerk of Jefferson County unless it has been certified by the Planning Commission. The recording of such a plat, deed, or instrument shall be without legal effect unless certified by the Planning Commission.

All subdivision plats approved and sealed by the Planning Commission must be recorded with the Clerk of the Jefferson County Commission within 60 days from the date the seal is placed on the final plat.

Section 15.1 Administration and Enforcement

Administration and enforcement of this Ordinance shall be the responsibility of the Jefferson County Planning Commission or its designated agent.

When it appears to the Planning Commission that a violation of this Ordinance has occurred, the Planning Commission shall attempt to notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Planning Commission to:

- (a) Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring removal of structures or land uses from the property involved

OR

- (b) Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

Section 15.2 Violation

It shall be unlawful for any person, whether as owner, lessee, principal, agent, employee or otherwise, to violate or permit to be violated any provision of this Ordinance.

Section 15.3 Penalty

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than three hundred dollars. Each day during which any violation of this Ordinance continues shall constitute a separate offense.

JEFFERSON COUNTY, WV

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August 29, 2007 14:21:14

JENNIFER S. MAGHAN

COUNTY CLERK

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