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JEFFERSON COUNTY SUBDIVISION ORDINANCE

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Zoning Ordinance
Subdivision & other Ordinances
[Improvement Location Permit](#)
[Flood Plain Management](#)
Comprehensive Plan
WV state laws on land use
Zoning map.

Readers may be interested in the following Subdivision Ordinance HIGHLIGHTS:

Section 1.1 gives goals
Section 2.1 exempts parent-child transfers
Section 4.0 requires compliance with Comprehensive Plan
Section 5.1 defines minor subdivisions (2-3 lots, & other criteria). These don't need Community Impact Statements nor Preliminary Plats
Section 6.0 gives the Planning Commission the right & duty to judge the "overall community acceptability of a subdivision proposal."
Section 6.1a6 defines Community Impact Evaluation: "accept or reject the suitability of the subdivision proposal based on the Sketch Plat, Community Impact Statement, soils study and other support material submitted."
Section 7.1 lists the data needed in the Community Impact Statement
Section 8.1 defines the (a) Sketch Plat, (b) Preliminary Plat & (c) Final Plat
Section 8.2 has standards for (a) roads, (b) curbs+sidewalks, (c) storm water, (d) drinking water+sewers, (e) lot sizes+setbacks
Section 12.0 requires land for local parks

Symbols in the margins show when each paragraph was amended, as explained at the end of the table of contents. The latest changes are underlined.

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JEFFERSON COUNTY SUBDIVISION ORDINANCE

Jefferson County, WV. Adopted 6/8/72. Repealed & replaced 7/19/79.
[[Amended through 2006. www.listeners.homestead.com - There are separate ordinances on [Construction Permits](#) & [Floodplains](#), at the end of this document. Separately available are ordinances on Zoning & Salvage Yards. **The only official copy of the ordinance is in the files of the County Clerk. Neither Jefferson County nor P Burke assumes responsibility for errors.** Please report all problems to listener-owner@yahoogroups.com so improvements can be made.]]

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SYMBOLS show approvals by the County Commission:

+ approved 5/4/89
* approved 8/31/89

@ approved 9/14/89
approved 10/12/89
% approved 11/30/89
& approved 9/13/90 [[actually 9/20/90]]
> approved 10/4/90
^ approved 7/15/93
\$ effective 5/18/96
= effective 1/1/97
~ effective 6/12/97
< effective 2/11/98
[effective 7/1/98
{ effective 8/13/98
x effective 12/10/98
! approved 9/23/99
} approved 10/23/03
[[text]] editor's notes, not part of ordinance

Section numbers appear at the beginning of each section. They are repeated in long sections, where needed for clarity.

ARTICLE 1. 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 July 19, 1979, shall take effect on the 18th day of July, 1979.

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 adjustment of boundary lines or the consolidation of lots or portions of lots for the exclusive purpose of increasing land area or adjusting shape provided that access is not adversely affected, no new residential building right is created, and the remaining area of the lot from which the merger is taken complies with Section 8.2e. Properties so merged must clearly state in the deed the following, unless otherwise approved by the Planning Director:

"The land(s) hereby conveyed is(are) adjacent to and contiguous with that certain parcel of land which is owned by the grantees herein, having been conveyed to them by deed of record in the Clerk's Office of said County in Deed Book __, Page __, and this conveyance is made for the purpose of adjusting the boundary line(s) of said presently owned land(s) of the grantees, thus creating a single lot of __ acres of land."

- b. The formation of one lot provided such lot is transferred by deed to a parent or a child of the landowner of record and does not create more than one residue. The deed shall:

1. Identify the relationship between the grantor and grantee, and;

- @ 2. Shall state that "the lot transferred is to be used for a single family residence only as long as the lot is not further subdivided.

Any further subdivision of the lot shall dissolve the single family restriction and will place development of the lot under the County land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years; except as another parent to child or child to parent transfer of land. Any transferral of this lot within the five year period shall place this lot in violation of the Jefferson County Subdivision Ordinance."

As used in this section [(2.1(b)2.)], the word "transferred" shall not include:

- a. Deeds to Trustees to secure a debt, except that no foreclosure can be had thereunder except at public auction and this provision must appear in the deed of trust;
- b. Judicial sales or tax sales;
- c. Mortgages;
- d. Deeds of partition under or pursuant to an order of Court;
- e. Real estate transferred by will or intestacy.

3. A parent or a child may receive only one such exempt lot within the County after July 19, 1979.

@ 4. All lots which are formed under this provision, including the residue lot, must comply with the minimum standards specified under Sections 5.1(a)2. through 5.1(a)7. For the purposes of this ordinance a parent or child is defined as any person who is a natural or legally defined offspring or parent of the owner.

@ 5. Parents who are married are entitled to only one such parcel.

c. The formation of cemetery lots.

d. 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.

e. 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

} f. Easements created and approved by the Jefferson County Farmland Protection Board for the purpose of preservation, Such easements shall be exempt provided that they do not establish any additional use, and, may not further subdivide, without compliance with applicable Jefferson County Land Development Laws.

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:

Accessory Structure. A structure which is customarily incidental and subordinate to the principal building and located on the same lot as the principal building.

Agricultural activity. The exclusive use of land for a bona fide farming operation. This includes activities such as dairying, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and other similar activities customarily associated with farming and agriculture. Agricultural activity shall not include commercial slaughtering of livestock, poultry, fish nor meat processing.

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.

Applicant. (Same as Subdivider).

Azimuth. A horizontal angle accruing clockwise from magnetic north or astronomical north beginning with 000 00' 00" and not exceeding 360.

Base Course. The layer of a street immediately in contact with the sub-grade.

Bearing. An acute horizontal angle measured clockwise or counterclockwise from north or south (magnetic or astronomical), toward the east or west.

- & Buffer. An area on a property defined by a distance from a property line or other specifically defined line such as flood plain, wetland limit or stream bank. Said area is intended to absorb, lessen or neutralize the impacts of one land use from another. The nature of the buffer will depend on the impact(s) being neutralized.

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.

- * 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 line except when a road improvement easement exists in which case the set back will be measured from the road improvement easement line."

- = Building Site. A specific area within a condominium subdivision that is identified for the location of one principal building. A building site within a Condominium subdivision is similar to an individual lot within a conventional subdivision. Building sites are outlined, dimensioned and scaled on Condominium subdivision plats but (unlike lots) are not labeled with directional references.

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.

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.

Campsite. A designated site or plat of ground within a campground that is used or intended for occupation by a camping unit.

Cartway. (same as road).

Certified Installer. A person certified by the West Virginia Department of Health to install septic systems.

- & Clustering. Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks or recreational areas. Overall density of the total parcel remains within acceptable limits. See chart in Article 5.5.(b) of the Zoning and Development Review Ordinance.

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.

- & Condominium. A common interest community in which portions of the real estate are designated for separate fee simple ownership of cubic air interior spaces and the remainder of the real estate is designated for common ownership solely by the owners of those portions. Said common interest community may be residential, commercial or industrial depending on provisions of the Zoning and Development Review Ordinance. All such projects are subject to the West Virginia Uniform Common Interest Ownership Act. In the event that a specific requirement within the Uniform Common Interest Ownership Act is inconsistent with a commercial or industrial project, that specific requirement shall not apply.

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.

Conventional Subdivision. Any subdivision in which land is partitioned into two or more separate lots and is not classified as a minor subdivision. Each lot is outlined, dimensioned, scaled and labeled with directional references on the subdivision final plat.

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.

Deed. A written instrument, signed and delivered, by which a person transfers title to land.

Developer. (Same as Subdivider).

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.

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.

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.

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.

Flood-prone Soils. Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.

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.

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.

& Jefferson County Standard Details. Detailed drawings showing designs for specific improvement details acceptable to the County Engineer.

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.

& 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 along both roads shall be considered to be lot frontage.

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.

Lot Boundary. The perimeter line enclosing a lot.

Minor Subdivision. Any subdivision of land which contains not more than three (3) lots (including the parent parcel or residue lot) which meets the criteria set forth in Article 5.

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.

Mobile Home Park. Any site, lot or parcel intended for the location or accommodation for two (2) or more mobile homes for living quarters and including all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.

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.

Mobile home stand. The level portion of a mobile home site on which a mobile home is placed and anchored.

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.

& Natural, Undisturbed Condition. This exists where the terrain has not been altered in form by human activities such as cutting, filling, blasting or leveling and where natural vegetation exists.

& Natural Vegetation. This occurs when a property is allowed to revert to a wild condition with native plants. No cutting, trimming or cultivation takes place in areas of natural vegetation.

Obligee. A person in favor of whom an obligation is contracted.

Person. Any individual, corporation, firm, association, syndicate, trust, partnership or other legal entity.

Planning Commission Staff. All employees of the Planning Commission whether part-time, full-time, contractual or other.

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.

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.

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.

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.

Pressure Grouting. As defined by the industry standard.

^ 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 condominium subdivision requiring the formation of separate building sites as herein defined.

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.

*= 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. Resubdivision includes the transfer of real estate that has been subdivided under section 2.1(b) prior to the expiration of the five years. Resubdivision also includes plats that may have been approved by the Planning Commission but were not recorded within the time allowed by the Ordinance.

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.

Road. A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.

* Road Improvement Easement. A permanent easement granted for the purpose of planned or future improvements of public or private highways, roads or streets. Said easements normally will be set at a minimum distance of twenty-five (25) feet from the centerline of an existing pavement. However, wider easements may be established as may be justified by reasonable projections of need for frontage roads, grading limits and road widening.

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.

& Sensitive Natural Area. An area of wetlands, stream or river banks and forest which exists as a habitat supporting rare or endangered species or which has been dedicated perpetually to environmental preservation by easement, covenant or other legal instrument or which is otherwise for environmental purposes by State or Federal statute.

^ Shopping Center. A commercial facility on a single lot with common parking facilities that uses or leases separate areas of space to retail or service oriented business.

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.

Soil Scientist. An individual who has a minimum of a Bachelor's Degree in Agriculture or related field with 15 hours of soils, soil mapping experience, and knowledge of groundwater hydrogeology of the area.

& Species, Rare or Endangered. Any species listed with the West Virginia Department of Natural Resources Heritage Program Species

- = List or by the U. S. Department of Interior, Department of Fish and Wildlife Management.
- = Stabilization. Providing adequate measures, vegetative and/or structural that will prevent erosion from occurring.
- = Stabilized Area. An area sufficiently covered by erosion resistant material such as a good cover of grass, or paving by asphalt, concrete or stone, in order that erosion of the underlying soil does not occur.
- = Stabilized Grade. The grade of a channel at which neither erosion nor deposition occur.
- = Stable (Stream or Channel). The condition of a stream, channel or other water course in which no erosion or deposition occurs; adequately protected from erosion.

Staff. (Same as Planning Commission Staff).

- * Standard Details. These are minimum acceptable details approved by the County Engineer for use in preliminary plats, site plans, and related improvements plans. Said approval does not relieve the subdivider, the design consultant, or the builder of the responsibility for structural adequacy and sound construction.

Street. (Same as Road).

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.

Subdivide. The process of forming a subdivision.

Subdivider. Any person commencing to effect the subdivision of land under the provisions of this Ordinance.

- ^ Subdivision. The partition or division of land into two or more lots, tracts, parcels, plots, sites, areas, units, interests or other division of land, for the purpose, whether immediate or future, of recorded contract, 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, deed of trust, contract of sale, 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. This definition excludes subleases for shopping centers.

Three types of subdivisions are recognized by this Ordinance:

- a. Minor subdivision of not more than three lots (see definition above).
- b. Conventional subdivision (see definition above).
- ^ c. Condominium subdivision consisting of two or more building sites (whether vertical or horizontal) on a single tract.

(See Section 2.1 for Subdivision Exemptions.)

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.

Surveyor. Any person licensed to practice land surveying in the State of West Virginia.

Tent area. A clearly designated site or area of land within a campground which is intended exclusively for tents.

- ^ Townhouse. One of three or more residential buildings having common or party walls separating dwelling units.

Tract. (Same As Lot, Although Generally Applied to Larger Acreage).

Turnaround. A circular area at the end of a dead end road where vehicles are able to conveniently turn around without leaving the road.

Variance. A departure from the provisions of this Ordinance granted by the Planning Commission.

- ^ Water Courses. Streams, man-made channels, storm drain easements, roadway ditches, floodplains, outfalls and any other location where surface water flow is concentrated.
- & Wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The substrata is predominantly hydric soil.

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. This includes the residue or parent parcel(s).

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.

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. The erosion and sediment control policy dated June 13, 1989 shall be handed out at the preliminary plat and site plan meeting. Strict adherence to this policy is required.

Section 4.8 Access to Public Highways

a. 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.

* b. The Planning Commission shall have the jurisdiction over any developer or subdivider to require the installation of such improvements as are deemed proper within or adjacent to the subdivision to assure safe access to and from the public highway, and maintain an adequate flow of traffic on the public highway. Improvements required may include the installation of traffic signs and signals, constructing left or right turn lanes, acceleration and deceleration lanes, or reconstructing public roads to eliminate vertical or horizontal curves. Such improvements shall be acceptable to and approved by the West Virginia Department of Highways; provided a denial of such approval shall supercede Planning Commission authority under this provision. Department of Highways denials of such approvals must be received in writing in order to absolve the County of any claims of negligence in the event damages result due to the lack of a County required improvement.

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 and Soils

The purpose of establishing flood-prone areas is to reduce the public cost and personal damage caused by flood waters. Such areas are more appropriately designated as open space for recreational purposes or maintained in agricultural uses. The use of these areas for passive non-structural uses should be encouraged in the subdivision process. Therefore, the creation of any lot or parcel for the purpose of constructing a building shall be prohibited in flood-prone areas unless adequate land area outside the flood-prone area is available septic and well facilities and anticipated buildings.

In addition to flood-prone areas, many areas subject to minor or seasonal flooding have been designated as flood-prone soils. These areas should not be developed, but should be maintained in order to allow storm water to follow its natural course. Where flood-prone soils are present on land proposed for subdivision, drainage easements should be established and building construction prohibited in these areas, unless otherwise approved by the County Engineer.

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.

Section 4.13 Resubdivision

The Planning Commission shall have the jurisdiction over any developer, subdivider, or person to require the reprocessing of any resubdivision that is inconsistent with the purpose of this Ordinance.

ARTICLE 5. MINOR SUBDIVISION PROCESS AND REQUIREMENTS

Section 5.0 Purpose of Minor Subdivision

The minor subdivision process is established to allow subdivisions which are small and would have little impact on the County to be processed in the minimum amount of time for subdivisions approved by the Planning Commission.

Section 5.1 Criteria for Minor Subdivisions

- a. In order for a subdivision proposal to be classified as a minor subdivision, the proposal must meet the requirements and standards set forth below. Where, in the opinion of the Planning Commission Staff, the proposal does not comply with these requirements or the intent of this Ordinance, the proposed subdivision shall be classified as a conventional subdivision. Such a determination may be appealed to the Planning Commission for consideration and classification.
- *
 - 1) Only three (3) lots (including the parent parcel or residue) shall be permitted from contiguously owned parcels of record during any five (5) year period. Applications which exceed this number during any five year period shall be classified as conventional subdivisions and processed accordingly. Only the residue parcel is entitled to further subdivision under this article.
 - 2) All proposed lots shall:
 - a) front on an existing public road; or,
 - & b) only have access (motor vehicle) to a public road via a County grade right-of-way (forty (40) feet) which serves no more than three lots; or,
 - & c) only have access (motor vehicle) to a public road via a County grade road and right-of-way which serves more than three lots.
 - 3) A minor subdivision shall not include the extension of public or central utilities, or the creation of common areas.
 - 4) Each lot created shall be intended and restricted, as a condition of Planning Commission approval, to one single family residence only, unless otherwise processed in conformance with the prevailing county land development laws.
 - 5) All lots created shall meet the lot, setback, and other requirements specified under Section 8.2, e. Lesser road frontages may be accepted by the engineer.
 - 6) All driveways and entrances onto public roads must be acceptable to the Planning Commission staff and to the West Virginia Department of Highways, as to location, number of entrances, drainage provisions, traffic safety and general design.
- *
 - 7) Any subdivision proposal which includes areas with a slope in excess of twenty (20) percent, shall be classified as a conventional subdivision. The engineer may accept some areas in excess of this slope.

Section 5.2 Minor Subdivision Process

- a. The minor subdivision review process described in this Section outlines the step-by-step activities that take place during the routine processing of a minor subdivision proposal. Any changes in the review process that are made by the Planning Commission shall be put in written form and shall identify the nature and the date the change was voted upon. Written changes in this review process shall be attached to this Ordinance and shall be distributed to the public as supplemental material.
 - 1) Subdivider submits a sketch plat to the Planning Commission office which conforms to Section 8.1, a, with the exception of the Community Impact Statement and schedules a meeting with the Planning Commission Staff.
 - 2) Subdivider and Staff meet to discuss the proposed subdivision and the criteria used to classify the proposal as a minor subdivision. Emphasis is placed on the project design, site layout, and access. Any modifications to the sketch plat are made by the subdivider at this time, if appropriate.
 - 3) Staff makes a site inspection of the proposed subdivision, reviews and classifies the proposal using the criteria set forth in Section 5.1, a.
 - 4) Within seven (7) days from the submission of the sketch plat or the meeting between the staff and subdivider, whichever is later, the staff notifies the subdivider, in writing, as to whether the proposal has been classified as a minor or a conventional subdivision. If classified as a minor subdivision, the subdivider shall also be informed that a final plat, in conformance with Section 5.3, a., may be prepared. If classified as a conventional subdivision, the subdivider shall be informed of the necessary steps to appeal this determination to the Planning Commission or to otherwise process the proposed subdivision.
 - 5) Upon receipt of two copies of the proposed final plat, the Staff 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.
 - 6) Planning Commission staff notifies subdivider of additional information required or corrections that must be made to the subdivision proposal and final Plat.
 - 7) Subdivider submits to the Planning Commission office two paper copies of the revised Final Plat, if necessary.
 - 8) Final Plat Public Hearing is held before the Planning Commission during a regular meeting. New or revised information not previously considered is solicited from the public. The Planning Commission, after considering public comment, all previous information and comment, the provisions of the 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.
 - 9) 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 approval, unless a waiver of the 60 day period is granted to the Planning Commission by the subdivider.
 - 10) If the subdivision and Final Plat are approved, the seal of the Planning Commission is placed on the appropriate prints of the Final Plat.
 - 11) If the subdivision proposal and Final Plat are approved subject to conditions, the conditions must be addressed or placed on the Final Plat prior to the seal of the Planning Commission.
 - 12) If the subdivision proposal and Final Plat are disapproved, the subdivider is advised in writing of the Planning Commission action and the specific reasons upon which the action was based.

Section 5.3 Minor Subdivision Plat Requirements

- a. All requirements for conventional subdivisions contained in Section 8.1c and 8.2e and f shall apply to all minor subdivisions with the exception of the following:
 - 1) A plat drawn at a suitable scale measuring eight and one half inches (8 1/2") by fourteen inches (14") in size shall be acceptable.
 - 2) Permanent concrete control monuments, as required by Section 8.1c.7, shall not be required in a minor subdivision.
- b. Each minor plat shall contain a note under the title Conditions of Planning Commission Approval, with the following statement:

"Each parcel shown on this plat shall be restricted to a single family residence only unless otherwise approved by the Planning Commission in conformance with the prevailing County land development laws."
- [^] c. Conventional Subdivisions that the Planning Commission has advanced to the final plat stage may utilize the minor subdivision platting requirements.

ARTICLE 6. SUBDIVISION REVIEW PROCESS: FORMS AND FEES; DATES

Section 6.0 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 subdivisions directly to the Final Plat stage, provided a site inspection by the Staff reveals no apparent difficulty. Subdivisions which are advanced 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 6.1 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 materials.

Subdivision Review Process:

1. Subdivider contacts Planning Commission office (304-728-3228) 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, Community Impact Statement (including a USGS topographic map showing the location of the tract) and soils study. The Sketch Plat, Community Impact Statement, and soils study 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 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.
 - ^ (a) The applicant will post the property with a sign prepared by the Staff which states the requested proposal, the date, time and place of the Community Impact Statement Meeting. The property shall be posted conspicuously by a notice not less than twenty-two (22) by twenty-eight (28) inches in size at least fifteen (15) days before the meeting.
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, soils study and other support material submitted. [["soils study" is not defined here; developers usually submit description of soil types from USDA; see also note about "soils report" in section 8.1a]]

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 of the revised Final Plat, if necessary.
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 subdivider submits the Final Plat Documents required in Section 8.1, d, or Section 9.1, d.
21. If the subdivision proposal and Final Plat are approved subject to conditions, the conditions must be met or must be placed on the Final Plat, which ever is appropriate, and the Final Plat Documents required in Section 8.1, d, or Section 9.1, d submitted. Upon receipt, the seal of the Planning Commission is placed on the appropriate prints of the Final Plat.
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 6.2 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 set by the County Commission of Jefferson County, upon

recommendation of the Planning Commission, as may be necessary from time to time in order to defray the cost of administering this Ordinance.

Section 6.3 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 twenty-four (24) 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. The continued processing of sectional final plats shall be permitted provided no more than twenty-four (24) months lapse between approvals. Re-processing of the same subdivision proposal shall be required to begin, as a new project, with the Pre-application Conference.

ARTICLE 7. COMMUNITY IMPACT STATEMENT (CIS)

Section 7.0 Introduction

* The Community Impact Statement (CIS) requirements 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 7.1 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 6.1 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.

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

- * 1. Name, address and telephone number of owner/developer
- * 2. Name, address and telephone number of contact person
- * 3. Tract size, shape, location and zoning
- 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 man-made 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 - (Provide a bar chart for projects exceeding 50 dwelling units showing milestone activities versus time in months and years).
- 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: Will project strip entire site? Will blasting be extensive? Will the project be a borrow or a waste job? Will drainage be affected? Will terrain be altered?
- 2. Conversion of farm land to urban uses
- * 3. Wildlife populations and DNR endangered species check
- * 4. Groundwater and surface water resources: Number of reported water contamination problems within 1000 feet, major surface water sensitive areas, i.e. wetlands, marshes and existing ponds, within one mile of the site. Describe the storm water management concept.
- 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 sink holes, water recharge areas, stream and river banks, hillsides, forests, wetlands and water bodies will be described. A sink hole inventory check will be requested and obtained from the local office of the Natural Resources Conservation Service. The applicant will describe the condition of channel and banks of streams on property or within 500 feet of discharge point from property.

Social Impacts

7.1 (b) 7. Demand for schools and educational facilities

- * 8. Traffic Impact Data
 - * a. Most recent ADT figure for the adjoining or accessible State road.
 - *^ b. Trip generation figures based on the following or on values published by the Institute of Transportation Engineers or on studies conducted locally at similar uses:

| USE | Peak Hour | Ave. Daily |
|------------------------|-----------|------------------------|
| Single Family Detached | 0.8 | 8.0 per D.U. |
| Apartment | 0.7 | 6.0 per D.U. |
| Townhouse | 0.6 | 7.0 per D.U. |
| Mobile Home | 0.6 | 5.0 per D.U. |
| Light Industrial | 1.2 | 5.5 per 1000 s.f. |
| Industrial Park | 0.99 | 7.0 per 1000 s.f. |
| Warehousing | 1.63 | 4.9 per 1000 s.f. |
| Mini-warehouse | 0.29 | 2.8 per 1000 s.f. |
| Office | 2.82 | 17.7 per 1000 s.f. |
| Small Shopping Center | 15.51 | 118.0 per 1000 s.f. |
| Convenience Market | 54.80 | 625/1000 leasable s.f. |

- * c. Nearest key intersection that will serve the proposed project.
- * A "key intersection" is defined as any intersection with a primary or secondary highway as classified on Map 2 of the Comprehensive Plan.
- * d. Any "Highway Problem Areas" according to Map 3 of the Comprehensive Plan that falls within a one-mile radius of the project.
- * e. In the event that trip generation in the peak hour is greater than 150 trips but less than or equal to 300 trips, the application will provide updated A.M. and P.M. peak hour traffic counts at on key intersection per directions of the County Engineer.
- * f. In the event that trip generation in the peak hour is greater than 300 trips but less than or equal to 600 trips, the applicant will provide updated A.M. and P.M. peak hour traffic counts at as many as two key intersections per directions of the County Engineer.
- * g. In the event trip generation in the peak hour exceeds 600, a traffic study will be required which includes generators, etc. This type study should be performed by a traffic engineering consultant.

7.1 (b) 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

- 7.1 (b) 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.

Section 7.2 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 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.

&= The requirements and standards of this Article also apply to Condominium and Non-residential Developments unless otherwise superseded by Articles 9 and 11 or unless said application is either modified or excused by sections of this Article.

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, a soils report as required under Section 8.2 d. 1, and a tentative list of restrictive covenants and conditions or a tentative statement of project rules and regulations. A Sketch Plat is not required for Site Plans. [[note that 8.2d1 discusses percolation tests, and developers don't usually submit these; they submit descriptions of soil types from USDA]]

- = 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-four inches (24") by thirty-six inches (36") in size. More than one sheet may be used provided all sheets are indexed. (Note: Final Plat size is 18" x 24". See Section 8.2 c. for more information.)

In the event conditions are encountered during construction which make the approved Preliminary Plat impractical or excessively costly, field changes may be proposed in writing, by the developer through the developer's design consultant, to the Engineer. The Engineer will review the proposed changes to determine whether or not the change is major and subject to Planning Commission action. In either case, the Engineer and Staff will determine the technical acceptability of the proposed changes. Where said changes are minor, technically acceptable and in accord with the Ordinances the Engineer and Staff may grant a field change. Modified plans will be signed by the appropriate professional and filed with the Planning Commission office.

The Preliminary Plat shall show or be accompanied by:

- 1. A 1/2 inch border along all sides except the left side (a 24" side) which shall have a 1 3/4 inch border.
- = 2. A title block in the lower right corner to include: the name by which the subdivision or Site Plan will be recorded/known; Tax

Map and Deed Book references; location of subdivision by County and State; name(s), address(es) and telephone numbers of owner(s); name(s), address(es) and telephone numbers of registered engineer(s) or surveyor(s) who either surveyed the tract or lot, prepared the preliminary plat or prepared the site plan.

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. For preliminary plats 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.

For site plans, the lot boundary shall be described by bearings (or azimuth) and distances. The source of said boundary description shall be noted on the site plan and either a copy of the recorded plat that created the lot, or a certification by a registered surveyor that a traverse meeting closure requirements cited above has verified the boundary, will be submitted.
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").
- 8.1 b. 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. Road names may be rejected by the Planning and Zoning Commission and/or staff depending on their similarity with existing roads. Where the adjoining State Road has a right-of-way of less than 50 feet wide, either a fee simple dedication or a road improvement easement will be provided which is a minimum of 25 feet wide measured from the existing centerline of the State Road.
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 two feet (2') shall be required. Source of contour line information. Greater contour intervals may be acceptable 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. Show locations and associated topography of any off-site man-made structure which is located up to 200 feet downstream from any pipe outfall. Show any "approximate 100 Year Floodplain" and any delineated wetland.
17. Adjoining roads including right-of-way widths, road widths and names.
- ^ 18. A tentative list of restrictive covenants. (This is not needed for site plans.)
19. Reservations of land for public or semi-public use.
- 8.1 b. 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 materials 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 agreements between the Jefferson County Public Service District and the developer.

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).
- % 30. The following note shall be placed on all preliminary plats, "Seventy-two (72) hours prior to excavation in public rights-of-way or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848."
- * 31. Signature Block for the County Engineer. The title block should read as follows:

Preliminary Plat Approved

County Engineer _____
Date

- * 32. General Construction Notes

The following notes will be contained on the preliminary plat:

- *^ (a) The developer shall request County Engineer inspections 48 hours in advance whenever possible (Call 304-728-3228). Inspections shall be requested according to the Table of Milestones shown below:

| <u>TABLE OF MILESTONE INSPECTIONS</u> | <u>Date</u> <u>Inspected</u> | <u>Inspector's</u> <u>Initial</u> |
|---|---------------------------------|--------------------------------------|
| 1. Installation of Sediment Control Devices* | | |
| 2. Completion of Underground Utility installation | | |
| 3. Completion of Grading for Roads** | | |
| 4. Completion of Grading for Buildings | | |
| 5. Completion of Base Stone Installation and Compaction** | | |
| 6. Completion of Sidewalks | | |
| 7. Completion of Final Grading and Seeding | | |
| 8. Completion of Final Project Details | | |
| 9. Completion of Stormwater Management Rough Grading | | |
| 10. Completion of Stormwater Management Details | | |

* Must be inspected prior to any other work.

** Must be inspected prior to being covered.

- * b. Erosion and Sediment Control measures shall be in place prior to performing any significant earth disturbing activities.
- *^ c. Earthwork shall be compacted to the percentages of maximum dry density (according to AASHTO T99C) as shown below:
 - a. Roadways - 98%
 - b. Building pads - 100%
 - c. Parking lots for passenger vehicles - 95%
 - d. Parking lots for heavy trucks - 98%
 - e. Utility trenches - 98%

Compaction of subgrades shall be certified by a professional engineer or technician certified by the WVDOH or a professional institute acceptable to the County Engineer, as meeting the above standard.
- * d. Changes or revisions in construction plans and specifications shall not be made unless first approved by the County Engineer and other appropriate agencies.
- * e. Traffic control signs shall comply with the standards of the West Virginia Department of Highways.
- * f. The following variances have been approved by the Jefferson County Planning Commission:

| Section | Description | Date Approved |
|---------|-------------|---------------|
| | | |

- 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 eighteen inches (18") by twenty-four (24") in size. More than one sheet may be used provided all sheets are indexed.

The Final Plat shall show

1. A 1/2 inch border along all sides except the left side (a 18" side) which shall have a 1 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.
- 8.1 c. 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. Approximate 100 Year Floodplain and any delineated wetland shall be identified and drawn to scale within reasonable limits of accuracy.
 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/or the declaration in accordance with the Uniform Common Interest Ownership Act shall be submitted with the final plat. However, they shall not become part of the final plat.
 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).
- 8.1 c. 20. Certification of the surveyor or engineer as to the preparation and accuracy of the plat.
- * 21. Such other conditions, certificates, affidavits, endorsements, dedications or agreements as may be deemed necessary by the Planning Commission including but not limited to the following:
 - * a. Well grouting note per Section 8.2.d.4.
 - * b. Blanket easement note for water and sewer lines per Section 8.2.a.21.
 - * c. Public service connection provision per Section 8.2.d.7.
 - * d. Flood zone note.

* e. Road Maintenance Arrangements per Section 13.2.

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).

27. An estimate of the costs for completing all improvements shown on the preliminary plat prepared and certified by the subdivider's surveyor or engineer.

* 28. Signature block for the signature of the Director of Planning and Zoning and the affixing of the Planning Commission's seal.

8.1*d. Final Plat Documents shall be submitted, sealed, and recorded within ninety (90) days after the Planning and Zoning Commission's approval. All bonding and securities for such bonding for 115% of all improvements shall be submitted and approved during this time period. The documents to be submitted shall include the following:

- ~ 1. A mylar or linen copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County.
- 2. A sepia reproduction of the Final Plat.
- 3. Three paper copies of the Final Plat.
- * 4. Two (2) copies of an 8 1/2" by 11" transparency reduction of the Final Plat, sufficiently legible to indicate the lot numbers, street names and name of the subdivision.
- 5. Any additional material, information or documents required by the Planning Commission.

Section 8.2 Design and Construction Requirements

8.2 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 road slopes toward a public highway or toward a subdivision road that serves as a collector road within the subdivision, 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.

* A single entrance may be used under the following conditions:

| Maximum Number of Lots | Entrance Width, Feet |
|------------------------|----------------------|
| 10 | 20 |
| 20 | 24 |

More than 20 but
not to exceed 50

24' plus a 40' emergency access easement located at rear of subdivision and with 18' wide standard gravel surface. OR a 28' wide surface with three foot graded shoulders at least 200' 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. In all subdivisions that require paved roads, the rights-of-way shall be at least 50 feet in width. Rights-of-way for gravel roads may be as narrow as 40 feet in width. Rights-of-way for industrial or commercial subdivisions, for monumented entrances or dualized roads and for roads serving as a collector road shall not be less than 60 feet in width. Greater widths may be required by the Engineer as conditions require. Cut and fill slopes may extend beyond the rights-of-way if both of the following conditions exist; a revertable slope easement is provided, and, the top of cut slopes is 25 feet away from the septic field. The centerline of the roadway section shall be congruous with the center of the right-of-way unless otherwise approved by the Staff based on written justification by the developer as to the need for offsets from the right-of-way centerline.

6. Subdivision roads serving twelve (12) 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 1.5 percent except as cited in Section 8.2.a.8 |
| | - maximum 10 percent |

7. Subdivision roads serving more than ten dwelling units are termed "primary subdivision roads" and shall meet the following specifications:

| | |
|--------------------------------|---|
| minimum width of finished road | - 20 feet (open section), 26 feet (closed section) (no on-street parking) |
|--------------------------------|---|

| | |
|---------------------------|---|
| minimum width of shoulder | - 3 feet on each side (open section only) |
|---------------------------|---|

| | |
|------------|---|
| road grade | - minimum 1.5 percent for open sections |
| | - maximum 9 percent |
| | - minimum 0.5 percent for closed sections and for exceptions cited in Section 8.2.a.8 |

| | |
|--------------------------------|--|
| sidewalk (closed section only) | - No closer than one foot from the property line or four feet from the curb face with a cross slope of 2 percent |
|--------------------------------|--|

8. A minimum ditch depth of one and one-half (1-1/2) feet with a 4:1 slope in from the shoulder and a 2:1 slope up to the right-of-way line is required in an all cut sections for all open section subdivision roads. Fill sections need not have ditches unless the fill slope exceeds six feet in height. Fill slopes shall not exceed 3:1. Open ditches shall not be flatter than 1.5 percent except as listed below.

Trapezoidal road ditches with bottoms 2 feet wide or greater - 0.5 percent minimum

Pipe outfalls - 0.0 percent minimum

Ditches with infiltration trenches in the invert - 0.5 percent

9. If the ten-year storm runoff volumes and velocities do not exceed the following criteria, a swale section may be used consisting of a 16:1 slope from the edge of shoulder horizontally 6 feet to the swale invert and thence a 16:1 slope out of the swale for another 6 feet horizontally.

| <u>Road Grade (%)</u> | <u>Ten Year Q Max (cfs)</u> | <u>Ten Year Velocity (fps)</u> |
|-----------------------|---------------------------------|------------------------------------|
| 2 | 2.3 | 1.3 |
| 3 | 2.7 | 1.6 |
| 4 | 3.2 | 1.8 |
| 5 | 3.6 | 2.0 |
| 6 | 3.9 | 2.2 |
| 7 | 4.2 | 2.4 |
| 8 | 4.5 | 2.5 |
| 9 | 4.8 | 2.7 |
| 10 | 5.0 | 2.8 |

8.2 a 10. Swale and ditch inverts shall be constructed so as to minimize erosion. Permissible velocities for the ten year storm relative to the ditch material are as follows:

| <u>Ditch Material</u> | <u>Maximum Allowed Ten-Year Velocity (feet per second)</u> | <u>Maximum Allowed Ditch Slope</u> |
|---------------------------|--|--|
| Seed and Mulch | 2.0 | 3.5 |
| Mesh Ditch Liner | 3.0 | 5.0 |
| Solid Sodding | 5.0 | Governed by Sects 8.2.a.6 & 8.2.a.7. |
| Loose Riprap | 7.0 | Governed by Sects. 8.2.a.6 & 8.2.a.7. |

Concrete Paving

Governed by ability to dissipate energy at outfall to provide a maximum velocity of 4 feet per second.

Governed by Sects. 8.2.a.6 & 8.2.a.7.

- = 11. All subdivision roads shall be sloped laterally or sloped from a centerline crown at a ratio of 1/4 to 3/8 inch vertical to one foot horizontal.
- 12. 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.
- *= 13. Driveway pipes or paved driveway swales where allowed in lieu of pipes shall be sized to correspond with ten-year ditch flows and will be specified on the preliminary plat and the final plat. See also Section 8.2.a.9 and 8.2.a.10.
- ^ 14. Dead-end subdivision roads and rights-of-way shall terminate in turnarounds according to the following:

subdivision roads:

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

subdivision roads served by school bus

- diameter of turnaround right-of-way - 120 ft
- diameter of finished road in turnaround - 100 ft
- width of shoulder - 2 ft
- fillet radius - 25 ft

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

- * A 'tee' (hammerhead) or a 'Y' turnaround may be used when a dead-end subdivision road and right-of-way serve no more than five (5) residences. Dimensions shall be consistent with the Standard Details approved by the County Engineer.

- ^8.2 a. 15. 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 concrete. Stop signs shall be provided at all intersections where a subdivision road meets a state highway or road and at other intersections where appropriate. Speed limit signs (preferably with speed limits of twenty-five (25) miles per hour or less) shall also be provided at appropriate location.

- ^= 16. Road surfaces in conventional subdivisions shall be constructed of gravel or asphalt. Gravel roads may be constructed only in subdivisions that meet all of the following requirements:

- + The subdivision must be exclusively residential and restricted to 12 dwelling units or less.
- + The subdivision must be laid out as one group of adjoining lots.
- += The gravel road in the subdivision must enter directly onto a public highway. A paved entrance apron measuring a minimum of twenty feet (20') perpendicularly from the edge of the roadway surface of the public road shall be provided.
- + The subdivision may only be taken or formed from a tract of land that was recorded by boundary description in the Office of the Clerk of the County Commission before October 18, 1979; and only one gravel road subdivision may be taken from an eligible recorded tract of land.

Asphalt roads are required in all subdivisions that do not qualify for gravel roads.

Any person who forms subdivision lots along any existing road (lane, etc.) that serves ten dwelling units or more and that is not a public highway, or any person who constructs a subdivision road that enters upon any existing road (lane, etc.) that serves ten dwelling units or more and that is not a public highway, must upgrade such road (lane, etc.) to the asphalt standards of this Ordinance so as to provide a continuous asphalt road from all of the new subdivision lots to a public highway.

- &^ 17. 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 a minimum of 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.

&^ The subgrade over which gravel is placed must be compacted for the top 12" to 98% of maximum density as determined using AASHTO T99C. The Engineer may require compaction testing certified by an independent registered civil engineer. Such testing shall be performed at the developer's expense.

^ In the event that acceptable subgrade compaction cannot be achieved, additional lifts of larger sized stone may be placed prior to placement of the final 6" of 3/4" stone.

&^ 18. Asphalt roads shall be placed on subgrade that has been compacted to 98% of maximum density per AASHTO T99C. 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 per the Paving Section Table shown below. 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).

Aggregate base must be compacted to 95% of maximum density per AASHTO 99C. Pavement section shall be pursuant to County Engineer Standard Detail #R-05A and #R-05B or may be designed specifically for a single project or parts thereof based on CBR test or other approved and accepted tests yielding soil bearing data. Said designs shall be scaled by a registered professional engineer.

The gravel base course shall extend laterally to daylight in the shoulder or in-slope of the ditch to ensure adequate drainage of the pavement base and subgrade. Underdrain systems or other methods of drainage may be used with the approval of the County Engineer.

^ 19. 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.

*8.2 a. 20. The minimum criteria for installation of improvements to State Highways, as required by the Planning Commission per Section 4.8 shall be as follows:

* (a) Traffic signals may be required when warranted in accordance with Part IV of the Manual on Uniform Traffic Control Devices.

If a signal is needed, installation normally will be at the developer's expense. Continuing power and maintenance costs are assumed by the Department of Highways.

&* (b) Left turn lanes may be required on all divided highways and on two-lane two-way State Routes having a two-way peak hour volume of 600 or more or an ADT of 6000 or more and a potential peak hour left turning movement into the development of 50 or more. Other factors, such as approach sight distances, may dictate installation where volumes are lower. The County Engineer will approve specific design configurations.

&* (c) Deceleration lanes shall be provided on Primary and Secondary Routes where the operating speed on the State Highway is 45 miles per hour or greater. Where peak hour two-way volumes on two-lane, two-way State Highways are 600 or greater, acceleration lanes should be provided in addition to deceleration lanes. The length of the lanes will be a function of operating speed. Other situations may require these lanes if dictated by capacity considerations or engineering judgment. Operating speed is the highest overall speed at which a driver can travel on a given highway under favorable, prevailing conditions without exceeding a safe speed based on design speed. The Engineer will approve specific design configurations.

* (d) The need for reconstruction of vertical or horizontal alignments shall be determined based on the design speed of the road as addressed in A Policy on Geometric Design of Highways and Streets by AASHTO and in accordance with the Department of Highways regulations.

& (e) Shoulder widening shall be provided as follows:

(1) Secondary Routes -- Minimum eight (8) feet wide, paved to WVDOH specifications extending across the front of the property or a distance of six hundred feet, whichever is less.

(2) Local Service Routes with current ADT of 2000 or greater or projected year 2000 ADT of 2500 or greater -- Same as Secondary Routes.

(3) Local Service Routes with current ADT from 1200 to 1999 or projected year 2000 ADT from 1500 to 2499 -- Minimum six (6) feet wide, paved to WVDOH specifications extending across the front of the property or a distance of four hundred feet, whichever is less.

(4) All other Local Service Routes -- Minimum three (3) feet wide gravel with a 4:1 slope into a one (1) foot deep ditch and out with a 2:1 side slope.

& (f) Safety improvements such as signing and delineation at locations on the State Road adjacent to a development may be

required. Said improvements must be based on either (1) a proven significant accident record or (2) an existing condition which, with the addition of the subject development, would exacerbate actual accident experience.

21. 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.
22. A blanket easement shall be given to the appropriate Public Service District in all subdivision rights-of-way for the purpose of constructing water and/or sewer lines and facilities.
- = 23. For subdivision created under the provisions of Section 5.7(d)1 and 2, the rural nature of the roadside state road system shall be preserved by either (a) limiting the amount of lot frontage along the state road to no more than 500 feet or 30 percent of the total frontage, whichever is greater; or, (b) establishing a minimum 100 foot perpetual vegetated buffer zone between the road improvement easement and the lots or the developed portion of the lots.

Where said subdivisions consist of twelve (12) or fewer lots only one subdivision road entrance to an individual state road should be used.

8.2 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 6 inches above the finished road surface. The base of curbs shall be a minimum of 7-3/8 inches measured in cross-section. Curb sides may be sloped inward to join a rounded edge having a radius of one and one-half (1-1/2) inches or more. Alternative designs may be approved by the County Engineer.
- *= 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 10 year frequency storm occurring over the entire contributing watershed. Storm drain inlets in residential closed-section roads shall have bicycle-safe grates.
- &= 5. Sidewalks shall be constructed of Portland Cement concrete with a minimum depth of four inches. Sidewalks shall be four 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.

8.2 c. Storm Water Drainage and Erosion Control

- = 1. Stormwater drainage and erosion controls shall be based on peak discharges from the contributing watersheds assuming a 24-hour rainfall and for the year frequencies shown below:

8.2 c. 1. (a) Erosion and Sediment Control-- Use 10 year frequency and entire contributing watershed.

8.2 c. 1. (b) Flood plains-- Use 100 year frequency, the entire contributing watershed and define a setback that is either 25 feet wide or provides one (1) foot vertical freeboard, whichever is greater in the horizontal width.

8.2 c. 1. (c) Storm drain pipes--Use 10 year frequency with the entire contributing watershed.

- &^= (d) Stormwater Management (Quantity)--See Table 8.c.1 on Page #61 [[page# changed in electronic version; table is immediately below]]. Contributing watershed shall be approved by the Engineer based on drainage data and design proposals submitted by the subdivider. The Engineer may reduce the allowable release rates based on evidence that conventional computations are not consistent with field conditions, a complete hydrological model of the stream basin within which the project is located and the need to balance flows within said stream in order to protect existing structures or the integrity of FEMA floodplain in delineations. The need for said balance would be related to the threat of downstream flooding. An off-site stormwater management facility may be used instead of an on-site facility when (1) an adequate route of conveyance between the site and the off-site facility exists, or will be built, as part of the project, (2) the off-site facility has the capacity or can be retrofitted to meet the criteria stated above and (3) the developer has the right to use the off-site facility.

The capacity of an existing downstream storm drain system to convey waters released by a project to natural streams or rivers needs to be determined. If said capacity is less than stormwater management release rates based on predevelopment criteria then said capacity shall be used as the allowable release rate.

TABLE 8.c.1 Stormwater Management (Quantity) Criteria

| Criterion | Storm Year | | |
|--|--|--|---|
| | 2* | 10 | 100 |
| 1. Conditions Under Stormwater Management Is Required | All Sites | All Sites | Sites located in the upper two thirds of drainage basins which are located, partially or completely, in a growth area and for which a FEMA floodplain has been designated |
| 2. Allowable Assumptions for Predevelopment Land Use | Wooded, Meadow, or existing Orchard | Land use at present time | Land use in 1990 where a FEMA flood plain exists. Land use at present time for all other sites. |
| 3. Control Device | Extended Detention plus Low Flow Orifice plus Principle Spillway | High Weir and Spillway | Emergency spillway when feasible. If not feasible, design Principle Spillway may carry 100 year release per routing computations. |
| 4. Minimum Adjustment of Predevelopment Runoff for Karst Geology | All of D.A. except runoff captured by sink holes. | Only portions of the D.A. that are undeveloped and not captured by sink holes. | Only portions of the drainage area that are undeveloped. |

*The 2 year criteria apply to the 1.25 inch storm when required per Section 8.2 c.1(e).

| % Karst | Multiply peak discharge by factor below | | |
|---------|---|------|------|
| 100 | 0.33 | 0.43 | 0.50 |
| 90 | | 0.34 | 0.46 |
| 80 | | 0.38 | 0.51 |
| 70 | | 0.47 | 0.58 |
| 60 | | 0.55 | 0.66 |
| 50 | | 0.64 | 0.73 |
| 40 | | 0.73 | 0.80 |
| 30 | | 0.82 | 0.86 |
| 20 | | 0.91 | 0.92 |
| 10 | | 1.00 | 0.98 |
| 0 | | 1.00 | 1.00 |

Note: These factors are generic. Designers may develop new factors based on conditions at a specific site. Provide supporting computations.

- &^=8.2c1 (e) All stormwater management basins shall include extended detention whereby the one-year post development runoff from the project is stored and released over a 24 hour period. Said storage volume may be counted toward the storage requirements for the 2 year storm. In lieu of extended detention the 1.25 inch rainfall may be controlled in addition to the 2 year storm.

Where construction on individual lots, or on phases of the project, will occur, or is likely to occur, after the construction bond required in Article 15 has been released by the County, additional retention storage will be provided in basins at a level below the elevation of the invert of the release structure in an amount equal to 3600 cubic feet per acre of undeveloped or disturbed land within the project.

Where the release point of a stormwater management basin is either (1) within 700 feet upstream of a natural sensitive area, or,(2) intended to serve industrial or commercial uses, the bottom of the basin will contain vegetation capable of enhancing water quality. Constructed wetland or bioretention designs will be accepted.

For sites that either (1) do not have a basin, or, (2) route runoff to an off-site basin that lacks water quality features, separate water quality facilities will be provided that either retain or filter the first one-half inch of runoff from paved areas or other areas used as travelled ways, vehicle parking areas or materials storage. An off-site basin must have the capability to meet the same standard to be qualified as an off-site quality facility.

- =8.2 c. 2. Predevelopment drainage areas used to determine release rates for a stormwater management control facility shall not include any sub areas which currently terminate at a sinkhole from which there is no overflow during a storm year specified in Table 8.c.1.

Runoff curve numbers and times of concentration shall be approved by the Engineer.

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 and for stabilizing disturbed areas has been reviewed and approved by the Engineer and until a Subdivision has been recorded and bonded or a Site Plan has been bonded. 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 West Virginia Erosion and Sediment Control Handbook for Developing Areas published by the U. S. Soil Conservation Service in cooperation with West Virginia's Soil Conservation Districts and Jefferson County Standard Details. 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.

- &= The erosion and sediment control plan will cover all aspects of construction including roads, utilities, other common facilities, buildings and houses. The erosion and sediment control plan also will define by note any off-site source of borrow materials that is (1) located in Jefferson County and (2) not regulated directly by an agency of the State or Federal governments, or exempted from regulations relative to erosion and sediment control.

A note shall be placed on all plats to require that stabilized construction entrances be placed on building lots at the beginning of building construction.

- = 6. The smallest practical area of land shall be exposed at any one time during development. Any area of exposed soil where no construction activity is anticipated for a period of longer than three weeks shall be stabilized.

Stabilization will be considered adequate when the following conditions have been met:

- (a) Water courses, stream banks and drainage easements shall be 100% stabilized and free from both erosion and deposition.
- (b) Slopes steeper than 10% shall have at least 98% stable ground cover.
- (c) All areas other than water courses shall have at least 85% stable ground cover.
- (d) Grass vegetation shall have reached a minimum of 3 inches tall or been mowed back to a minimum of 2 inches tall.
- (e) Vegetative covers other than grasses shall have survived one winter.

- 8.2 c. 7. Cut and fill activity/material shall not encroach on adjoining property.

- = 8. Culverts shall be galvanized corrugated metal or equal and shall have a minimum diameter of 15 inches. Equivalent elliptical or arch pipes may be used where vertical restrictions exist. 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.

- 8.2 c. 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 in lieu of culvert pipes where approved by the Engineer or in accordance with criteria in Section 8.2.a.9 of this Ordinance.

- * 11. Stone for riprap shall consist of field stone or rough unhewn quarry stone as nearly rectangular in section as is practicable. The material shall have a maximum weighted loss of 30 percent when subjected to five cycles of Sodium Sulfate Soudress Test, ASTM C88.

The following classes will be used based on the relationship between stone size and the outfall size, outflow volume and outflow velocity.

| 100th Percentile Weight | 100th Percentile Rock Size | 50th Percentile Rock Size |
|----------------------------|-------------------------------|------------------------------|
|----------------------------|-------------------------------|------------------------------|

| Class | W | d | d |
|-------|-----------|-----|------|
| I | 150 lbs. | 15" | 9.5" |
| II | 700 lbs. | 24" | 16" |
| III | 2000 lbs. | 34" | 23" |

- & 12. No grading, excavating, removal or destruction of topsoil, trees or other vegetative cover or construction activity shall result in point or non-point loading of suspended matter such that turbidity standards spelled out in the Water Resources Board legislative rules are violated. Said standards state that turbidity shall not exceed 10 NTU's over background turbidity when the background is 50 NTU's or less, or have more than a 10 percent increase in turbidity (plus 10 NTU minimum) when the background turbidity is more than 50 NTU's.

This limitation shall be determined by measuring stream quality directly above and below the area where drainage from such activity enters the affected stream. Any earth disturbance activity continuously or intermittently carried on by the same or associated persons on the same stream or tributary segment shall be allowed a single net loading increase.

This standard shall be cited on all preliminary plans for projects adjacent to, or within 500 feet of a continuously flowing stream.

- = 13. Outfalls from storm drain systems and stormwater management spillways shall be constructed in cut sections only and shall maintain a flat (0%) grade to the end of the designed length of the outfall riprap, plunge pool or other approved outfall spreader. Where the outfall end of a storm drain pipe or principal spillway of a stormwater management facility is less than seventy-five feet (75') from the immediate downstream adjoining property line, as measured along the flow line to said property line, the elevation of the top of the outfall riprap shall be at least 6 inches below the ground elevation in the flow line at the property line.

Where a stormwater management basin embankment exceeds six (6') feet in height above existing ground, anti-seep devices shall be provided along the principal pipe.

Where a stormwater management basin embankment exceeds ten (10') feet in height above existing ground and is located where failure of the embankment could result in loss of life, damage to homes or buildings or interruption of use or service of roads or utilities, a dam breach analysis will be conducted.

All basin embankments shall have core trenches consistent with the size of the embankment.

8.2 d. Water and Sewer Systems

1. In subdivisions not subject to 8.2.d.1 the determination of whether or not individual septic systems will be allowed rather than construction of or connection to a central sewage system shall be based on the approval of the Health Department of a percolation test for each proposed lot. The percolation test shall be completed by a Certified Installer. Said approval must be obtained prior to approval of the Preliminary Plat. Location of percolation test holes and septic reserve area must be shown on the approved percolation test results and location of approved septic reserve areas. [[note circular wording: 8.2d1 discusses subdivisions that are not subject to 8.2d1]]
2. 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.
- &= 3. If a central water and/or sewer system is required, then the developer shall enter into a binding legal agreement with the appropriate Public Utility for the construction and operation of such systems. The terms and conditions of such agreement must be acceptable to the Public Service Commission and in compliance with all pertinent rules and regulations of the West Virginia Public Service Commission. Such construction and operation agreement shall be in full force and effect and guaranteed construction funding, in a form acceptable to the Planning Commission and the County Commission, shall be committed prior to the sealing of the final plat by the Planning Commission.
4. Effective March 1, 1989, in subdivisions to be served by individual wells all such wells shall be pressure grouted. A note shall be placed on all plats stating the following: "Verification from a well driller that a pressure grouted well has been drilled and is producing water at a quantity approved by the local or State Health Department prior to the issuance of an Improvement Location Permit. Certification that this water is potable must be submitted to the Planning Commission Office within 6 months of the issuance of an Improvement Location Permit."

- 8.2 d. 5. Where centralized water and/or sewer are provided in a subdivision, a note shall be placed on the Final plat prohibiting a private well for domestic use and/or a private septic system, whichever is appropriate.

- = 6. Where possible, water and sewer lines intended to parallel subdivision roads shall be laid within road rights-of-way and shall meet the following criteria:

(a) Sewer lines shall be on the downhill side of the right-of-way.

- (b) Water lines parallel to sewer lines shall be placed at least ten (10') from the sewer line and uphill therefrom.
- (c) Pipe crossing angles shall be maximized, but where flat angles are unavoidable appropriate protection shall be provided with approval of the Engineer.
- (d) Where surface storm drainage is provided by ditching, location of water and sewer lines beneath or adjacent to the ditch line is to be avoided if possible. In the event it is necessary to do so, road subgrade and ditches shall be brought to grade prior to installation of the water or sewer line.

- 8.2 d. 7. In subdivisions to be served by individual wells and/or septic systems a note shall be placed on the Final Plat alerting the public that the Public Service District may require hooking up to a centralized system when and if it becomes available.
- 8. Service laterals to individual lots or sites shall be installed before finished road surfaces are constructed.
- 9. Water and sewer lines shall be placed in trenches on a bedding material suitable to prevent rupture as determined by the Engineer.

Pipes shall not be placed (a) under structures, (b) within the cone of weight distribution of a structure as defined by a 45 degree from the bottom edges of the structure or (c) within less than three feet (3') horizontal clearance of a structure. Structures for purposes of this section include manholes, inlets, junction boxes, bridges or buildings with footings. Vertical clearances between pipes shall not be less than one (1') foot unless special protection such as concrete encasement or steel sleeving is used.

- ^= 10. Trenches required for water and sewer lines must be backfilled with material suitable to the Engineer and compacted to a uniform rating of 98% percent of maximum dry density.

The installation of said lines shall be inspected and certified either by an agent of an independent registered Professional Engineer licensed in West Virginia or by an inspector in the employ of the utility that will be accepting the lines into its system.

- 11. 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.

- = 12. A centralized water system shall be required for all subdivisions taken from contiguously owned tracts of land which contain 100 or more lots or dwelling units. Such system shall also be required for all subdivisions which create a total of 100 or more lots on a tract of land that was on record at the Clerk's Office on October 6, 1988. Subdivisions of greater than 150 dwelling units and that are required to have central 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.

Subdivisions which contain 100 or more lots or dwelling units may request a variance from this provision. Any application for such variance shall include a hydrology study done by a "competent professional."

- 13. 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 or tank trucks.

- &^= 14. Fire hydrants shall be installed at maximum intervals of 750 feet or ISO standards, whichever is the lesser, 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.

- 8.2 d. 15. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia Fire Marshal and the Jefferson County Volunteer Fireman's Association.

8.2 e. Lots and Setbacks

- * 1. Unless otherwise superseded by the Zoning and Development Review Ordinance, 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. Unless otherwise superceded by the Zoning and Development Review Ordinance, 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.
- & Depth to width ratios for corner lots will be based on which lot boundary is designated as the rear line. The frontage opposite the rear line will be defined as width.
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. Unless otherwise superceded by the Zoning and Development Review Ordinance, 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.

8.2 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. All permanent lot corner markers not susceptible to destruction by subdivision improvements grading and permanent monuments shall be in place prior to the conveyance of individual lots. All other lot corners shall be in place prior to the final release of the construction bond. Lot corners will consist of 24" long by 5/8" diameter sections of steel rod suitable for magnetic detection. Certification of such shall be provided by a West Virginia licensed land surveyor.
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.

8.2 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.

8.2 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 plans 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 dissipaters, 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.

^ i. Utilities

All utilities (e.g. power, telephone, cable) within subdivisions of greater than five (5) lots shall be underground. Provided, however, this does not include existing overhead lines on the property or service to the subdivision.

Section 8.3 Requirements For Townhouses

a. Minimum Requirements and Standards

1. 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.
2. The provisions of this Article are in addition to the requirements for conventional subdivisions found in Article 8, except where the same subject is covered in both Articles. In said cases, this Article will apply.
3. Townhouse developments shall be permitted only where approved community water and sewer systems are available or are programmed for construction.

8.3 b. Plat Requirements

1. Refer to Section 8.1 for plat requirements.

8.3 c. Design and Construction Requirements

8.3 c. 1. Roads and Rights-of-Way

- a. Townhouse development roads will be a closed section with a minimum of twenty-four (24) feet width for vehicular drives.
- b. Road curbs will be Portland Cement concrete per section 8.2.a.3.
- & c. Sidewalks will be located at the curb and in front of all dwelling units. All other areas will have sidewalk on at least one side of the road. Sidewalks will be a minimum of four (4) feet wide.
- d. Right-of-way will be located a minimum of one (1) foot in back of the sidewalk or a minimum of three (3) feet from the back of curb in areas where sidewalks are not required.
- e. A minimum five (5) foot public easement between all buildings, as approved by the Engineer and Staff, shall be required.

8.3 c. 2. Lots and Setbacks

- a. No more than five (5) groups of townhouses may be located on a dead-end drive.
- b. A group of townhouses will not contain more than six (6) units with a continuous front or eight (8) units total in a building of any geometric configuration.
- & c. Minimum lot size will be 1400 square feet.
- ^ d. Minimum area of the development including lots, green space, parking areas and roads will be 3500 square feet per dwelling unit.
- e. Minimum lot width will be fourteen (14) feet.
- & f. The required minimum building restriction lines will be as follows:
Front - 25'
Side (end unit) - 12'
Street side - 15'

Rear - 20'

- g. Maximum height of buildings shall be forty (40) feet.

8.3 c. 3. Safety

- a. Fire hydrant spacing will not exceed 500 feet, or pursuant to the rating agency (ISO).

8.3 c. 4. Underground Utilities

- a. All utilities will be underground.
- b. Minimum cover over water lines will be three (3) feet.
- c. Minimum cover over sewer lines will be three (3) feet.
- d. Water lines and sewer lines will be separated horizontally by a minimum of ten (10) feet.

8.3 c. 5. Screening

- a. Buffer screening will be provided between common areas and adjoining properties with single family detached residences.
- ^ b. Street trees shall be planted. Installation of street trees shall comply with Standard Details M-41, M-42, M-43 and M-51.
- ^ c. A landscape plan will be submitted for common areas that complies with Section 4.11 of the Zoning and Development Review Ordinance.
- & d. All on-site utilities and dumpsters shall be effectively screened.

8.3 c. 6. Parkland

- a. Parkland will be required per article 12.

=8.3 c. 7. Parking

- a. Number of spaces shall be two (2) per dwelling unit plus 1/4 space for every bedroom.
- b. Fifty (50) percent of garage bays plus one driveway space for every lot may be counted toward meeting the total number of parking spaces required.
- c. Minimum area of parking spaces shall be 9' x 18'.
- & d. Parking spaces provided to meet item a. excepting garage spaces referred to in item b. above will be located within the right-of-way.

& ARTICLE 9. REQUIREMENTS FOR CONDOMINIUM SUBDIVISIONS

& Section 9.0 Minimum Requirements and Standards

In condominium development, the developer shall submit the necessary Community Impact Statement, Preliminary Plat and Final Plat in accordance with the procedures defined in Article 7 and 8 of this Ordinance and the Uniform Common Interest Ownership Act (UCIOA), Chapter 36B of the West Virginia Code. In the event that a specific provision in the UCIOA is inconsistent with the requirements of a commercial or industrial project, that specific provision shall not apply.

&^ Section 9.1 Plat Requirements

^ See Section 8.1 for general plat requirements. Provided, however, a project that does not want to separate the building sites, for trust, lease or sale shall not have to describe the site by metes and bounds.

9.1 a. Items specific to Condominium plats

1. 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.
2. A number to identify each building site.
3. The name and a survey or general schematic map of the entire common interest community.
4. The location and dimensions of all real estate not subject to development rights or subject only to the development right to withdraw and the location and dimensions of all existing improvements within that real estate.

5. A legally sufficient description of any real estate subject to development rights, labeled to identify the rights applicable to each parcel.
6. The extent of any encroachments by or upon any portion of the common interest community.
7. To the extent feasible, a legally sufficient description of all easements serving or burdening any portion of the common interest community.
8. The location and dimensions of any vertical unit boundaries not shown or projected on plans recorded pursuant to subsection (d) of UCIOA and that unit's identifying number.
9. The location with reference to an established datum of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection (d) of UCIOA and that unit's identifying number.
10. A legally sufficient description of any real estate in which the unit owners will own only an estate for years, labeled as "leasehold real estate."
11. The distance between noncontiguous parcels of real estate comprising the common interest community.
12. The location and dimensions of limited common elements, including porches, balconies and patios, other than parking spaces and the other limited common elements described in sections 2-102(2) and (4) [#36B-2102(2) and (4) of Chapter 36B, West Virginia Code.
13. In the case of real estate not subject to development rights, all other matters customarily shown on land surveys.
14. A plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the common interest community. Any contemplated improvement shown must be labeled either "MUST BE BUILT" or "NEED NOT BE BUILT".
15. The location and dimensions of the vertical boundaries of each unit and that unit's identifying number.
16. Any horizontal unit boundaries, with reference to an established datum and that unit's identifying number.
17. Any units in which the declarant has reserved the right to create additional units or common elements, identified appropriately.
18. Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside a building have the same elevation as the horizontal boundaries of the inside part and need not be depicted on the plats and plans.
19. 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.
20. A final project development schedule (construction schedule) for all improvements to be installed on the tract.

& Section 9.2 Design and Construction Requirements

See Section 8.2 for design and construction requirements.

9.2 a. Roads and Rights-of-Way Specific to Condominium Subdivisions

1. Condominium 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 subdivision roads unless otherwise approved by the Planning Commission. 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 condominium subdivision shall be served by at least two entrances except as provided for in Section 8.2.a.2. 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 an 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. Condominium 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.
4. Dead-end 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 ft.
diameter of finished road in turnaround - 80 ft.
width of shoulder - 2 ft.
fillet radius - 20 ft.

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

Parking areas shall be in accordance with Articles relating to the proposed use.

5. When condominium units are proposed for residential use, 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.

9.2 b. Curbs, Gutters, Sidewalks Specific to Condominiums

1. Road curbs and gutters shall be constructed in all condominium subdivisions.
2. Sidewalks shall be constructed in condominium 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.
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 condominium 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.

9.2 c. Storm Water Drainage and Erosion Control Specific to Condominiums

1. 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.
2. Provisions for stormwater management, erosion and sediment control and storm drainage shall be as required by Section 8.2.c.

9.2 d. Water and Sewer Systems

1. Provisions for water and sewer systems shall be as required by Section 8.2.d.

9.2 e. Building Sites and Setbacks

1. 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. For corner lots width will be measured parallel to the designated rear line.
2. 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.
3. 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.
4. 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.
5. Setbacks separating condominium buildings and adjoining properties shall comply with Article 5 of the Zoning and Development Review Ordinance.
6. Minimum spacing between condominium buildings contained within an individual parcel are as follows:
 - (a) Between two buildings containing multi-family residential units: 30 feet or the height of the taller of the two buildings, whichever is greater.
 - (b) Between two buildings containing one single family unit in each building: 17 feet.
 - (c) Between two buildings containing non-residential uses: 50' or the height of the taller of the two buildings, whichever is greater.

(d) Between a building containing non-residential uses and a building containing any residential use: 100 feet.

7. Buildings which are attached to each other by a common fire-rated party wall, e.g. townhouses or duplexes, for purposes of determining minimum spacing, shall be defined as a single building.

9.2 f. Underground Utilities

1. All utility lines (e.g. power, telephone) within condominium subdivisions shall be placed underground.
2. All condominium subdivisions 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.

9.2 g. Surveys

Requirements for surveys shall be as required by Section 8.2.f.

9.2 h. Constructions Plans and Specifications

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

9.2 i. Construction Practices

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

& Section 9.3 Requirements for Residential Condominiums or Any Multi-Family Project

a. Minimum Requirements and Standards

1. 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 purpose of the Ordinance can be better served.
2. The provisions of this Article are in addition to the requirements for conventional subdivisions or condominiums found in Article 8 and 9, except where the same subject is covered in both Articles. In said cases, this Article will apply.
3. Residential condominium developments shall be permitted only where approved community water and sewer systems are available or are programmed for construction.

b. Plat Requirements

1. Refer to Section 9.1 for plat requirements or if conventional subdivision see Section 8.1.

c. Design and Construction Requirements

1. Roads and Rights-of-way See Section 8.3.c.1.
2. Safety See Section 8.3.c.3.
3. Underground Utilities See Section 8.3.c.4.
4. Screening See Section 8.3.c.5.
5. Parkland See Section 8.3.c.6.

6. Parking

- a. Minimum area of parking spaces shall be 9' x 18'.
- b. Number of parking spaces required will vary according to types of units as shown below:

| <u>Type of Unit</u> | <u>Number of Spaces per Dwelling Unit</u> |
|-------------------------------------|---|
| Efficiency (no separate bedroom) | 1.00 |
| One bedroom | 1.25 |
| Two bedroom | 1.50 |
| Three bedroom | 2.00 |
| Fourplexes | 2.00 |

- c. Not more than fifty percent of the total area of the minimum required side and rear yards shall be occupied by parking spaces, drives, access roads to, from and between such spaces, turnarounds or other surfaces designed for vehicular use,

and no parking spaces or vehicular uses, except entrance drives, shall be located within the minimum required front yard.

7. Lots and Setbacks

See Section 5.5(b) of the Zoning and Development Review Ordinance.

ARTICLE 10. REQUIREMENTS FOR MOBILE HOME PARKS AND CAMPGROUNDS

Section 10.0 General

& Mobile home parks and campgrounds are subdivisions with special requirements of their own. The provisions of this Article are in addition to the requirements for subdivisions found in Articles 8 and 9. Where a requirement in this Article conflicts with a requirement in these Articles, 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.18.
- 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 1 1/2 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 for every forty (40) or fraction thereof trailer or recreational vehicle hookups, 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 Articles 8 and 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). Site plan standards for communications towers shall conform with the provisions of Sections 11.1 and 11.2 of this Article except as exempted or amplified by Section 11.3.

For items not covered in this Article refer to Article 8.

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.

^Section 11.2 Site Plan Requirements For All Uses That Require Site Plans

11.2 a. General Information Requirements

- 1. This section is designed to offer minimum site plan requirements. All such structures shall conform with the Jefferson County Zoning and Development Review Ordinance.
- 2. Before a site plan for commercial or industrial uses on a parcel created under parent/child exemption (Section 2.1.b.) or minor subdivision provision (Article 5) can be reviewed, a modified Community Impact Statement shall be submitted and approved by the Planning and Zoning Commission. Said Community Impact Statement needs to address the items cited in Article 7, Section 7.1.a. 1-16, Section 7.1.b. 2, 3, 5, 6, 8, 11, 12, 16, 17, 19 and 21-25.
- 3. In the event conditions are encountered during construction which make the approved Site Plan impractical or excessively costly, field changes may be proposed in writing, by the developer through the developer's design consultant, to the Engineer. The Engineer will review the proposed changes to determine whether or not the change is major and subject to Planning Commission action. In either case, the Engineer will determine the technical acceptability of the proposed changes. Where said changes are minor, technically acceptable and in accord with the Ordinances the Engineer may grant a field change. Modified plans will be signed by the appropriate professional and filed with the Planning Commission office.

Conditions under which the site plan requirements may be excused or limited are cited in Section 4.0 of the Improvement Location Permit Ordinance.

11.2 b. Entrances

- 1. Entrances from State roads must be approved by the West Virginia Department of Highways. Proposals for entrances must be justified based on peculiar site characteristics. One way ingresses or egresses frontage roads and combinations thereof may be proposed.
- 2. Entrance width limits are as follows:

| | |
|-----------------|-----|
| Minimum one-way | 12' |
| Maximum one-way | 17' |
| Minimum two-way | 25' |
| Maximum two-way | 35' |
- 3. Curb radius minimum shall be 15'.
- 4. Minimum criteria for installation of improvements to State Highways are cited in Section 8.2.a.20.
- 5. The minimum taper to acceleration and deceleration lanes will be 10:1.
- 6. Entrance aprons shall be poured concrete except for entrances to church and other uses that generate low average daily traffic volumes (less than 25 vehicles in the weekday peak hour) and where traffic predominantly consists of automobiles and light trucks and vans. Construction details will be approved by the Engineer.

11.2 c. Internal Circulation

- 1. Driveways, parking spaces and internal access drives shall be setback as required by Article 5 of the Zoning and Development Review Ordinance.
- 2. Minimum widths for internal access drives shall be as follows:

a. Driveways from the State Road or Subdivision Road

All Industrial and Commercial sites unless cited below:

Apartments, Parks, Churches
 Closed Section 22 feet
 Open Section 20 feet

[["Closed Section" means with curbs; "Open" means without curbs. Format of original has been preserved; editor cannot determine whether the wording means 22' & 20' requirements apply to Apts, Parks, Churches, or to other Industrial+Commercial sites.]]

b. Access Drives Serving Parking

| Directions | Horizontal Parking | Type of Parking Angle Drive | | | |
|----------------|-----------------------|-----------------------------|---------|--------|-----|
| | | 90°-61 | 60°-46° | 45°-1° | 0° |
| One-Way | 12' | 18' | 16' | 14' | 12' |
| Two-Way | 22' | 22' | 22' | 22' | 22' |
| Window Service | 9' | - | - | - | - |

3. Internal access drives serving delivery truck-trailer or truck-semi-trailer combinations shall be designed for a vehicle with an inside tracking radius of 44'.
4. Drive-in facilities shall be located such that waiting vehicles will not block internal or external traffic.

11.2 d. Parking Requirements

1. The minimum dimensions of parking spaces and access drives shall be as follows:

| | Parking Space Rectangle | Angle 0 Deg. | 45 Deg. | 60 Deg. | 90 Deg. |
|---|--|-----------------|-----------|----------|---------|
| + | Customer parking | 9'x22' | 12'x19' | 10'x19' | 9'x20' |
| + | Employee, resident only (lots of 30 spaces or less) | 8'x21' | 11'x17.5' | 9'x17.5' | 9'x18' |
| + | Compact up to 30% of total required spaces can be compact | 8'x17' | 8'x17' | 8'x17' | 8'x17' |

2. Loading spaces shall be designated for all bay door openings in a building exceeding 6' in width such that they do not conflict with the internal access drives. Loading spaces shall be distinct from the parking spaces.
3. Parking spaces for the handicapped shall be 12' x 20' with a curb ramp, painted pavement symbol and standard pole sign. Multiples of such spaces may be 8' wide with a 5' walking strip between each space and with one curb ramp for each series of spaces up to 5 spaces in a group. The number of handicapped spaces shall not be less than 4 percent of the total number of required spaces.
4. Parking space requirements for various uses are referenced in Article 11 of the Zoning And Development Review Ordinance.
5. Shared use of parking spaces shall be permitted at the discretion of the Commission. Proposals for shared use of parking spaces must be accompanied by a written request and documentation of user hours to demonstrate compatibility of the proposal.
- & 6. Space requirements may be complied with using off-site parking located within 400 feet of the site. Appropriate documentation of permission to use said parking must be submitted to and approved by the Planning and Zoning Commission.

11.2 e. Landscaping, Screening and Buffer Yard Requirements

1. Screening in the form of either vegetation or opaque fencing will be provided on properties used for commercial, industrial, institutional or other non-agricultural or non-residential uses along property lines which adjoin properties used or zoned for any residential use. Vegetative screening shall comply with Standard Details M-52, M-53 or M-54 depending on the buffer width.
2. Site plans will include a landscape plan prepared per Section 4.11 of the Zoning and Development Review Ordinance.
- = 3. Commercial, industrial and institutional parking lots will contain green space equal to a minimum of five percent of the area of parking lots and on-site driveways. Parking lots that are designated exclusively for employees only or for large trucks or vehicles owned or leased by the business or institutional user of the site need not contain the green space if they are screened from any exterior State Route. Said green space shall be contained within a perimeter which includes the parking lots, the on-site driveways, all islands dividing or supporting parking aisles from each other and from on-site driveways and areas bounded on at least two sides by parking lot or on-site driveways. The perimeter on the exterior of the parking lot shall follow the back curb or edge of the parking spaces or the limit of a required buffer. Said green space will be landscaped.
4. Opaque screen fences will be a minimum of six (6) feet high. A sketch of the proposed screen will be submitted for approval with the preliminary plat.
5. Other requirements are referenced in the Jefferson County Zoning and Development Review Ordinance.
- & 6. All on-site utilities and dumpsters shall be effectively screened.

11.2 f. Sanitary Sewer Connections

1. Sanitary sewer connections will have a minimum grade of 2% for gravity flow, a minimum pipe size of 4 inches and will be a minimum of 100 feet from any water well. There is no minimum grade for a pump system.
2. A monitoring manhole will be set on the sewer connection line at the property line if, in the opinion of local health officials, the proposed uses on the property could result, either by intent or by accident, in the introduction of non-septic sewage, oils, chemicals, or petroleum products to the sewer system.
3. Sewer connection sizes will be justified by accompanying computations indicating daily gallonage and pipe capacity.

11.2 g. Water Supply

1. Water supply requirement computations will be provided and will be based on recognized fixture unit tables.
2. Where sprinkler systems are proposed the water connection should provide for an amount approved by the Rating Agency (ISO).
- = 3. Hydrants will be required in accordance with recommendations of the Rating Agency. The distance between hydrants will not exceed 500 feet.
4. Hydrant types shall be acceptable by the appropriate Fire Company.
5. In areas without water service, water storage facilities shall be located as required by the Rating Agency. Volume of water storage shall be determined by the Rating Agency.

11.2 h. Signing

1. Signing shall be in conformance with all existing Ordinances in Jefferson County and/or State and Federal law.

11.2 i. Site Grading

1. Grades in parking areas shall not exceed the following limits:

| | |
|--------------------|--------|
| Maximum on asphalt | - 6.5% |
| Maximum on gravel | - 4% |
| Minimum on asphalt | - 0.5% |
| Minimum on gravel | - 1.0% |
2. Driveway grades shall not exceed the following limits:

| | |
|--|-----|
| Entrances used by the public | 10% |
| Entrances excluded to the public | 12% |
| Interior drives with no adjacent parking (asphalt) | 12% |
| Interior drives with no adjacent parking (gravel) | 6% |
3. A minimum three foot wide strip not to exceed 3% will be provided between parking areas, driveways or sidewalks and the toe or top of slopes exceeding 4:1 in slope.
4. A minimum eight foot wide strip not to exceed 10% slope will be provided between foundation walls and the toe or top of slopes exceeding 4:1.
5. Cut or fill slopes shall not exceed the following limits:

If the difference in elevation between top and toe of slope is fifteen (15) or less -- 2:1 slope.

If the difference in elevation between top and toe of slope exceeds fifteen feet -- 3:1 slope or 2:1 with an intermediate 8' wide bench.

6. Grades on sidewalks will not exceed 20:1.
- = 7. When retaining walls are used the design thereof shall be certified by a Registered Professional Engineer licensed in the State of West Virginia. All dimensions and reinforcing requirements shall be provided as part of the Site Plan.

11.2 j. Pavements/Curbs/Sidewalks

1. Parking lots, entrances and interior drives for use by the public shall be paved. Paving sections shall be approved by the Engineer. Minimum acceptable paving section includes the following:

| | |
|-------------|---|
| Section (a) | 2" Bituminous Concrete Surface Course |
| | 4" Bituminous Concrete Base Course |
| Section (b) | 1-1/2" Bituminous Concrete Surface Course |
| | 2-1/2" Bituminous Concrete Base Course |
| | 5" Graded Aggregate Base |

Heavier grades may be required by the Engineer and Staff. In either case, the top foot of the subbase shall be compacted to at least 95% of maximum density per AASHTO T99C.
2. Sidewalks shall have a minimum width of four feet when required.
3. Handicapped ramps will not exceed 20:1 in grade. If the length of ramps exceeds twenty feet, a handrail will be provided.

11.2 k. Green Space

- & 1. Green space requirements are covered in Articles 4 and 5 of the Zoning and Development Review Ordinance and Section 11.2.e.3. of the Subdivision Ordinance.

11.2 l. Public Right-Of-Way

1. Sidewalks will be provided where required to continue existing public sidewalks or where required to provide pedestrian conveyance between existing development on either side of the proposed site.
2. Street trees, as part of the total landscaping plan shall be approved by the Staff and Engineer.
3. Fire hydrants set in the right-of-way shall be located two feet back of the sidewalk or in accordance with the standards of the controlling water jurisdiction.

11.2 m. Stormwater Management

1. Stormwater management standards are set forth in Section 8.2.c of this Ordinance.
- = 2. Roof drains and other stormwater outfalls shall be located so as to avoid icing of walkways, driveways and entrances.
- = 3. Gutter flow across entrances will not exceed 2.5 cubic feet per second during the ten year event as determined by the Rational Method. West Virginia Department of Highways requirements, if more stringent, shall be complied with.
- = 4. Gutter flow across entrances will not exceed 2.5 cubic feet per second during the ten year event as determined by the Rational Method. West Virginia Department of Highways requirements, if more stringent, shall be complied with.

Stormwater runoff from impervious areas will be contained for conveyance whenever concentrated flows exceed 2.5 cubic feet per second during the ten year event as determined using the Rational Method. Containment may be accomplished using either closed pipe or open channel systems. Open channel systems shall include pedestrian crossings spaced no further apart than 300 feet apart in areas where pedestrian traffic exists. Bioretention methods may be used to minimize the rate of flow.

11.2 n. Public Utilities

1. All utilities, including cable television lines, shall be located underground.

[Section 11.3 Site Plans For Communication Towers

a. Topographic Surveys

1. Section 8.1.b.14 shall apply to the actual site including buffers plus an additional 100 feet. Topography for the remainder of the site need only be adequate to resolve issues concerning lines of sight and related screening and aesthetics issues.

b. Entrances

1. Entrance from public roads to communications tower sites which serve no other commercial uses and no more than three residences may be as narrow as 12 feet in width at the property line and shall meet West Virginia Department of Transportation standards.
2. The entrance road shall have an all-weather gravel surface at least six inches deep and eight feet wide, per Section 8.2.a.17 of this Ordinance, for at least one-hundred (100) feet from the entrance with the public or subdivision road.

c. Parking

1. No delineated parking spaces need be shown on the Site Plan.

d. Landscaping and Screening and Other Site Amenities

1. Landscaping may be limited to perimeter vegetative screening suitable to the Staff.
2. The site is exempt from providing sidewalks.

e. Stormwater Management and Erosion and Sediment Control

1. Stormwater management and erosion and sediment control may be limited to control of runoff from the access road and the tower site, but excluding the vegetative screening area.

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:

| *Dwelling Units Units Per Acre of Residential Land ⁺ | Land that must be Reserved for Park and Recreation Purposes as Percentage of Residential Land |
|---|--|
| 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. MAINTENANCE OF ROADS AND COMMONLY-OWNED LANDS

Section 13.0 Maintenance of Roads and Commonly-Owned Lands

Few problems seem to trouble subdivisions more seriously than road maintenance and maintenance of commonly-owned land. This is a private matter that must be settled between the subdivider and property owner. Unfortunately, the specific arrangements and responsibilities for commonly-owned land and road maintenance are seldom clearly spelled out before property is sold and homes are built. Therefore, the following provisions are intended to alleviate some of the problems associated with road maintenance and commonly-owned land within subdivisions:

1. A Homeowner's Association must be established without delay as soon as 50% of properties are sold. Membership in the Association is mandatory for all property owners within the subdivision. All developers shall dedicate all common lands (SWM Basin, roads, rights-of-way, etc.) to the Homeowner's Association. A note to this effect is required on the final plat.
2. A Common Interest Ownership Agreement must be established to provide for the maintenance of commonly-owned land, including, but not limited to the private road system within the subdivision. This Common Interest Ownership Agreement must be developed in accordance with the Uniform Common Interest Ownership Act of West Virginia.

& Section 13.3 Leash Law

Once a Homeowner's Association is formed they shall petition the County Commission to adopt a Leash Law, in all subdivisions with more than ten (10) lots. A note to this effect shall be on the final plat.

ARTICLE 14. HILLSIDE DEVELOPMENT

Section 14.0 General

& This Article applies to all lands east of the Shenandoah River and all lands in natural conditions within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek.

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.

& In the event a parcel subject to the provisions of this Article has been cleared of trees or otherwise had its natural terrain altered beyond the percentages permitted under Section 14.2 of this Article, no subdivision will be permitted until the original terrain has been restored and stabilized with healthy vegetation or until a period of five years has passed from the date that said alterations were documented and identified by the Planning Commission.

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):

& Weighted Average

* Slope of Land+ Percentage of Land To Be

| <u>Percent</u> | <u>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 |

& *The weighted average slope shall be determined using grid cell method. 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. Measured slopes for the grids will be averaged to obtain the mean. If grids vary in size, the averaging will include weighting based on grid sizes.

ARTICLE 15. CONDITIONAL APPROVAL; BONDING

= Section 15.0 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 be pursuant to the Jefferson County Commission Bonding Policy. 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 16. COMPLIANCE: ADMINISTRATION AND ENFORCEMENT: VIOLATION: PENALTY

Section 16.0 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 16.1 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 16.2 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 16.3 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.

ARTICLE 17. AMENDMENT: VARIANCE: APPEAL

Section 17.0 Amendment

All amendments to this Ordinance shall be adopted by the Jefferson County Commission according to the procedures set forth in Section 8-24-18 through 8-24-22 of the West Virginia Code.

Section 17.1 Variance

Any request for a variance from the provisions of this Ordinance shall be made in written form and shall be submitted to the Planning Commission by the Subdivider. A variance request shall clearly specify the nature of the variance being requested and the reasons for the request.

A variance request may be granted by the Planning Commission only when it is determined that:

- a) The request is not contrary to the public interest.
- b) A literal enforcement of this Ordinance will result in unnecessary hardship.
- c) The request is not the result of a self-imposed hardship.
- d) The spirit of this Ordinance will be observed and substantial justice done.

Section 17.2 Appeal

Appeals regarding any decision made by the Planning Commission in the administration of this Ordinance shall be by certiorari procedure as set forth in Section 8-24-38 of the West Virginia Code.

ARTICLE 18. VALIDITY; CONFLICT WITH OTHER LAWS

Section 18.0 Validity

If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section 18.1 Conflict With Other Laws

Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

JEFFERSON COUNTY IMPROVEMENT LOCATION PERMIT ORDINANCE

Jefferson County, WV. December 1975. **The only official copy of the ordinance is in the files of the County Clerk. Neither Jefferson County nor P Burke assumes responsibility for errors.** Please report all problems to listener-owner@yahoo.com so improvements can be made.

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SYMBOLS show approvals by the County Commission:

+ approved 5/4/89

* approved 8/31/89

& approved 9/13/90

^ approved 7/15/93

= effective 1/1/97

[[text]] editor's notes, not part of ordinance

ARTICLE 1. AUTHORITY, PURPOSE, TITLE

Section 1.0 General Authority

By authority of the Code of West Virginia, Chapter 8, Article 24, and Chapter 7, Article 1, Section 3v, the County Commission of Jefferson County is empowered to adopt, administer and enforce such rules, procedures and ordinances as are necessary to effectuate the purposes of subdivision ordinances, zoning ordinances, and flood plain management ordinances. (Ref.: 8-24-1 * Lines 18-16; 8-24-3 * Lines 5-13; 8-24-36; 37; 7-1-3v-c-ii).

Section 1.1 Purpose

The purpose of this Ordinance is to establish a uniform permit procedure by which substantial improvements (new and additional) to unincorporated land in Jefferson County are brought to the attention of the Jefferson County Commission or its designated agents.

A sound knowledge of intended land development proposals and construction activity facilitates a more equitable and efficient application of the land development laws that have been or will be adopted by the County Commission.

Specifically, this Ordinance is intended to:

- (a) Assist the public to learn of and understand the land development laws of the County
- (b) Minimize land development and construction problems that occur in the absence of an awareness of the prevailing laws
- (c) Minimize hazards to life and property
- (d) Advise residents and property owners of land developments and improvements intended throughout the County

- (e) Minimize the public financial costs associated with the administration and enforcement of local land development laws.

Section 1.2 Title

This Ordinance shall be known, cited and referred to as the Jefferson County Improvement Location Permit Ordinance.

ARTICLE 2. APPLICATION

Section 2.0 Effective Date; Application Within The County

This Ordinance established by action of the Jefferson County Commission on November 20, 1975, shall take effect on the 20th day of December, 1975, and shall apply to all lands, buildings, properties and their uses within the unincorporated territory of Jefferson County.

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. The singular includes the plural.
 - 3. The plural includes the singular.
 - 4. The word "person" includes a corporation, unincorporated association or partnership, as well as an individual.
 - 5. The term "shall" or "will" is always mandatory.
 - 6. The word "building" or "structure" shall be construed as if followed by the phrase "or part thereof".
 - 7. The word "County" shall refer to the Jefferson County Improvement Location Permit Ordinance.
 - 8. The word "Ordinance" shall refer to the Jefferson County Improvement Location Permit Ordinance.

Section 3.1 Definitions

- (a) For the purpose of this Ordinance, the following definitions shall apply:
 - 1. Agriculture: The cultivation of plant crops or the raising of livestock. Agriculture is the organized use of land for the production of plant or animal food, fiber or landscape products. Beef and dairy farms, grain farms, orchards, plant nurseries, and tree farms are forms of agriculture.
 - 2. Building: Any structure which is permanently affixed to the land and has one or more floors and a roof. The term building shall include manufactured homes.
 - 3. County Commission: The Jefferson County Commission, five Commissioners elected at-large.
 - 4. Essential utility equipment: This term applies to underground or overhead electrical, gas, communications, and water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone stations, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment and accessories in connection therewith. This term does not apply to buildings, yards, stations, and structures used for storage, repair or processing of equipment or materials, and does not include buildings, yards, structures and stations for transforming, boosting, switching or pumping where such facilities are constructed above ground. Essential utility equipment is recognized in two categories; 1) local serving; and, 2) non-local or transmission through County. The second category may serve local users while remaining primarily a through County facility.
 - 5. Flood-Prone Area: Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 25, 1980, as may be amended.
 - 6. Improvement Location Permit: A permit which is required prior to the erection or relocation of a building or structure; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and, prior to any land altering activity in a flood prone area.
 - & Examples of buildings, building alterations, structures and land uses which do not require an Improvement Location Permit are: use of land for agriculture where no building or structure is required; addition of windows, doors and steps to a building; standard maintenance to a building such as plumbing, mortar and woodwork, painting, weatherproofing, and siding or roofing replacement; construction of a private driveway, patio, or walkway that is not enclosed or covered by a roof; construction of a fence or clothesline; and, construction and location of local-serving essential utility equipment.
 - 7. Land Altering Activities: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
 - 8. Land Development Coordinator: A designated employee of the Planning Commission charged with the administration and

enforcement of this Ordinance and other land development laws in Jefferson County.

9. Lot: Any tract, parcel, plot, site or area of land which is identified by boundaries and which is able to be lawfully transferred from person to person. The formation and recordation of a lot must conform with applicable State and County regulations.
10. Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles when placed in flood prone areas for greater than 180 consecutive days."
11. Planning Commission: The Jefferson County Planning Commission. An eleven-member Commission appointed by the Jefferson County Commission to promote the orderly development of the County.
12. Sign: A sign is any name, name plate, billboard, poster, panel, display, illustration, structure or device used for visual communication which is affixed, painted or represented directly or indirectly upon a building or other outdoor surface for the purpose of bringing the subject thereof to the attention of the public. A sign usually advertises a business, commodity, service or product or identifies a structure, place or land use. A sign is said to be "on-site" when it is situated on the same lot or tract of land to which the sign refers. A sign is "off-site" when it refers to a use, product, place, etc. existing away from the lot or tract of land on which the sign is located.
13. 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. Structures do include prefabricated buildings even if they are not anchored to the ground.
14. Violation: The failure of a building, structure or other land altering activity to be in full compliance with this Ordinance. A building, structure or land altering activity without an Improvement Location Permit, is presumed to be in violation until said permit is provided.

ARTICLE 4. ADMINISTRATION, ENFORCEMENT, VIOLATION, PENALTY

Section 4.0 Administration

Administration of this Ordinance shall be delegated to an employee of the Jefferson County Planning Commission to be known as the Land Development Coordinator. The Land Development Coordinator shall be under the supervision of the Director of Planning and, where a Land Development Coordinator has not been appointed by the Planning Commission, the Director of Planning shall be designated as the Land Development Coordinator. It shall be the duty of the Land Development Coordinator to evaluate all Improvement Location Permit applications for conformance with applicable County land development laws:

Subdivision Ordinance
Zoning Ordinance
Flood Plain Management Ordinance

* Except as elsewhere provided by this Ordinance, an approved Improvement Location Permit shall be required prior to the construction of a structure; and, prior to the placement, location or relocation of a mobile home on a parcel of land; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and, prior to any land altering activity in a flood prone area.

&^ Examples of buildings, building alterations, structures and land uses which do not require an Improvement Location Permit (outside of flood prone areas) are: uses of land for agriculture where no building or structure is required; addition of windows, doors and steps to a building; standard maintenance to a building such as plumbing, mortar and woodwork, painting, weatherproofing, and siding or roofing replacement; construction of a private driveway, patio, or walkway that is not enclosed or covered by a roof; construction of a fence not over six (6) feet tall or a clothesline; and, construction and location of local-serving essential utility equipment.

Any proposed building, building alteration, structure, or land use that does not conform with applicable County land development laws and/or West Virginia Department of Health regulations shall be denied an Improvement Location Permit.

Any application for a building, structure, or land use that requires an individual septic system and/or well must be accompanied by a Sewage Disposal Installation Permit and verification from the well driller that a pressure grouted well has been drilled and is producing water at a level acceptable to the local or State Health Department. Certification that this water is potable must be submitted within 6 months of the issuance of the Improvement Location Permit.

Any application for a single family dwelling, multi-family dwelling, or commercial structure must be accompanied by verification that application has been made to the State Department of Highways for a Highway Entrance Permit.

*^=[Any application for the addition to or the construction of a commercial, industrial, or multi-family facility shall be accompanied by a full site plan, except as described in the cases below. Site plans for communications towers are not eligible for these exceptions. Site

plan requirements are referenced in Article 8 and 11 of the Jefferson County Subdivision Ordinance and Articles 4, 5, 10, and 11 of the Jefferson County Zoning and Development Review System.

Case 1- No site plan is required for

- (1) additions to existing structures or
- (2) structures ancillary to existing uses on a property,

when

- (1) the footprint of the addition or the new structure is less than 250 square feet,
- (2) no additional parking is required per Zoning Ordinance standards and
- (3) the disturbed area is no more than 3000 square feet.

Such addition shall comply with the Zoning and Development Review Ordinance.

Case 2- A site plan limited to basic information needed to address

- (a) erosion and sediment control,
- (b) parking requirements for the expanded use,
- (c) stormwater management for the additional impervious area only,
- (d) handicapped access to the existing and proposed structures and
- (e) compliance with the Zoning and Development Review Ordinance,

may be used on sites where the structure is

- (1) an addition to an existing structure, or, ancillary to an existing use, and
- (2) has a footprint that does not exceed 1600 square feet or 35% of the existing structure whichever is smaller.

Surveys for limited site plans may be limited to

- (1) a certified boundary adequate to determine the location of the proposed improvement and
- (2) topography adequate for constructing the improvement and verifying drainage computations and access feasibility.

When a completed application, corresponding site plans, and necessary fees are submitted the staff shall schedule a review conference on the first or third Friday of the month. All items must be received by the Planning and Zoning Office at least 15 days prior to the next review conference. The Planning and Zoning Commission shall approve the issuance of all permits for commercial, industrial, or multi-family dwellings.

* Any application for a sign permit may be approved by the staff if in conformance with all existing regulations.

Section 4.1 Forms, Fees, Processing

Application forms and such other material as may be necessary to administer the Improvement Location Permit Ordinance shall be prepared and distributed by the Planning Commission. The application fees for Improvement Location Permits shall be set by the County Commission of Jefferson County, upon recommendation of the Planning Commission, as may be necessary from time to time in order to defray the cost of administering this Ordinance.

The processing of an application for an Improvement Location Permit shall not be unnecessarily cumbersome or long. Failure on the part of the Land Development Coordinator to issue or deny an Improvement Location Permit within ninety (90) days after receipt of a completed application shall result in the immediate issuance of an Improvement Location Permit. Routine applications that do not require public hearings or other governmental meetings shall be processed within twenty-one (21) days after receipt of a completed application. After the issuance of an Improvement Location Permit by the Land Development Coordinator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application, without the written consent or approval of the Land Development Coordinator.

&= The application shall contain a statement stipulating the method of drainage conveyance, i.e., culvert pipe, designed swale, etc., to be used to carry water across or under entrances. A drainage conveyance, either temporary or permanent, shall be installed prior to starting any other construction. The methods should comply with either the Subdivision Ordinance, an approved Preliminary Plat, a Jefferson County Standard Detail approved by the County Engineer or a special design submitted to and approved by the County Engineer. Non-compliance with this stipulation will constitute a violation of the Ordinance.

The application shall contain a statement stipulating that existing roads will be protected from damage due to heavy vehicles and from mud tracked from the site by construction traffic, and, that adjoining properties will be protected from erosion and sedimentation resulting from work on the applicant's site. As a minimum a stabilized construction entrance complying with Jefferson County Standard Detail SC-10 will be used to protect roads. Methods of protecting adjoining properties will be selected based on the West Virginia Erosion and Sediment Control Handbook for Developing Areas or other standards acceptable to the County Engineer.

Work on the proposed construction shall begin within six (6) months after the date of issuance of the Improvement Location Permit or the permit shall expire unless a time extension is granted in writing, by the Land Development Coordinator. In the case of roadways, construction shall be considered started with the grading and removal of topsoil. Structure and building construction shall be considered started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage

of excavation. For a structure without basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing or any pre-fabricated structure or manufactured home to a permanent site. Permanent construction does not include land clearing or filling.

In addition to an Improvement Location Permit, the Land Development Coordinator shall issue a placard which shall be displayed on the premises during the time construction is in progress. The placard shall show the number of the Improvement Location Permit and the date of its issuance. Placards shall be signed by the Land Development Coordinator.

During the construction period, the Land Development Coordinator or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the Improvement Location Permit application, and with all applicable County land development laws. In the event the Land Development Coordinator determines that the work does not comply with the Improvement Location Permit application and all applicable land development laws, or that there has been a false statement or misrepresentation by the applicant, the enforcement procedures outlines in Section 4.2 shall be initiated.

^ (a) The record owner shall obtain the Improvement Location Permit.

Section 4.2 Enforcement

Enforcement of this Ordinance shall be the responsibility of the Land Development Coordinator, who shall make an initial interpretation that a violation has occurred. The Land Development Coordinator shall prepare a written Violation Notice and Directive to Cease and Desist and shall transmit such notice and directive to the person responsible for the violation. Failure to comply with a Directive to Cease and Desist shall be cause for the Planning Commission to declare the subject property, buildings and/or structures in violation. Upon such declaration, the Planning Commission shall instruct the Land Development Coordinator to request the assistance of the County Prosecuting Attorney and:

- (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) Obtain a warrant for the arrest of the person responsible for the violation and seek conviction in the Magistrate Court of Jefferson County; or both a) and b).

Section 4.3 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 4.4 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 one hundred dollars nor more than three hundred dollars. Each day during which any violation of this Ordinance continues shall constitute a separate offense.

ARTICLE 5. APPEAL: AMENDMENT: CONFLICT WITH OTHER LAWS: VALIDITY

Section 5.0 Appeal

An appeal regarding the administrative procedure exercised under the provisions of this Ordinance, shall be filed with the Jefferson County Commission.

An appeal regarding the substantive basis for the granting or denial of an Improvement Location Permit shall constitute an appeal from one or more of the land development laws enumerated in Section 4.0 of this Ordinance and shall be filed with the appropriate governmental body.

All appeals shall specify the grounds thereof and shall be filed with the appropriate governmental body within thirty (30) days after the date of the order, decision or procedure complained of.

Section 5.1 Amendment

By legislative procedure, the Jefferson County Commission may, from time to time, amend, supplement or change the provisions of this Ordinance.

Section 5.2 Conflict With Other Laws

Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation propose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

Section 5.3 Validity

If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

& Section 5.4 Building Codes

If all requirements of the Jefferson County Building Code Ordinance are not met after the issuance of the Improvement Location Permit, the permit shall be revoked.

& ARTICLE 6. BONDING

Section 6.0 Bonding

Any addition to, or construction of a commercial, industrial, or multi-family facility which has not been granted a variance for the site plan requirement cited in Section 4.0 and which has had the issuance of the permit approved by the Planning and Zoning Commission shall be issued the Improvement Location Permit provided the applicant secures a Construction Bond for completing the following elements of the improvements:

1. Erosion and sediment control;
2. Storm Water Management;
3. Road improvements not bonded by the West Virginia Department of Highways;
4. Screening and landscaping;
5. Off-site sewer and water extensions or modifications not bonded by the appropriate utility;
6. Entrance drainage; and
7. Traffic control devices not bonded by the West Virginia Department of Highways.

JEFFERSON COUNTY FLOOD PLAIN MANAGEMENT ORDINANCE

Jefferson County, WV. December 1975. Revised and re-enacted March, 1987. **The only official copy of the ordinance is in the files of the County Clerk. Neither Jefferson County nor P Burke assumes responsibility for errors.** Please report all problems to listener-owner@yahoo.com so improvements can be made.

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SYMBOLS show approvals by the County Commission:

~ effective 6/12/97

x effective 12/10/98

[[text]] editor's notes, not part of ordinance

ARTICLE 1. AUTHORITY, PURPOSE, TITLE

Section 1.0 General Authority

Authority to adopt, administer and enforce this Ordinance is vested in the Jefferson County Commission pursuant to the West Virginia State Code, Chapter 7, Article 1, Section 3v.

Section 1.1 Purpose

The purpose of this Ordinance is to minimize the peril to life, the loss of real and personal property, and the cost of public relief resulting from flood damage.

Section 1.2 Title

This Ordinance shall be known and cited as the Jefferson County Flood Plain Management Ordinance. The short title shall be the Flood Plain Ordinance.

ARTICLE 2. APPLICATION

Section 2.0 Effective Date; Application Within County

This Ordinance was originally established by action of the Jefferson County Commission on November 20, 1975, and took effect on the 20th day of December 1975. It has been amended and/or revised in October, 1980 and July, 1986. The Ordinance which follows was adopted by the Jefferson County Commission on March 12, 1987, and shall take effect on April 1, 1987.

This Ordinance shall apply EXCLUSIVELY to all land altering activities and to buildings and structural improvements proposed within the unincorporated areas of Jefferson County that are identified as subject to the waters of the one hundred (100) year flood as defined in Section 3.1 of this Ordinance.

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. The singular includes the plural.
 - 3. The plural includes the singular.
 - 4. The word "person" includes a corporation, unincorporated association or partnership, as well as an individual.
 - 5. The term "shall" or "will" is always mandatory.
 - 6. The word "building" or "structure" shall be construed as if followed by the phrase "or part thereof".
 - 7. The word "County" shall refer to Jefferson County, West Virginia.
 - 8. The word "Ordinance" shall refer to the Jefferson County Flood Plain Management Ordinance.

Section 3.1 Definitions

- (a) For the purpose of this Ordinance, the following definitions shall apply:
 - 1. Agriculture: The cultivation of plant crops or the raising of livestock. Agriculture is the organized use of land for the production of plant or animal food, fiber or landscape products. Beef and dairy farms, grain farms, orchards, plant nurseries, and tree farms are forms of agriculture.
 - 2. Base Flood Elevation: The one hundred (100) year flood elevation in relation to mean seal level; i.e. National Geodetic Vertical Datum of 1929.
 - ~ 3. Basement: Any area of the building having its floor subgrade (below ground level) on all sides.
 - 4. Building: Any structure which is permanently affixed to the land and has one or more floors and a roof. The term building shall include manufactured homes.
 - 5. County Commission: The Jefferson County Commission, five Commissioners elected at-large.
 - 6. Elevation Certificate: A specific form, prepared by a registered professional engineer, architect, or surveyor, which documents the elevation of the lowest floor of a structure in relationship to the base flood elevation. Elevation Certificates, as provided by the Federal Insurance Administration, are available from the Planning Commission office and shall be required for all structures constructed in flood prone areas where base flood elevation information is available.
 - 7. Essential utility equipment: This term applies to underground or overhead electrical, gas, communications, and water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone stations, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are houses, and other similar equipment and accessories in connection therewith. This term does not apply to buildings, yards, stations, and structures used for storage, repair or processing of equipment or material, and does not include buildings, yards, structures and stations for transforming, boosting, switching or pumping where such facilities are constructed above ground. Essential utility equipment is recognized in two categories: 1) local serving; and, 2) non-local or transmissions through County. The second category may serve local users while remaining primarily a through County facility.
 - ~ 8. Floodplain: (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to particular or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
 - 9. Flood-Prone Area: Areas subject to inundation by the one hundred year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended in accordance with Section 4.2 of this Ordinance.

- ~ 10. Floodway: The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.
- 11. Improvement Location Permit: A permit which is required prior to the erection or relocation of a building or structure; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and prior to any land altering activity in a flood-prone area.

Examples of buildings, building alterations, structures and land uses which do not require an Improvement Location Permit are: use of land for agriculture where no building or structure is required; improvements to a building or structure valued at \$1,000.00 or less; addition of windows, doors and steps to a building; standard maintenance to a building such as plumbing, mortar and woodwork, painting, weatherproofing, and siding or roofing replacement; construction of a private driveway, patio, or walkway that is not enclosed or covered by a roof; construction of a fence or clothesline; location of an on-site sign nine (9) square feet or less in area; and, construction and location of local-serving essential utility equipment.
- 12. Land Altering Activities: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 13. Land Development Coordinator: A designated employee of the Planning Commission charged with the administration and enforcement of this Ordinance and other land development laws in Jefferson County.
- 14. Lot: Any tract, parcel, plot, site or area of land which is identified by boundaries and which is able to be lawfully transferred from person to person. The formation and recordation of a lot must conform with applicable State and County Regulations.
- ~ 15. Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicle, building access or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- 16. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- 17. Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- 18. One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) year (i.e. that has a one (1) percent chance of occurring each year), although the flood may occur in any year.
- 19. Planning Commission: The Jefferson County Planning Commission. An eleven-member Commission appointed by the Jefferson County Commission to promote the orderly development of the County.
- x 20. Repetitive Loss: Means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- 21. Sign: A sign is any name, name plate, billboard, poster, panel, display, illustration, structure or device used for visual communication which is affixed, painted or represented directly or indirectly upon a building or other outdoor surface for the purpose of bringing the subject thereof to the attention of the public. A sign usually advertises a business, commodity, service or product or identifies a structure, place or land use. A sign is said to be "on-site" when it is situated on the same lot or tract of land to which the sign refers. A sign is "off-site" when it refers to a use, product, place, etc. existing away from the lot or tract of land on which the sign is located.
- 22. Structure: Anything constructed, the use of which required fixed location on the ground; or, anything attached to something having such location. A structure does not include fences, individual driveways, or retaining walls.
- x 23. Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- x 24. Substantially Improved: Refers to the repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,
 - (a) the improvement or repair is started or
 - (b) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either,

- (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or
- (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

This term includes structures which have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed.

50 percent of market value shall be tracked cumulatively. In other words, total repairs cannot exceed 50 percent of the market value of the structure over the life of the structure without being brought into compliance with the flood protection criteria in this Ordinance.

25. Violation: The failure of a building, structure or other land altering activities to be in full compliance with this Ordinance. A building, structure or land altering activity without an Improvement Location Permit and which has failed to submit an Elevation Certificate, where required, is presumed to be in violation until said permit and certificate are provided.

ARTICLE 4. IDENTIFICATION OF FLOOD-PRONE AREAS

Section 4.0 Identification

x For purposes of this Ordinance, the areas considered to be flood-prone within the County shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for the County by the Federal Insurance Administration dated April 15, 1980, or the most recent revision thereafter, as may be amended in accordance with Section 4.2 of this Ordinance.

A map showing all areas considered to be flood-prone, is available for inspection at the County Planning Commission offices. For the purposes of this Ordinance the following nomenclature is used in referring to the various kinds of flood-prone areas:

- (a) FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA.
- (b) FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA. (Designated as Zone A1-A30 on the Flood Insurance Rate Maps).
- (c) FA (General Flood Plain Area) - the areas identified as "Approximate 100 Year Flood Plain" in the Flood Insurance Study prepared by the FIA. (Designated as Zone A on the Flood Insurance Rate Maps).

Section 4.1 Determination of the Base Flood Elevation in FA (General Flood Plain Areas)

~ To determine the base flood elevation for these areas, the elevation at the Point on the boundary of the identified flood prone area(s) which is nearest the construction site in question will be used. In helping to make this necessary elevation determination and to determine the floodway area other sources of data where available shall be used, such as:

- (a) Corps of Engineers - Flood Plain Information Reports
- (b) U.S. Geological Survey - Flood Prone Quadrangles
- (c) U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils)
- (d) Known Highwater Marks from Past Floods
- (e) Other sources

In lieu of the above, the land development coordinator shall request the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the County Planning Commission.

Section 4.2 Changes in Identification of Flood-Prone Areas

The areas considered to be flood-prone may be revised or modified by the County Commission where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

No modification or revision of any area identified as being flood-prone in Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

Section 4.3 Disputes

Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the land development coordinator and anyone aggrieved by such decision may appeal to the County Commission. The burden of proof shall be on the appellant.

ARTICLE 5. FLOOD-PRONE AREA REQUIREMENTS

Section 5.0 General Requirements

(a) All Flood-Prone Areas

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the County, and until all required permits or approvals have been first obtained from those governmental agencies from which approval is required by Federal or State law. In addition, the developer shall assure the County, in writing, that the carrying capacity of the watercourse in question will be maintained. The State Flood Insurance Program Coordinating Office and the Federal Insurance Administrator shall receive prior notification concerning alterations or relocations of watercourses.

All uses, activities and other developments shall be undertaken in strict compliance with the floodproofing and related provisions of this Ordinance and all other applicable codes, ordinances and regulations.

(b) Floodways

Within any designated floodway (FW) area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where it can be demonstrated that there will be no increase in the base flood elevations in the community.

Within any floodway area, the placement of any manufactured home, except in an existing manufactured home park or subdivision, shall be prohibited. In existing parks and subdivisions an Improvement Location Permit shall not be issued until it has been demonstrated that there will be no increase in the base flood elevations in the community.

Section 5.1 Elevation and Floodproofing

x (a) Residential Structures

The lowest floor (including basement) of any new or substantially improved residential structure shall be elevated to at least the base flood elevation.

x A structure that is considered a repetitive loss structure must comply with elevation and/or floodproofing requirements of this Ordinance. Such structure may be eligible for an ICC claim payment.

x (b) Non-Residential Structures

The lowest floor of any new or substantially improved non-residential structure shall be elevated to at least the base flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.

x A structure that is considered a repetitive loss structure must comply with elevation and/or floodproofing requirements of this Ordinance. Such structure may be eligible for an ICC claim payment.

x (c) Substantially Damaged

Any improvements to buildings that are determined to be substantially damaged must meet the same Ordinance requirements as new construction. This means elevated for residential structures and floodproofed and anchored for nonresidential structures.

Section 5.2 Design and Construction Standards

(a) Anchoring

1. All buildings and structures shall be firmly anchored in accordance with current accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
2. All air ducts, large pipes and storage tanks located at or below the Base Flood Elevation shall be firmly anchored to resist flotation in accordance with Section 872.0 of the BOCA Building Code (latest edition) and current acceptable engineering practices.
3. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement in accordance with the guidelines provided in "Manufactured Home Installation in Flood Hazard Areas" prepared by the Federal Emergency Management Agency and dated September, 1985.

(b) Fill

1. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a non-residential structure.

2. Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
3. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling. Fill shall be placed in lifts not exceeding 8" in thickness and compacted to a minimum of 95% maximum dry density.
4. Fill slopes shall be no steeper than one (1) vertical to two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Land Development Coordinator.
5. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

(c) Placement of Buildings, Structures, and Manufactured Homes

1. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of flood water.
2. The following shall not be placed or caused to be placed in the designated Floodway: fences, except two-wire fences, other matter which may impede, retard, or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood plain.
3. Manufactured homes shall be elevated on a permanent foundation so that the lowest floor of each manufactured home will be at the Base Flood Elevation, in accordance with the guidelines provided in "Manufactured Home Installation in Flood Hazard Areas" prepared by the Federal Emergency Management Agency, dated September, 1985.

(d) Enclosed Areas Below the Lowest Floor

All new construction and substantial improvements, that include fully enclosed areas below the lowest floor that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be:

- certified by a registered professional engineer or architect
- or
- meet or exceed a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

The bottom or all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

(e) Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(f) Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed and/or located so as to prevent water from entering or accumulating within the system during flooding.

All new or replacement sanitary disposal systems, whether public or private, shall be floodproofed to the base flood elevation.

(g) Water Facilities

All new or replacement water facilities shall be designed and/or located so as to prevent water from entering or accumulating within the system during flooding.

(h) Utilities

All utilities such as gas lines, electrical and telephone systems, air conditioning equipment and other service facilities being placed in identified flood-prone areas shall be located, elevated (where possible) and constructed to prevent water from entering or accumulating within the systems during flooding.

ARTICLE 6. ADMINISTRATION, ENFORCEMENT, VIOLATION, PENALTY

Section 6.0 Administration

This Ordinance shall be administered by an employee of the Jefferson County Planning Commission to be known as the Land Development Coordinator. It shall also be the duty of the Land Development Coordinator to function as enforcement officer as it becomes necessary to initiate administrative or judicial remedies against Building Code Ordinance violators. The Land Development Coordinator shall be under the supervision of the Director of Planning and, where a Land Development Coordinator has not been appointed by the Planning Commission, the Director of Planning shall be designated as Land Development Coordinator.

Section 6.1 Improvement Location Permit

Administration of this Ordinance shall be by means of a permit system according to the requirements of the Improvement Location Permit Ordinance. Except as elsewhere provided by this Ordinance, an approved Improvement Location Permit shall be required prior to the erection or relocation of a building or structure; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and prior to any land altering activity in a flood-prone area.

Examples of buildings, building alterations, structures and land uses which do not require an Improvement Location Permit are: use of land for agriculture where no building or structure is required; improvements to a building or structure valued at \$1,000.00 or less; addition of windows, doors and steps to a building; standard maintenance to a building such as plumbing, mortar and woodwork, painting, weatherproofing, and siding or roofing replacement; construction of a private driveway, patio, or walkway that is not enclosed or covered by a roof, construction of a fence or clothesline; location of an on-site sign nine (9) square feet or less in area; and, construction and location of local-serving essential utility equipment.

Section 6.2 Permit Application Requirements

Permit applications for activities in flood hazard areas shall contain the following specific information, as appropriate:

- (a) An Elevation Certificate in accordance with Section 6.3 below.
- (b) A plan which accurately delineates the identified flood-prone area, the location of any existing or proposed subdivision and land development in order to assure that:
 - 1. all such proposals are consistent with the need to minimize flood damage;
 - 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located, and constructed to minimize or eliminate flood damage; and
 - 3. adequate drainage is provided so as to reduce exposure to flood hazards.
- (c) For buildings or structures with enclosed areas below the lowest floor and subject to flooding, plans in sufficient detail of the area of the enclosed area and openings proposed in accordance with Section 5.2(d) to ensure the equalization of hydrostatic pressure.
- (d) Such plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, velocities, and other applicable information such as pressures, impact and uplift forces, associated with the one hundred (100) year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types; and floodproofing measures. (Required of Non-residential buildings or structures which are not elevated to or above the base flood elevation.)
- (e) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood.
- ~ Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure. (Required of Non-residential buildings or structures which are not elevated to or above the base flood elevation.) For a non-residential structure which is intended to be made completely or essentially dry below the base flood elevation, a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these standards. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained in the files.
- (f) Listing of other permits required. Prior to the issuance of any Improvement Location Permit in flood-prone areas the Land Development Coordinator shall review the application to determine if all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972.

Section 6.3 Elevation Certification

Where base flood elevation data is available, an Elevation Certificate shall be required as part of the permit application requirements, certifying the proposed elevation of the lowest flood. In addition, upon completion of construction, an Elevation Certificate shall be submitted within 30 days certifying that the building or structure has been constructed in compliance with this Ordinance.

Where base flood elevation data is not available, the procedures described in Section 4.1 shall be followed and sufficient documentation submitted to ensure compliance with the provisions of this Ordinance. However, applicants are encouraged to determine a base flood elevation and submit an Elevation Certificate in order to insure the lowest possible flood insurance rates.

All Elevation Certificates shall be prepared and signed by a registered professional engineer, architect or surveyor.

Section 6.4 Forms, Fees, Processing

Application forms and such material as may be necessary to administer the Improvement Location Permit Ordinance shall be prepared and distributed by the Planning Commission. The application fees for Improvement Location Permit shall be set by the County Commission of Jefferson County, upon recommendation of the Planning Commission, as may be necessary from time to time in order to defray the cost of administering this Ordinance.

The processing of an application for an Improvement Location Permit shall not be unnecessarily cumbersome or long. Failure on the part of the Land Development Coordinator to issue or deny an Improvement Location Permit within ninety (90) days of a completed application shall result in the immediate issuance of an Improvement Location Permit. Routine applications that do not require public hearings or other governmental meetings shall be processed within twenty-one (21) days after receipt of a completed application. After the issuance of an Improvement Location Permit by the Land Development Coordinator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application, without the written consent or approval of the Land Development Coordinator.

Work on the proposed construction or land altering activity shall begin within six (6) months after the date of issuance of the Improvement Location Permit or the permit shall expire unless a time extension is granted in writing, by the Land Development Coordinator.

In addition to an Improvement Location Permit, the Land Development Coordinator shall issue a placard which shall be displayed on the premises during the time construction is in progress. The placard shall show the number of the Improvement Location Permit and the date of its issuance. Placards shall be signed by the Land Development Coordinator.

During the construction period, the Land Development Coordinator or other authorized officials may inspect the premises to determine that the work is progressing in compliance with the information provided on the Improvement Location Permit application, and with all applicable County land development laws. In the event the Land Development Coordinator determines that the work does not comply with the Improvement Location Permit application and all applicable land development laws, or that there has been a false statement or misrepresentation by the applicant, the enforcement procedures outlined in Section 6.5 shall be initiated.

Section 6.5 Enforcement

Enforcement of this Ordinance shall be the responsibility of the Land Development Coordinator, who shall make an initial interpretation that a violation has occurred. The Land Development Coordinator shall prepare a written Violation Notice and shall transmit such notice to the person responsible for the violation. Failure to correct a violation shall be cause for the Planning Commission to declare the subject property in violation. Upon such declaration, the Planning Commission shall instruct the Land Development Coordinator to request the assistance of the County Prosecuting Attorney and:

- 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 conviction in the Magistrate Court of Jefferson County; or both a) and b).

Section 6.6 Violation

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

Section 6.7 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.

ARTICLE 7. APPEAL; AMENDMENT; CONFLICT WITH OTHER LAWS; VALIDITY; COUNTY LIABILITY

Section 7.0 Appeal

An appeal taken from any order, requirement, decision or determination made by the Land Development Coordinator or the Planning Commission pertaining to this Ordinance shall be filed with the Jefferson County Commission. The appeal shall specify the grounds thereof and shall be filed within thirty (30) days after the date of the order, decision or procedure complained of.

The Land Development Coordinator of the Planning Commission shall, upon request of the County Commission, transmit to the County Commission all documents, plans and papers constituting the record of the action from which an appeal is taken.

The County Commission, when considering appeals shall adhere to the following criteria:

- (a) An affirmative decision shall not be issued by the Commission within the designated floodway if any increase in flood levels during

the base flood discharge would result.

- (b) A decision may be issued by the Commission for construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation in conformance with the procedures of paragraphs c, d, e, and f of this section.
- (c) Affirmative decisions shall be issued by the County Commission only upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (iii) a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (d) Affirmative decisions shall be issued only upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- (e) The Commission shall notify the applicant in writing over the signature of a community official that
 - (i) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance,
 - (ii) such construction below the Base Flood Elevation increase risks to life and property.Such notification shall be maintained with a record of all decisions as required in paragraph (f) of this section; and
- (f) The Land Development Coordinator shall
 - (i) maintain a record of all decisions including justification for their issuance, and
 - (ii) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

An appeal taken from any order, requirement, decision, or determination made by the County Commission shall be filed with the 23rd Judicial Circuit Court.

Section 7.1 Amendment

By legislative procedure, the Jefferson County Commission may, from time to time, amend, supplement or change the provisions of this Ordinance.

Section 7.2 Conflict With Other Laws

Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provision of this Ordinance shall be controlling. Where the provision of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, ordinance or regulations shall be controlling.

Section 7.3 Validity

If any article, section subsection, paragraph, clause or provision of this Ordinance shall be declared by a court in competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance.

Section 7.4 County Liability

The granting of an Improvement Location Permit for a building or a structural improvement within any unincorporated area in Jefferson county that is subject to the one hundred (100) year flood in the Flood Insurance Study prepared for the County by the Federal Insurance Administration dated April 15, 1980, on file in the office of the Jefferson county Planning commission shall not constitute a representation, guaranty or warranty of any kind by Jefferson County or by any official or employee thereof of the practicability or safety of the proposed improvement, and shall create no liability upon the County its officials or employees.