

*Adopted by Jefferson  
County Commissioners June 8, 1972  
Subject to Revision*

PROPOSED  
RULES AND REGULATIONS  
FOR THE  
SUBDIVISION OF LAND

JEFFERSON COUNTY  
WEST VIRGINIA

1971

Prepared By

MICHAEL BAKER, JR., INC.  
Consulting Engineers and Planners  
Rochester, Pennsylvania

*Exhibit "A"*  
RECEIVED AND FILED  
*June 19, 1972*  
1000 - A.M.  
JOHN E. COTT  
CLERK OF COUNTY COURT  
OF JEFFERSON COUNTY

The preparation of this document was financially aided through a Federal grant from the Department of Housing and Urban Development, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

This document was prepared under the supervision of the Community Affairs Division, Office of Federal-State Relations in the Office of the Governor of West Virginia.

Adopted by the County Court of Jefferson County, West Virginia, June 8, 1972, as a part of Ordinance No. 2.

ORDINANCE NO. 2

AN ORDINANCE relating to the Rules and Regulations for the Subdivision of Lands.

BE IT ORDAINED AND ENACTED by the County Court of Jefferson County, West Virginia:

Section 1: That the Rules and Regulations for the Subdivision of Land as prepared by the Jefferson County Planning Commission and finally certified to the County Court of Jefferson County, West Virginia, on June 5, 1972, be adopted.

Section 2. The text and description of the Rules and Regulations are more particularly described in detail in Exhibit "A" to this Ordinance and is made a part of the text of this Ordinance.

Section 3. That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Section 4. That this Ordinance shall take effect and be in force immediately.

Passed and approved by the County Court of Jefferson County, West Virginia, on the 8th day of June, 1972.

*[Signature]*  
\_\_\_\_\_  
President of the County Court of Jefferson County, West Virginia

ATTEST:

*[Signature]*  
\_\_\_\_\_  
Secretary Clerk of Court

ORDINANCE NO. 2

AN ORDINANCE relating to the Rules and Regulations for the Subdivision of Lands.

BE IT ORDAINED AND ENACTED by the County Court of Jefferson County, West Virginia:

Section 1: That the Rules and Regulations for the Subdivision of Land as prepared by the Jefferson County Planning Commission and finally certified to the County Court of Jefferson County, West Virginia, on June 5, 1972, be adopted.

Section 2. The text and description of the Rules and Regulations are more particularly described in detail in Exhibit "A" to this Ordinance and is made a part of the text of this Ordinance.

Section 3. That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Section 4. That this Ordinance shall take effect and be in force immediately.

Passed and approved by the County Court of Jefferson County, West Virginia, on the 8th day of June, 1972.

ATTEST:

*Shirley W. Hunt*  
\_\_\_\_\_  
President of the County Court of Jefferson County, West Virginia

*John E. Ott*  
\_\_\_\_\_  
~~Secretary~~ Clerk of Court

Enter: June 8th, 1972

TABLE OF CONTENTS

	<u>Page</u>
I PURPOSE AND SCOPE . . . . .	1
II DEFINITIONS . . . . .	2
III APPLICATION AND PLAT REQUIREMENTS . . . . .	4
Preapplication, Preliminary Plat, Final Plat . . . . .	5-6
IV DESIGN STANDARDS . . . . .	12
V IMPROVEMENT AND CONSTRUCTION REQUIREMENTS . . . . .	16
VI CONDITIONS OF ACCERTANCE . . . . .	18
VII VARIANCES . . . . .	19
VIII CERTIFICATES, AFFADAVITS, APPROVALS . . . . .	20
IX VALIDITY AND PENALTY . . . . .	20

PROPOSED  
SUBDIVISION REGULATIONS  
FOR  
JEFFERSON COUNTY, WEST VIRGINIA

ARTICLE I  
PURPOSE AND SCOPE

100 PURPOSE

Any County is empowered to adopt and enforce Subdivision Regulations for the purpose of:

- A. Assuring sites suitable for building purposes and human habitation.
- B. Coordinating subdivision streets with existing and planned roads and highways.
- C. Coordinating and extending facilities included in the Comprehensive Plan.
- D. Establishing minimum width, depth and area of lots within the proposed subdivision.
- E. Distributing population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the County.
- F. Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry.

101 GRANT OF POWER

After a Comprehensive Plan and an ordinance containing Subdivision Regulations have been adopted and a certified copy of the ordinance has been filed with the County Clerk, the Planning Commission shall have exclusive control over the approval of all plats involving incorporated land covered by the Comprehensive Plan and Subdivision Regulations.

102 EFFECTIVE DATE

These Subdivision Regulations shall become effective on final passage and shall remain in effect until modified, amended or rescinded by the County Court.

103 APPROVAL REQUIRED

After a Comprehensive Plan and an ordinance containing Subdivision Regulations have been adopted and a certified copy of the ordinance has been filed with the County Clerk, a plat of a subdivision shall not be recorded by the County Clerk unless it has first been approved by the Planning Commission. The filing and recording of a plat involving the subdivision of lands covered by such Comprehensive Plan and Subdivision Regulations shall be without legal effect unless approved by the Planning Commission; provided, however, that failure to comply with this section shall not invalidate or affect title to any land within the area of such plat; and provided further, that if such plat shall bear the seal of the Planning Commission, it shall be presumed to have been approved thereby.

ARTICLE II  
DEFINITIONS

- 200 For the purpose of these Subdivision Regulations, words used in the present tense include the future tense; the words "shall" and "will" are always mandatory; and the words shall, for the purpose of these Subdivision Regulations, have the meaning herein indicated.
- 201 ALLEY  
A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- 202 BASE COURSE  
The layer of a street immediately under the wearing surface.
- 203 BENCH MARK  
A point of known elevation in or near the Subdivision tied in with established bench marks in the vicinity that is maintained by the United States Coast and Geodetic Survey.
- 204 BUILDING LINE  
The line within the property defining the required minimum distance between any structure and the road right-of-way or abutting lots.
- 205 CARTWAY  
That portion of the road right-of-way surfaced for vehicular use.
- 206 CLOSURE  
The degree of error allowed in surveying the Subdivision.
- 207 COMMISSION  
The Jefferson County Planning Commission.
- 208 COUNTY  
The County of Jefferson.
- 209 COUNTY COURT  
The Court of the County of Jefferson.
- 210 COVENANT  
An agreement or restriction placed on a parcel of land by a previous owner.
- 211 CROSSWALK  
An easement providing a pedestrian way through a block or across a street or road of excessive length.
- 212 CUL-DE-SAC  
A residential street with one end open to traffic and pedestrian access, permanently terminated by a vehicular turn-around.
- 213 EASEMENT  
Grant by a property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, a corporation or a certain person or persons.
- 214 ENGINEER  
A registered engineer authorized to practice civil engineering in West Virginia.

- 215 FRONT LOT LINE  
The parcel boundary at the street or road right-of-way.
- 216 IMPROVEMENTS  
Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing water courses, sidewalks, crosswalks, street signs, monuments, water supply facilities and sewage disposal facilities.
- 217 LOT  
A tract or parcel of land intended for the transfer of ownership, use or improvement, whether present, immediate or future.
- 218 LOT DEPTH  
The average horizontal distance between the front and rear lines of a lot.
- 219 LOT, DOUBLE FRONTAGE  
A lot with opposite ends abutting on public streets.
- 220 LOT, REVERSE FRONTAGE  
A lot with double frontage facing a local rather than a secondary or primary street.
- 221 LOT WIDTH  
The horizontal distance across the lot between side lot lines, measured between front and rear lot lines.
- 222 MONUMENT  
A point of known coordinates, established by an engineer or surveyor, and used to locate property lines, building lines, etc. The monument must be tied in with monuments maintained by the United States Coast and Geodetic Survey.
- 223 OBLIGEE  
A person in favor of whom some obligation is contracted.
- 224 OFFICIAL MAP  
The map kept up to date by the County Recorder showing existing and recorded roads, right-of-way and cartway widths, and projected primary and secondary roads.
- 225 PLANTING STRIP  
The area between the curb and sidewalk suitable for planting trees, shrubs, etc.
- 226 PLAT  
A representation on paper of a parcel of land subdivided into lots showing all salient features.
- 227 PROFILE  
A side view of the centerline of a street, showing grades, transition curves and lengths.
- 228 RESTRICTION LINE  
An imaginary line in a subdivision (building lines and easements) that restricts building locations in any way.
- 229 RIGHT-OF-WAY  
Land reserved for use as a road, street, alley, crosswalk or any other public use.

230 ROADS AND HIGHWAYS

- A. Primary: Roads or highways serving large volumes of comparatively high-speed and long-distance traffic, and including facilities classified as expressways, truckline and feeder highways by the West Virginia Department of Highways.
- B. Secondary: Roads which, in addition to giving access to abutting properties, intercept local roads and provide routes carrying considerable volumes of local traffic to community facilities and to primary highways.
- C. Local: Roads used primarily to provide access to abutting properties.

231 STREET OR ROAD OFFSET

The horizontal distance along a secondary road between the centerlines of two local roads or streets that intersect the secondary roads.

232 SUBDIVIDER

The owner or authorized agent of the owner of the subdivision.

233 SUBDIVISION

The partition of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; except that a division of land for agricultural purposes into lots or parcels of ten acres or more and not involving a new street shall not be deemed a subdivision.

234 SURVEYOR

An individual licensed to practice land surveying in West Virginia.

235 TRACT BOUNDARY

The outside perimeter of a subdivision.

236 VARIANCE

Any departure from the provisions of these Subdivision Regulations granted the subdivider by the Commission or a court of competent jurisdiction.

237 YARD, FRONT

The open space extending across the width of a lot between the front building line and the street right-of-way.

238 YARD, REAR

The open space extending across the width of the lot between the rear of the main building and the rear lot line.

239 YARD, SIDE

The open space between the side of the main building and the adjacent side lot line from the front to the rear of the main building.

ARTICLE III  
APPLICATION AND PLAT REQUIREMENTS

- 300 The plat requirements and application procedure shall be followed by subdividers as set forth herein.

301 PREAPPLICATION

Previous to the filing of an application for conditional approval of a preliminary subdivision plat, the subdivider shall submit the following plat and data to the Commission:

- A. General Information:  
Written description of existing covenants, land characteristics, community facilities, historic character and utilities, the number of lots and sizes, price range, business area, playgrounds and proposed protective covenants, utilities and street improvements.
- B. Location Map:  
Map shall show relationship of the proposed subdivision to existing community facilities which serve or influence it and shall include development name, location, title, scale, north arrow and date.
- C. Sketch Plat:  
Sketch plat on a topographic map (USGS or other available topographic maps) shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and may be drawn free hand. The plat shall include all topographic data the Commission deems necessary for its consideration of the plat.

302 After review and discussion with the subdivider, the Commission shall indicate the suitability of the sketch plat for development into preliminary plats.

303 PRELIMINARY PLAT REVIEW

- A. Application:  
On reaching conclusions as recommended in the preapplication regarding the general program and objectives, the subdivider shall prepare and submit to the Secretary of the Commission at least ten days prior to the regular monthly meeting of the Commission two copies of the preliminary plats of the total land to be ultimately developed for review by the Commission according to the requirements and regulations contained herein.
- B. Commission Review:  
The Commission shall review the plat submitted covering the requirements of these Subdivision Regulations point by point, and shall consult with the County Engineer and officials of any other department or authority concerned.
- C. Commission Action:  
The Commission shall notify the subdivider of the scheduled place, date, time and agenda of the meeting at which the subdivision is to be reviewed. The Commission shall act on the preliminary plat stating its approval, conditional approval or disapproval, giving reasons for each, and may authorize in writing submission of a final plat for approval.
- D. Nature of Approval:  
Approval of a preliminary plat shall not constitute approval of a final plat, but rather an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.
- E. Disposition of Plats:  
The Commission shall retain one copy of the preliminary plat and return the other to the subdivider.

## 304 PRELIMINARY PLATS AND DATA

Shall include but not be limited to the following:

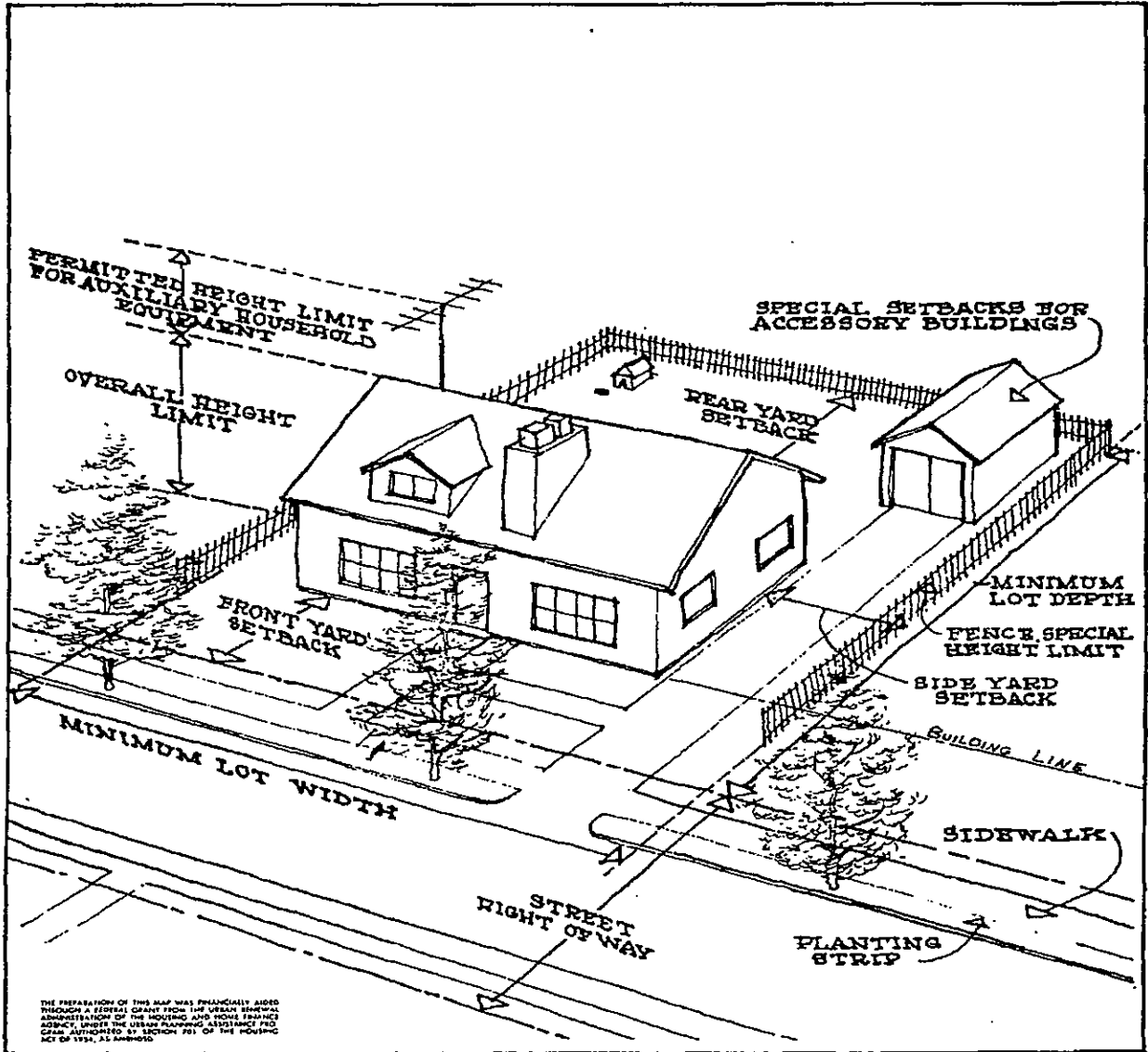
- A. The preliminary plat shall be drawn at a scale of 1" = 100' or greater.
- B. The plat shall show or be accompanied by the following:
1. Material required in the preapplication.
  2. Title to include:
    - a. Name by which the subdivision will be recorded.
    - b. Location by municipality, County and State.
    - c. Name(s) and address(es) of the owner(s).
    - d. Name of registered engineer or surveyor who surveyed the property and prepared the plat.
    - e. North arrow, date and graphic scale.
  3. Tract boundaries with bearings, distances and area in acres to the nearest hundredth of an acre.
  4. Existing easements with their location and dimensions.
  5. Tract closures and block closures with an allowable error of 1:10,000.
  6. Contour lines at vertical interval of five feet, or in the case of relatively flat tracts, at such intervals as the Commission deems necessary for study of the tract.
  7. Datum to which contour lines refer.
  8. The location of bench marks used in the survey. A statement of the historical character of the area within a one mile radius of the proposed development and the impact such development may have both physically and visually upon it, and what measures are included in the plan, if any, to protect same.
  9. Existing physical features to include:
    - a. Watercourses, culverts, bridges and drains.
    - b. Buildings, sewers, watermains and fire hydrants.
    - c. Streets and alleys on or adjacent to the tract, including their names, right-of-way widths and cartway widths.
  10. Proposed improvements shall include:
    - a. Location, name and right-of-way and cartway widths of all proposed streets and alleys.
    - b. Sidewalks and crosswalks.
    - c. All easements and other rights-of-way.
    - d. Lot lines with bearings and dimensions.
    - e. Building lines.
    - f. Reservations of grounds for public or semi-public use.
    - g. General drainage plan for storm water in relation to natural channels.
    - h. A plat of the proposed water distribution system or a plan showing the location of individual wells, including the sizes of water pipes and the location of valves and fire hydrants.
    - i. A plat of the proposed sanitary and storm sewer system, including manhole locations, invert elevations and grades and sizes of lines, or a plat (where applicable) showing the proposed location of on-lot sewage disposal facilities.
    - j. Proposed land uses of the improvement.
  11. The following additional data shall be submitted upon request by the Commission:
    - a. Names of abutting property owners.
    - b. Subsurface conditions of the tract.
    - c. Profiles showing existing and proposed centerline street grades.
    - d. Typical cross sections of roadways and sidewalks.

## 305 APPROVAL OF FINAL PLAT

A. Application to Commission:

When filing an application for examination of final plat after approval of the preliminary plat, the subdivider shall submit to the Commission's Secretary at least ten days prior to a regular meeting of the Commission four copies of all plats and other information.

# TRADITIONAL RESIDENTIAL SUBDIVISION



All final plats and other exhibits required for approval shall be submitted to the Commission within one year after approval of the preliminary plat. Otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Commission.

- B. Commission Review:  
The Commission shall notify the subdivider in writing of the scheduled place, date, time and agenda of the meeting at which the subdivision is to be considered, and shall notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat. Approved final plats shall bear the signatures of the Chairman and the Secretary of the Commission to a certified statement that all platting procedures and requirements have been met. Reasons for disapproval of final plats shall be set forth in the Commission's records and the subdivider provided with a copy.
- C. Commission Action:  
Following review by the Commission, all approved final plats shall be submitted by the Commission to the County Clerk.
- D. Application Fee:  
At the time of filing the application of plats, the subdivider shall pay to the County Clerk for use by the County a fee to defray the cost of processing such plats and drafting same on the official road map of the County. The fee shall be determined by the County Engineer based upon the estimated cost of processing such plats.
- E. Action of County Court:  
The Court shall act as an obligee in accordance with any bonds, escrow agreements or contracts prepared to guarantee the construction of proposed subdivision improvements, in accordance with the provisions described in Article VI.
- F. Disposition of Plats:  
One copy of all final plats submitted for approval shall be retained by the Commission, one copy by the County Court, one copy to be filed by the subdivider according to Article VI, Section 600, the fourth copy shall be returned to the subdivider. The copy retained by the Commission shall be an approved duplicate linen.

306 FINAL PLAT AND DATA REQUIRED FOR APPROVAL

For any subdivision requiring approval, the final plat submitted:

- A. Shall be drawn on tracing cloth or other reproducible material and shall be on sheets in multiples of 17 inches by 22 inches with a border of one-half inch on all sides except the binding edge which shall be one inch. More than one sheet may be used for larger tracts and all sheets must be indexed.
- B. Shall be drawn with waterproof black ink and all records, data, entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing.
- C. Shall be drawn to a scale of 1" = 100' for subdivisions of less than 100 acres, and at a scale of 1" = 200' for subdivisions greater than 100 acres.
- D. Shall contain a title block in the lower right corner with the following:
  1. Name under which the subdivision is to be recorded.
  2. Date of plat, graphic scale and location of subdivision.
  3. Name and address of subdivider(s).
  4. Name and address of the engineer or the surveyor preparing plat.
  5. Location by municipality, County and State.
  6. North arrow, date and graphic scale.

E. All final plats submitted shall be drawn according to the following drafting instructions:

Outside of Subdivision:

1. Roads or streets and other rights-of-way by medium solid lines.
2. Property lines of adjacent subdivisions by medium dashed and two dotted lines.
3. Lot lines by light dotted lines.
4. Restriction lines, easements and other reserved areas by light dashed lines.

Within Subdivision:

1. Streets or rights-of-way by heavy solid lines.
2. Tract boundary by heavy dashed and two dotted lines.
3. Lot lines by medium solid lines.
4. Restriction lines by medium dashed lines.
5. Easements and other reserved areas by light dotted lines.

F. The Final Plat Shall Show:

1. Primary control points approved by the County Engineer, or description and ties to which all dimensions, angles, bearings and similar data shall be referred.
2. Tract boundary lines, street rights-of-way, easements and other reserved areas, and property lines of residential lots with accurate dimensions sufficient to define the location of each item.
3. Name of each street.
4. Purpose of all easements.
5. Number to identify each lot or site.
6. Purpose for which sites other than residential are to be dedicated.
7. *Building line on all lots and sites.*
8. Location and description of all monuments used in the survey.
9. Names of recorded owners of adjoining unplotted land.
10. Certification of surveyor or engineer as to the accuracy of survey and plat.
11. Statement by the owner dedicating streets, rights-of-way, and sites to the County for public use.
12. Protective covenants, if any, in form suitable for recording.
13. Such other certificates, affidavits, endorsements or dedications as may be required in the enforcement of these Regulations.

**307 RESUBDIVISION OR REPLATTING**

In the combination or recombination of lots or portions of previously plotted lots, when the resultant lots are increased in street frontage and total area size that reaches or exceed the standards of these Regulations and the street pattern is in conformity to the County Comprehensive Plan, the procedures and regulations heretofore described shall be followed except as they may be modified on application to the Planning Commission.

**308 SUBDIVISIONS THREE LOTS OR LESS**

Plats and data involving subdivisions of three lots or less shall include but not be limited to the following:

- A. The provisions of Sections 301 - 304 will be waived for subdivisions of three lots or less and the following requirements will become applicable.
1. The proposed plat shall be drawn at a scale of 100 feet to the inch or greater.
  2. The proposed plat shall be legibly drawn on linen paper of the size 12 inches by 18 inches.
  3. The plat shall show or be accompanied by the following:
    - a. Description of covenants.
    - b. Title to include.

- (1) Location by municipality, County or State.
- (2) Names and addresses of the owner or owners.
- (3) Name of registered engineer or surveyor who surveyed the property and/or prepared the plat.
- (4) North point, date and graphic scale.
- c. Proposed use of the land.
- d. Lot lines, dimensions and land area of proposed lot. Also, the area remaining in the original parcel.
- e. Existing and proposed streets, alleys and/or easements on or adjacent to the tract.
- f. Available utilities. (If public sewer and water facilities are not available, proposed water source and sewage disposal system should be indicated.)
- g. Statement by the owner dedicating streets and rights-of-way for public use.
- h. Names of abutting property owners. A statement of the historical character of the area within a one mile radius of the proposed development and the impact such development may have both physically and visually upon it, and what measures are included in the plans, if any, to protect same.
- i. The following additional data shall be submitted upon request to the Planning Commission:
  - (1) Subsurface and drainage conditions of the tract.
  - (2) Any other data pertinent to the plan.

B. Preliminary and Final Plats - Conformance to the above requirements may replace the preliminary and final plat requirements.

C. Approval and Disposition of Final Plats - Approval and disposition of final plats shall be in accordance with Section 305 except that in Paragraph "A" the sentence "All final plats and other exhibits required for approval shall be submitted to the Commission within one year after approval of the preliminary plat" shall not apply to this Section.

**309 PLANNED UNIT DEVELOPMENT AND PLATTING STANDARDS**

Because of the special nature of Planned Unit Developments, the following requirements shall supplement customary subdivision procedures as is noted in Phase III of the Planned Unit Development procedures of the Zoning Standards.

A. The preapplication platting requirement of Sections shall be waived.

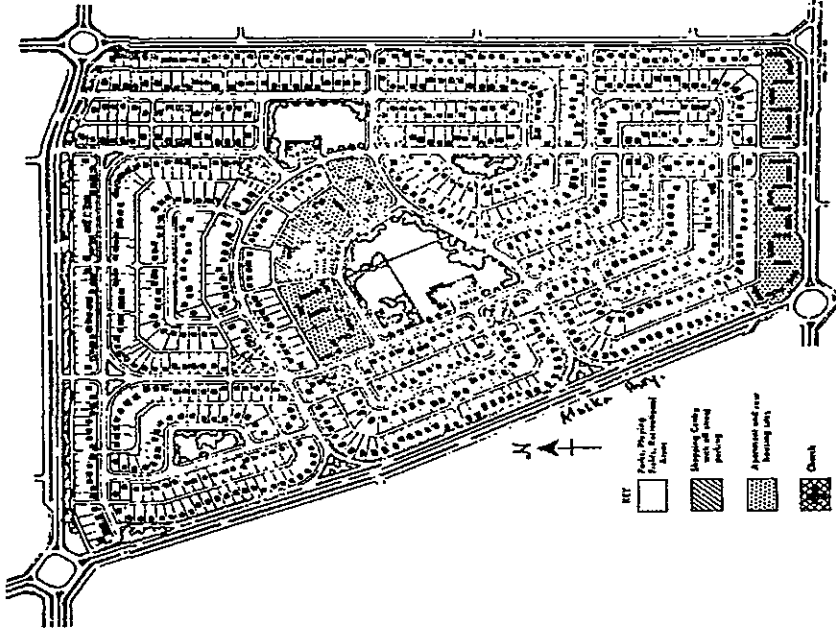
B. Preliminary Platting - In addition to submitting preliminary plats as provided in these Regulations, the developer shall submit the following supplemental items. Replatted submission of identical information with subsequent plats is not necessary so long as written reference is made of this fact.

- 1. Five copies of any necessary agreements to conditions attached, by the Commission, to the approval of the Land Use Intensity (L.U.I.).
- 2. Five copies of any covenants to be attached to the property.
- 3. Five copies of any proposed Homes Association charter.
- 4. Five copies of engineering drawings for all major water and sewer facilities necessary to service the plat area.
- 5. Where applicable, a copy of an application to the State for a point of effluent discharge.
- 6. Where applicable, a copy of an application to the State for ground or surface water supplies.
- 7. Where applicable, a copy of an application to the State for any water impoundment structures.

In reviewing the plat and supplemental items noted above, the Commission may require any changes or additions deemed necessary; and it may consult with any agencies or persons having jurisdiction or interest in such matters. Approval of the preliminary plat may be granted without first having final approval of these supplemental items; however, the Commission may require alterations to these items so acceptable final drafts can be approved prior to approval of the final plats.

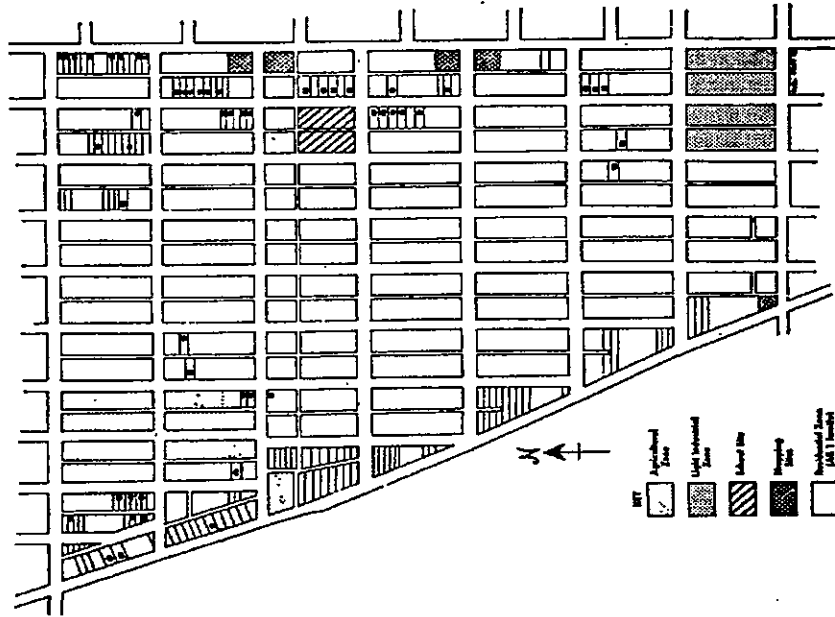
### PLANNED UNIT DEVELOPMENT

**PLANNED UNIT DEVELOPMENTS** -- is a broader application of the residential approach. Included in such developments would be shopping centers, garden apartments, town houses, campus-like offices, and laboratories.



PLANNED UNIT DEVELOPMENT

This type of planning benefits home-owners and tax-payers considerably through reduced amounts of streets, which not only eliminates excessive paving costs but releases additional land which can be used in providing suitable sites for schools, churches, shops and play space.



TYPICAL GRID-IRON PATTERN

- C. **Final Platting** - Final plats shall be submitted as provided in these Regulations; however, no final plats may be approved without first having items 1 through 7 in the preceding paragraph approved by the Commission.

The Commission may require these items to be recorded with the final plats or appropriately referenced thereon.

**310 UNNECESSARY HARDSHIP**

Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the County Court may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

**ARTICLE IV  
DESIGN STANDARDS**

**400 APPLICATION OF STANDARDS**

- A. The following land subdivision principles, standards and requirements shall be applied by the Commission in evaluating the plans for proposed subdivisions and shall be considered minimum requirements.

**401 LAND REQUIREMENTS**

- A. Land shall be suited for the purpose for which it is to be subdivided.
- B. Land subject to hazards of life, health and safety shall not be subdivided for residential use until such hazards have been removed.

**402 STREET REQUIREMENTS**

- A. Proposed streets shall be properly related to Municipality, County and State road and highway plats which have been prepared and officially adopted.
- B. Streets shall be logically related to the topography so as to produce usable lots at reasonable grades.
- C. Local streets shall be so laid out as to discourage through traffic.
- D. Where a subdivision abuts or contains an existing or proposed primary highway, the Commission may require a marginal access road, reverse frontage, screening or no access which will provide protection for abutting properties, reduce the number of intersections, and separate local and through traffic.
- E. Half streets (a strip of land equal to or less than one-half the required right-of-way reserved or proposed for street purposes along the property line) shall be prohibited except to complete an existing half street.
- F. **Maximum Allowable Grades:**

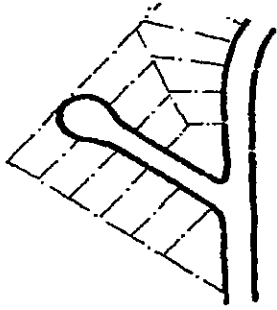
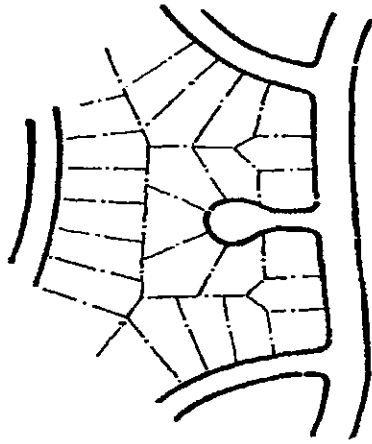
Primary	7 Percent
Secondary	10 Percent
Local	15 Percent

- G. Minimum grades on all streets shall not be less than 0.50 percent.
- H. Vertical curves shall be installed at all street grade changes exceeding one percent.
- I. Minimum centerline radius for horizontal curves shall be in accordance with the current policies of the West Virginia Department of Highways and related to the design speed of the facility of which it is a part.
- J. Minimum street right-of-way and cartway widths shall be as follows:

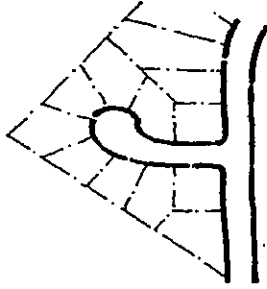
TYPE OF ROAD OR STREET	TYPE OF DEVELOPMENT	CARTWAY	RIGHT-OF-WAY
Local	Single-Family Lots	20 feet	50 feet
Secondary	Single-Family, Multi-Family, General Residential, Commercial or Industrial Lots	24 feet	50 feet
Primary and Expressway	All types	As prescribed by West Virginia Department of Highways	

- K. Cul-de-sac streets are permitted where the length does not exceed 500 feet and where a turn-around with a roadway diameter of 80 feet and a right-of-way of 100 feet is provided. (See attached illustration.)
- L. Street Intersections:
  - 1. All curbs at intersections shall be rounded by a minimum radius of 20 feet for secondary and primary roads and 15 feet for local roads or streets.
  - 2. Where the grade of any street at the approach to an intersection is to exceed five percent, a level area shall be provided with a transitional grade not to exceed two percent for a distance of 50 feet from the nearest right-of-way of line of the intersection.
  - 3. Four-way intersections shall be the most complex intersections permitted.
  - 4. Streets shall be laid out so as to intersect as nearly as possible at right angles. Minimum street intersection angles shall be 60 degrees.
- M. Street offsets involving two intersecting streets with a third street at a distance of less than 150 feet are prohibited.
- N. Reverse Curves shall have a minimum tangent between them of:
  - Local Roads or Streets 100 Feet
  - Secondary Roads 150 Feet
  - Primary Roads As prescribed by West Virginia Department of Highways
- O. Alleys:
  - 1. Not permitted in residential areas.
  - 2. Mandatory in commercial and industrial areas.
  - 3. Alleys shall have a minimum cartway width of 20 feet.
  - 4. Maximum alley grade shall be ten percent.

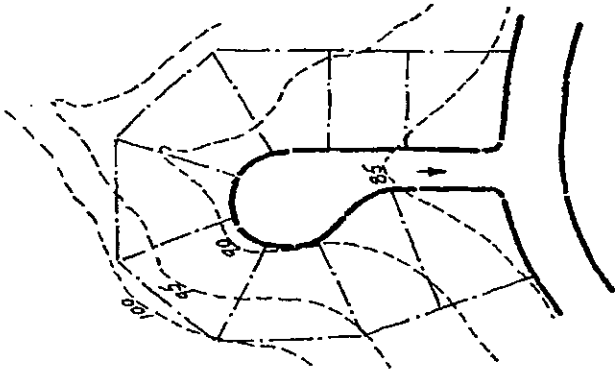
CULS-DE-SAC AND THEIR USES



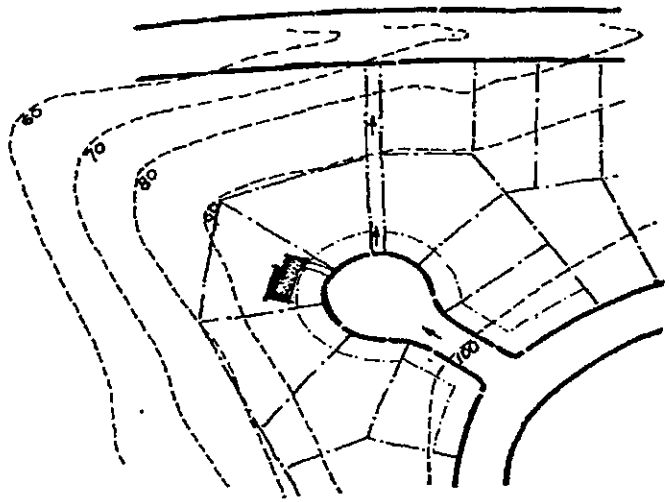
POOR LOTTING ON A CUL-DE-SAC



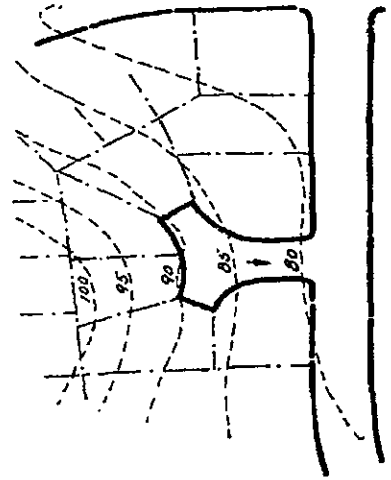
PROPER LOTTING ON A CUL-DE-SAC



UPHILL CONDITIONS FOR A CUL-DE-SAC



DOWNHILL CONDITIONS FOR A CUL-DE-SAC



"Y" TERMINAL FOR A SHORT CUL-DE-SAC

- 403 LOTS  
Lots sizes can be varied in accordance with the Jefferson County Zoning Standards.
- 404 YARD REQUIREMENTS  
Yard requirements can be varied in accordance with the Jefferson County Zoning Standards.
- 405 CORNER LOTS  
Corner lots can be varied in accordance with the Jefferson County Zoning Standards.
- 406 BLOCKS
- A. Block lengths shall not normally exceed 1,600 feet nor be less than 500 feet.
  - B. Blocks shall be at least two lots in depth except for lots with reverse frontage.
  - C. Blocks exceeding 1,600 feet in length shall be provided with crosswalks with a minimum right-of-way reservation of 12 feet, and a four-foot paved walk.
- 407 EASEMENTS  
When the County Engineer determines that conditions are suitable for essential services, an easement reservation will be required. Utility easements shall be a minimum of 15 feet in width and placed at the side or rear of the lots.
- 408 SIDEWALKS  
Sidewalks and crosswalks, where required, shall be installed by the subdivider along public streets or where deemed necessary for public safety as determined by the Commission.
- 409 RESERVED AREAS  
Reserve strips surrounding the property or areas reserved for any purpose which shall make any area unprofitable for regular or special assessments will not be approved by the Commission.
- 410 STREET NAMES  
The subdivider may choose his street names subject to the approval of the Commission. No street, other than an extension, may be given the name of an existing street in the subdivision or municipality.
- 411 PUBLIC OPEN SPACES
- A. The Commission may request that ten percent of the area to be subdivided be dedicated to the County for park, playground, school or other public use.
  - B. This dedication of land for public use shall be combined with similar existing dedications in adjoining tracts or subdivisions in order to provide more usable public areas without imposing hardships on the part of any subdivider.
  - C. The Commission may in lieu of the ten percent public land dedication require a comparable fee on mutual agreement of the subdivider. This may be in the form of a fixed per lot fee payable to the County and retained in the fund for the purchase of future lands for schools, parks and playgrounds.
  - D. Where the County does not accept or acquire public land as dedicated by the subdivider within five years from the date of dedication, the offer of dedication may be withdrawn by the subdivider.

ARTICLE V  
IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

500 STREETS, CURBS, BASE AND PAVING

A. Grading:

Streets shall be graded as established on preliminary plat as reviewed by the County Engineer.

B. Cross Drains:

Shall be a minimum of 15-inch reinforced concrete or bituminous covered corrugated metal pipe and shall be placed wherever necessary to transfer water across the road to a natural water course and at road intersections where needed.

C. Curbing:

Shall be either straight, battered or rolled concrete mix, or a rolled bituminous mix, as determined by the Commission. Type required shall depend on street width and grade.

The requirement of curbs or curbs and gutters will vary in accordance with the character of the area and density of development involved.

Curbs shall ordinarily be required where:

1. Streets are designed to serve areas in which the net residential density of the area surrounding the proposed subdivision equals or exceeds four families per acre.
2. Lot frontages are less than 70 feet.
3. Commercial development or other similar intensive urban uses exist.
4. Curbs exist on abutting property. The Commission will ordinarily require their extension throughout the proposed subdivision.

D. Base Course:

A base course shall be constructed at least eight inches thick (rolled measurement) of native stone, limestone or crushed slag properly graded and meeting the requirements of the current specifications of the West Virginia Department of Highways.

Lesser base courses, to a minimum of six inches, may be authorized by the Commission on advice from the County Engineer on smaller streets where the character of the drainage of the subgrade, the size of the subdivision and nature of the traffic warrants.

E. Pavement:

A two and one-half inch bituminous plant mixed surface shall be placed on the prepared base to meet the requirements of the specifications of the West Virginia Department of Highways.

Where a six-inch base is authorized, a bituminous double surface treatment in accordance with the West Virginia Department of Highways specifications may be used.

Either type of pavement listed above must be approved by the Commission on advice from the County Engineer before the final application is approved. Installation shall be under the direct supervision of the County Engineer.

## 501 SIDEWALKS

- A. Sidewalks shall be provided when considered necessary by the Commission for protection of the public, whenever it is determined that the potential volume of pedestrian traffic or safety consideration require or where streets of a proposed subdivision are extensions of existing streets having sidewalks on one or both sides.
- B. Sidewalks shall be of Portland cement at least four inches in thickness except at driveways where they shall be a minimum of six inches. Sidewalks shall be a minimum of four feet in width, and shall be at a uniform distance of 24 inches from the inner line of curb, and should be constructed one inch higher than the top of curb and shall rise one-fourth inch per foot for full width of walk. Sidewalk widths fronting uses other than residential shall be as specified by the Commission.

## 502 STREET SIGNS

Street name signs shall be installed at each street intersection in accordance with standards established by the Commission.

## 503 STREET TREES

The proposed location, spacing and species of street trees planned by the subdivider must be approved by the Commission. Trees shall be placed within property lines where the planting strip is narrower than five feet.

## 504 UTILITIES

Application for the installation, expansion, alteration or removal of sanitary sewers, sewage treatment plant and associated facilities or water systems and associated appurtenances shall be made by the local Sanitary Board or authorized Authority to the Public Services Commission upon request by the individual, group or corporation interested in the subdivision and development of raw acreage.

A. Sanitary Sewers:

1. Installation of sanitary sewers shall be made in accordance with the regulations of the Public Services Commission, the local Sanitary Board or their authorized Authority and shall be subject to inspections by the County Engineer.
2. Laterals shall be extended to the center of the street and connected to trunk lines provided to connect into major trunk lines of the public sewer system where the nearest trunk line is not more than 1,000 feet from a tract boundary of the subdivision.
3. In areas where the public sewer system is planned, but not yet available, laterals shall be extended to the centerline of the street and connected to a trunk line extending to that edge of the subdivision closest to the street connecting point of the trunk line. The trunk shall then be capped until such time as the major trunk is available.
4. House lines, laterals, trunks, manholes and other appurtenances shall be of such size, spacing and grades as specified by the Public Services Commission, the Sanitary Board of the Public Service System or their authorized Authority.
5. Connection of any storm water into sanitary sewers shall be prohibited.
6. On-lot septic tanks and other private sewer systems will be permitted in areas where the public sewer system is not now available (more than 1,000 feet from a tract boundary), is not planned, or when no right-of-way can be secured by easement through adjoining property to a public sewer.
7. Septic tanks and private sewer systems shall be subject to approval by the County Health Department, the Sanitary Board of the Public Service System or their authorized Authority and inspected by the County Engineer. Installation of septic tanks will be coordinated with the lot size requirements as stated in the Zoning Standards, drainage characteristics of the soil in the area, percolation tests at a maximum rate of 60 minutes per inch as well as the recommendation of the County Health Officer.

- 8. Plans for project sewer systems shall be subject to approval by the Public Services Commission and inspected by the County Engineer before acceptance. New project sewer systems, except those with complete treatment plants, shall be connected to the available public sewer system.
- 9. All individual properties now using sanitary sewer facilities and all future properties requiring sanitary sewerage shall be connected to the public sewer system when and where it is available.

B. Storm Sewers:

- 1. Storm sewers shall be located within a street right-of-way or utility easement in a manner approved by the Commission.
- 2. Storm drains shall have a minimum diameter of 15 inches and a minimum grade of 0.10 percent.
- 3. Manholes shall have a spacing of 300 feet or less for pipes 24 inches in diameter or smaller, and not more than 450 feet for pipes 24 inches and larger. Manholes shall also be installed at all grade changes, street alignment changes, and pipe size changes. When approved by the County Engineer, inlets may be substituted for manholes.
- 4. Bridges and culverts shall be designed to support the expected loads and carry expected flows, and shall be constructed the full width of the right-of-way.
- 5. Inspection of the storm drainage system shall be made by the County Engineer.

C. Water Supply:

- 1. If public water is available or definitely planned for the area, then provisions shall be made for its immediate or eventual use.
- 2. Individual wells or project wells for water supply shall be approved by a State Health Officer, and a copy of the approval shall be submitted to the Commission.
- 3. Inspection of water supply facilities shall be made by the County Sanitarian or Engineer prior to their use.

505 MONUMENTS

- A. Monuments shall be placed at all block corners, angle points, points of curves in streets, and intermediate points as determined by the County Engineer. Monuments shall be such size, length and material as approved by the County Engineer.

ARTICLE VI  
CONDITIONS OF ACCEPTANCE

600 RECORDING

Within 30 days after the date of approval of the final plat, the subdivider shall submit the plat to the County for recording. The County shall record the plat with the County Recorder and the recording fee shall be paid by the subdivider. Approval shall not become final and effective until such certificate has been filed.

- A. After an approved subdivision plat shall have been officially recorded, the streets, parks and other public improvements shown thereon shall be so considered to be a part of the official road map of the Municipality or County.
- B. Streets, parks and other public improvements shown on a subdivision plat to be recorded shall be offered for dedication to the County or West Virginia Department of Highways by formal notation thereof on the plat, or the owner may note on such plat that any improvements have not been offered for dedication to these agencies.

- C. Every street, park or other improvement shown on a subdivision plat shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication and accepted by the County or West Virginia Department of Highways or until it shall have been condemned for use as public street, park or other improvement.

601 GENERAL

- A. The Commission shall not approve any subdivision plat except in conformance with the provisions of these Subdivision Regulations.
- B. The Commission may alter any subdivision plat, specify alterations, changes or modifications therein which it deems necessary and may make its approval subject to such alterations, changes or modifications.
- C. No road, street, alley or related improvement shall be accepted as a part of the street system of the Municipality or State for maintenance unless opened, laid out, graded and improved in strict accordance with the provisions of these Subdivision Regulations.
- D. The Commission may approve a plat for a subdivision in which the improvements and installation have not been completed as required by the Subdivision Regulations if the applicant provides a performance bond either:
  1. In an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with these Subdivision Regulations; or
  2. In the form of a combination minimum bond and first mortgage removable from each lot through payment of a prorated share of the improvements prior to the sale of said lot; or
  3. With surety satisfactory to the Commission; or
  4. The applicant specifies the time for the completion of the improvements and installations.

These bonds shall be forfeited if the applicant has not completed improvements or installations within the prescribed time and in accordance with the appropriate standards and specifications.

Any funds received from these bonds shall be used by the legally constituted body charged with making public improvement for the County only for completion of the improvements and installations for which they were provided, and without prior appropriation. The County is authorized to make these improvements and installations.

ARTICLE VII  
VARIANCES

700 Where the Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these Subdivision Regulations.

701 In granting variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the Regulations or requirements so modified. The granting of variances by the Commission may be conditional subject to the recommendations of the County Court.

ARTICLE VIII  
CERTIFICATES, AFFIDAVITS, APPROVALS

800 The Final Plat shall contain a formal statement by the owner dedicating for public use, all drives, roads, streets, lanes, ways and other public highways shown on the plat, and releasing the County from liability for damages in connection with an acknowledgment, all in form satisfactory to the Commission.

The Final Plat shall contain an Engineer's Certificate in form satisfactory to the Commission.

The Final Plan shall contain forms for approvals and recording as required by the Commission.

ARTICLE IX  
VALIDITY AND PENALTY

900 Any person, copartnership, or corporation who subdivides any lot, tract or parcel of land; lays out, constructs, opens or dedicates any street, sanitary sewer, storm sewer, or water main for public use or travel or for the common use of occupants of buildings abutting thereon; sells any lot or erects any building in a subdivision without having first complied with the provisions hereof and the Subdivision Regulations adopted hereunder; shall be guilty of a misdemeanor subject to the procedure of the County Sheriff; and upon conviction thereof such person or the members of such copartnership or the officers of such corporation responsible for such violation shall be sentenced to pay a fine of not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for each and every offense, and each day that he shall continue such violation after notification shall constitute a separate offense punishable by a like fine or penalty.

901 Should any section or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole, or any other part thereof.

ARTICLE X.

The effect on plats filed with the Clerk of the County Court before the adoption of the Plan by the County Court shall only pertain to the land area that has been platted, and any adjacent or adjoining land not platted shall be subject to the new Ordinance, and if only a portion of a developer's land is platted prior to the adoption of this Ordinance, then any new plats will have to conform to the Ordinance.

JEFFERSON COUNTY, WV  
FILED  
August 29, 2007 14:17:26  
JENNIFER S. MAGHAN  
COUNTY CLERK  
TRANSACTION NO: 2007019370  
COUNTY ORDINANCE  
Book: 1 Page: 00001

