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 JEFFERSON COUNTY SUBDIVISION REGULATIONS  
 Adopted 1972  
 Jefferson County, West Virginia

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Rules and Regulations  
for the  
Subdivision of Land  
Jefferson County, West Virginia

ARTICLE I  
PURPOSE AND SCOPE

100 PURPOSE

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

- \* A. Assuring sites are suitable for building purposes and human habitation.
- B. Coordinating new streets and roads with existing and proposed or planned roads and highways.
- C. Coordinating and extending facilities included in the Comprehensive Plan.
- D. Establishing minimum lot dimensions, including area of lots within the proposed subdivision.
- E. Distributing population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the County.

101 GRANT OF POWER, ADOPTION, AND JURISDICTION

- A. After a Comprehensive plan and an ordinance containing Subdivision Regulations have been adopted and a certified copy of the ordinance has been filed with the County Clerk, the Planning Commission shall have control over the approval of all plats involving land covered by the Comprehensive Plan and Subdivision Regulations. Such approval shall be subject to conditions conforming to State Health and Highway Department regulations.
- B. Under the provisions of Chapter 8, Article 24, Section 1 et seq. of the West Virginia Code, 1931, as amended, which provisions are hereby made a part hereof, these following Rules and Regulations governing the subdivisions of land are hereby adopted by the Jefferson County Planning Commission, at its meeting on September 19, 1972.
- C. On or after September 21, 1972, these Rules and Regulations shall govern each and every subdivision of land with respect to unincorporated territory within the limits of Jefferson County, West Virginia, as now or hereafter established; except that these Rules and Regulations shall not apply to those subdivisions, plats of which have been recorded with the Office of the Clerk of the County Court of Jefferson County, West Virginia, prior to the effective date hereof. The effect on plats filed with the Clerk of the County Court of Jefferson County before the adoption of the Plan by the County Court shall only pertain to that land area that has been platted and any adjacent or adjoining land not platted shall be subject to the

new Ordinance and if only a portion of a developer's land is platted and recorded prior to the adoption of this Ordinance then any new plats for the balance of the developer's land shall conform to the new Ordinance. These Rules and Regulations shall not apply to divisions and plats of land made by testamentary disposition, by judicial sale, trustee's sale, or into cemetery lots, or partitioned by the owners thereof among themselves under a decree by a court of competent jurisdiction.

#### 102 EFFECTIVE DATE

These Subdivision Rules and Regulations shall become effective on passage by the County Court and shall remain in effect until modified, amended or rescinded by the County Court, as set forth in Article X hereof.

#### 103 APPROVAL REQUIRED PRIOR TO RECORDATION

After a comprehensive plan and an ordinance containing provisions for subdivision control and the approval of plats and replats have been adopted by the County Court and a certified copy of the ordinance has been filed with the Clerk of the County Court, a plat of a subdivision shall not be recorded by the Clerk of such County Court unless it has first been approved by the Planning Commission having jurisdiction over the area.

- A. The filing and recording of a plat involving the subdivision of lands covered by such comprehensive plan and ordinance shall be without legal effect unless approved by the Commission; Provided, That failure to comply with this section shall not invalidate or affect the title to any land within the area of such plat; Provided, however, That if such plat shall bear the seal of the Commission it shall be presumed to have been approved thereby.
- B. Prior to the approval of the plat, the subdivider shall have installed or constructed the following improvements and shall have complied with the following requirements, or posted a performance bond as provided for in Article 104 of these Rules and Regulations:
  1. The feasibility of the subdivision shall comply with the requirements of Section 401 of these Rules & Regulations.
  2. All streets shall comply with the design standards of Section 402 and the construction requirements of Section 500 of these Rules & Regulations.

3. All blocks shall comply with the design requirements of Section 404 of these Rules & Regulations.
4. All lots shall comply with the design requirements of Section 403 of these Rules & Regulations.
5. All easements deemed necessary shall comply with the design requirements of Section 405 of these Rules & Regulations.
6. All sidewalks shall comply with the design standards of Section 406 of these Rules & Regulations.
7. All street names shall comply with the design standards of Section 407 of these Rules & Regulations.
8. All curbing shall comply with the design standards of Section 408 and the construction requirements of Section 500 of these Rules & Regulations.
9. All storm sewers deemed necessary shall comply with the construction requirements of Section 502-B of these Rules & Regulations.
10. All sanitary sewers shall comply with the construction requirements of Section 502-A of these Rules & Regulations.
11. All water supply systems shall comply with the construction requirements of Section 502-C of these Rules & Regulations.

#### 104 CONDITIONAL APPROVAL; BONDS

The Commission may conditionally approve a plat for a subdivision in which the improvements and installations have not been completed as required by the ordinance and rules and regulations for the approval of plats if the applicant provides a bond which shall:

- (1) Run to the County Court of Jefferson County.
- (2) Be in an amount determined by the Commission to be sufficient to complete the improvements and installations as shown on the final plat thereof in compliance with the ordinance; provided that such bond shall not exceed 115% of the estimated cost of improvements and installations required. Nothing contained herein shall prohibit a subdivider from developing a subdivision in stages or segments.
- (3) Be with surety satisfactory to the County Court of Jefferson County, West Virginia; and
- (4) Specify the time for the completion of the improvements and installations.

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

#### 105 MAINTENANCE BOND

In any case in which the Planning Commission may have reasonable doubt concerning the stability or proper construction of any improvements required herein, the Commission may require from the Subdivider a bond to assure the maintenance of all street construction required for a period of five years after the completion of such street construction; and a bond to assure the maintenance of all sewer lines and facilities required for a period of one year after the completion of such sewer and facilities construction. The maintenance bonds shall:

- (1) Run to the County Court of Jefferson County.
- (2) Be in an amount determined by the Commission to be sufficient to complete the projected maintenance of streets and sewers and facilities; provided that such bond shall not exceed 115% of the estimated cost of projected maintenance.
- (3) Be with surety satisfactory to the County Court of Jefferson County, West Virginia.

#### \*106 INSPECTION

The engineer shall conduct periodic in-the-field inspections of all construction and installations required under these Rules and Regulations during the time of construction to insure compliance with the design standards and construction requirements of these Rules and Regulations. The engineer shall also conduct a final inspection of the construction and installations required and shall make and certify to the Commission a report of compliance by the subdivider before the subdivider shall be released from any bond required under these Rules and Regulations.

#### ARTICLE II DEFINITIONS

200 For the purpose of these Subdivision Regulations, words used in the present tense include the future tense; the words "shall" and "will" are always

mandatory; and the words shall, for the purpose of these Subdivision Regulations, have the meaning herein indicated.

201 ALLEY

A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

202 BASE COURSE

The layer of a street immediately in contact with the natural soil.

203 BENCH MARK

A point of known or assumed elevation in or near the Subdivision.

204 BUILDING LINES

The lines within the property defining the required minimum distances between any structures and the road or alley rights-of-way or abutting lots.

205 CARTWAY

That portion of the road right-of-way surfaced for vehicular use.

206 CODE

Code of West Virginia, 1931, as amended.

207 COMMISSION

The Jefferson County Planning Commission.

208 COUNTY

The County of Jefferson.

209 COUNTY COURT

The Court of the County of Jefferson.

210 COVENANT

An agreement or restriction placed on a parcel of land.

211 CROSSWALK

Provision for a pedestrian way through a block or across a street or road of excessive length.

212 CUL-DE-SAC

A residential street with only one end open to traffic and pedestrian access, permanently terminated by a vehicular turn-around.

213 EASEMENT

Grant by a property owner of the use of land by others for a specific purpose or purposes.

214 ENGINEER OR COUNTY ENGINEER

A registered engineer authorized to practice civil engineering in West Virginia, and shall include any consulting engineer employed by the Commission.

215 FRONT LOT LINE

The parcel boundary at the street or road right-of-way.

216 IMPROVEMENTS

\* Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing water courses, sidewalks, crosswalks, street signs, monuments, water supply facilities and sewage disposal facilities.

217 LOT

A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to, or separate use of, another.

- A. Single Family Lot - a lot upon which is situated or is to be situated a single family dwelling.
- B. Multi-Family Lot - a lot upon which is situated or is to be situated a multiple family structure such as townhouses, apartments, or condominiums.

218 MONUMENT

A point of known position, established by an engineer or surveyor and used to locate property lines, building lines, etc.

219 OBLIGEE

A person in favor of whom some obligation is contracted.

220 PLAT OF A SUBDIVISION

A representation on paper of a parcel of land subdivided into lots showing all salient features.

221 PROFILE

A side view of the centerline of a street, showing grades, transition curves and lengths.

222 RESTRICTION LINE

An imaginary line in a subdivision (building lines and easements) that restricts building locations in any way.

223 RIGHT-OF-WAY

Land reserved for use as a road, street, alley or crosswalk.

224 SUBDIVISION ROADS AND STREETS

A. Feeder: Roads which, in addition to giving access to abutting properties, intercept local roads and provide routes carrying local traffic to community facilities and to primary highways.

B. Local: Roads used primarily to provide access to abutting properties.

225 SUBDIVIDER OR APPLICANT

Any individual, firm, association, syndicate, trust, co-partnership, corporation or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

226 SUBDIVISION

The partition or division of a lot, tract, or parcel of land into two or more lots, plats, sites, parcels, or other divisions of land, for the purpose, whether immediate or future, of sale, lease,

transfer of ownership, or of building development, or for the construction, installation, and operation of mobile home parks and mobile home parks development; except that a division of land for any purpose into lots, parcels, or other divisions of land of ten acres or more shall not be deemed a subdivision. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing and to the land or territory subdivided. There shall be three types of subdivisions: TYPE I Residential, TYPE II Recreational, and TYPE III Planned Unit Development.

#### TYPE I - Residential

To be classified as Type I Residential, subdivisions must meet the following criteria:

- (a) not less than 60% of the number of lots sold or to be sold therefrom must be improved or are to be improved by dwellings in which there shall exist year around occupancy.

#### TYPE II - Recreational

To be classified as TYPE II Recreational, subdivisions must meet either of the following criteria:

- (a) 60% or less of the number of lots sold or to be sold therefrom may be improved or are to be improved by dwellings in which there shall exist year around occupancy irrespective of lot size; or
- (b) not less than 60% of the number of lots sold or to be sold therefrom must be improved or are to be improved by dwellings in which there shall exist year around occupancy and all lots sold or to be sold therefrom must be two (2) acres or more each in total area.

#### TYPE III - Planned Unit Development

Purpose - to permit flexibility and provide performance criteria which will produce:

1. A maximum choice in the type of environment and living units available to the public.
2. Open space and recreation areas.
3. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.

4. A creative approach to the use of land and related physical development.
5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
6. An environment of stable character in harmony with surrounding development.
7. A more desirable environment than would be possible through the strict application of other sections of the ordinance.

The Planned Unit Development section is designed to provide for small and large scale developments incorporating a single type or variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common recreation and open space and building sites. Common land must be an essential and major element of the plan which is related to and effects the long-term value of the homes and other development.

A planned unit shall be a separate entity with a distinct character in harmony with surrounding development. In a Planned Unit Development there shall be no maximum building height, no minimum lot, no minimum lot width. However, no principal structure shall be erected closer than 15 feet to any other single-family.

227 SURVEYOR

An individual licensed to practice land surveying in West Virginia.

228 TRACT BOUNDARY

The perimeter of a subdivision.

229 VARIANCE

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

ARTICLE III

PROCEDURE FOR APPLICATION, REVIEW, AND APPROVAL OF PLATS

300 GENERAL

To obtain approval of a proposed subdivision and plat thereof, the subdivider or applicant shall apply and submit to the Planning Commission or secretary thereof, Pre-application Information,

Preliminary Plat, Vicinity Sketch and a Final Plat, prepared in accordance with the requirements as set forth in Sections 314, 315, and 316 herein below; and shall follow the procedure in accordance with Sections 301 through 312 herein below. To effect a timely and orderly processing, review and approval of plats, the Planning Commission may establish a Planning Committee, which will have the responsibility and authority to administer the procedures as set forth in Sections 301 through 313 herein below. The Committee shall be appointed by the Commission under the provisions of 18-24-14(13) of the Code and shall consist of three (3) members, which members shall include one (1) member of the Planning Commission and the County Engineer, and shall be known as the "Planning Committee". A quorum of the committee shall consist of two (2) members. A subdivider, real estate agent, real estate broker or employee thereof shall not be a member of the Planning Committee. The committee shall hold its meetings at such time and places as deemed necessary but at least twice each month.

- A. In all matters properly and legally before it relating to these Rules and Regulations, the Planning Committee shall have all the powers, duties and restrictions imposed by law and these Subdivision Rules and Regulations on the Planning Commission, and the words Planning Committee shall be substituted for the words Planning Commission, wherever the same shall appear in these Subdivision Rules and Regulations.

#### PREAPPLICATION CONFERENCE

Prior to the filing of an application for plat approval, the subdivider shall arrange for a preapplication conference with the engineer. The purpose of such preapplication conference will be to determine and discuss the scope, feasibility, suitability, economic and environmental impact of the proposed subdivision upon the County. The subdivider shall incorporate into his plat, suggestions made by the engineer arising out of the preapplication conference.

#### PREAPPLICATION INFORMATION

Prior to the filing of an application for plat approval, the subdivider shall submit the following plat and data to the Commission:

- A. General Information:

Written statement to include type of development, approximate number of lots, proposed minimum sizes, existing and proposed covenants, planned utilities and street improvements, size and purpose of dedicated areas, if any.

B. Location Map:

County highway map shall be used to show location of proposed subdivision.

C. Sketch Plat:

Sketch plat on a topographic map (USGS or other available topographic maps) shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and may be drawn free hand. The plat shall include all topographic data the Commission deems necessary for its consideration of the plat.

303 REVIEW OF PREAPPLICATION INFORMATION

After review of the preapplication information, the committee shall indicate the suitability of the sketch plat for development into preliminary plats within 30 days of submission of the material required in Section 302 hereof.

304 APPLICATION

The subdivider shall then apply and submit two (2) copies of the preliminary plat to the Planning Commission or Secretary thereof at least 15 days prior to a regularly scheduled meeting of the Planning Committee, otherwise, the proposed subdivision shall not be considered at that meeting. Such preliminary plats shall be of the total land to be ultimately developed.

305 REVIEW OF PRELIMINARY PLAT

The Committee shall review the preliminary plat submitted to insure compliance with any of the requirements of these Rules and Regulations.

306 ACTION UPON THE PRELIMINARY PLAT

The Committee shall notify the subdivider of the scheduled date, place, time and agenda of the meeting at which the proposed subdivision and preliminary plat thereof are to be reviewed. The date for such meeting shall not be more than 60 days from the date of submission of the preliminary plat for approval. The Committee shall act on the preliminary plat stating its approval, conditional approval or disapproval, giving reasons for each and may authorize in writing, submission of a final plat for approval. If approved conditionally the conditions and reasons therefore shall be stated and if necessary the Planning Commission may require the subdivider to submit a revised preliminary plat. If any of the requirements

are modified or waived, the reasons for such shall be specified. If the Planning Commission should disapprove the preliminary plat, the reasons for such action shall be stated and if possible recommendations made on the basis of which the proposed subdivision would be approved. Approval of a preliminary plat shall not constitute approval of a final plat, but rather shall indicate an expression of approval of the layout submitted on the preliminary plat as a basis to the preparation of the final plat. The Committee shall retain one (1) copy of the preliminary plat and return the other to the subdivider.

#### 307 FINAL PLAT

After obtaining approval or conditional approval of the preliminary plat, the subdivider shall then submit four (4) copies of the final plat to the Planning Commission or Secretary thereof at least 15 days prior to a regularly scheduled meeting of the Planning Committee, otherwise the proposed subdivision shall not be considered at that meeting. All final plats and other exhibits required for approval shall be submitted to the Commission within one year after approval of the preliminary plat. Otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Commission. Upon receipt of the final plat, the Planning Committee, if it tentatively approves the plat, shall set a date, time and place for a hearing; notify the applicant in writing of the scheduled place, date, time and agenda of the hearing at which the subdivision and final plat thereof are to be considered; and at least ten days prior to the date set for hearing shall publish a notice of the date, time and place of the hearing as a Class I Legal Advertisement in compliance with the provisions of Article 3, Chapter 59 of the Code; and shall notify by direct mail any governmental unit having a probable interest in the proposed plat of the date, time and place of such hearing.

#### 308 BASIS FOR PLANNING COMMITTEES ACTION UPON APPLICATION FOR APPROVAL

In determining whether an application for approval shall be granted the Committee and Commission shall employ the guidelines set forth in Section 8-24-30 of the Code.

#### 309 HEARING, SUBMISSION OF RECORD, APPROVAL OR DISAPPROVAL

After the hearing, the Committee shall report to the Commission; and within a reasonable time after the filing of the Committee's report with the Commission, the Commission shall approve or disapprove the application and plat. If the Commission approves the

plat, it shall affix the Commission's seal upon the plat. If it disapproves the plat, it shall set forth its reasons and supply the applicant with a copy thereof. Approval of the final plat carries with it the condition that the Planning Commission must be notified in writing by the Engineer that either (a) all required improvements have been satisfactorily installed and completed by the subdivider, or (b) a bond has been posted to secure the same, before such Final Plat is signed as approved by the Planning Commission.

310 APPLICATION FEES

The Commission may establish a uniform schedule of fees proportioned to the cost of checking and verifying proposed plats and plans. An applicant shall pay the specified fee at the time of filing his application.

311 DISPOSITION OF PLATS

One copy of all final plats submitted for approval shall be retained by the Commission, one copy by the County Court, one copy to be filed by the subdivider according to Article VI, Section 600. The fourth copy shall be returned to the subdivider.

312 APPROVAL OF PLAT--FAILURE OF COMMISSION TO ACT

In the event that the Planning Commission fails to approve or disapprove a subdivision plat and plan within 60 days from the date of submission of the final plat thereof to the Planning Commission, such plat and plan shall be deemed to have been approved by the Planning Commission, and a certificate to that effect shall be issued by the Planning Commission and/or the seal of the Commission shall be affixed upon such final plat upon demand; provided however, that the applicant may waive this requirement and consent to the extension of such period.

313 SMALL SUBDIVISIONS AND RESUBDIVISIONS

Where a proposed subdivision is of such small size or contains so few lots as to present no engineering problems, to have little economic or environmental impact, or to present few, if any, planning problems, the Planning Commission may waive the procedures set forth in Sections 301 through 306.

Where a proposed resubdivision upgrades or maintains relatively constant lot sizes or conditions or if the primary purpose of resubdivision would be to correct some engineering, surveying or mathematical error made upon the plat of the original subdivision

plat, the Planning Committee, after public hearing pursuant to law, may approve said resubdivision for immediate recordation subject to the final approval of the Planning Commission at its next regular meeting. This Section shall apply to resubdivisions of lands to which these Rules and Regulations apply and to lands which are exempt from these Rules and Regulations by reason of a plat thereof having been recorded prior to the effective date hereof.

#### 314 REQUIREMENTS OF PRELIMINARY PLATS AND DATA

- A. The preliminary plat shall be drawn at a scale of 1" = 100' or greater.
- B. The Plat shall show or be accompanied by the following:
  1. Material required in the preapplication.
  2. Title to include:
    - a. Name by which the subdivision will be recorded.
    - b. Location by municipality, County and State.
    - c. Name(s) and address(es) of the owner(s).
    - d. Name of registered engineer or surveyor who surveyed the property and prepared the plat.
    - e. North arrow, date and scale.
  3. Tract boundaries with bearings, distances and areas in acres to the nearest hundredth of an acre.
  4. Existing easements with their location and dimensions.
  5. Tract closures and block closures with an allowable error of 1:10,000.
  6. Contour lines at vertical intervals of five feet, or in the case of relatively flat tracts, at intervals of 2 feet. (Pertains to Type I and Type III Subdivisions only).
  7. Datum to which contour lines refer.
  8. The location of bench marks used in the survey, if available. A statement of the historical character of the area within a one mile radius of the proposed development and the impact such development may have both physically and visually upon it, and what measures are included in the plan, if any, to protect same.
  9. Existing physical features to include:
    - a. Watercourses, culverts, bridges and drains.
    - b. Buildings, sewers, watermains, fire hydrants and power lines and telephone lines.
    - c. Streets and alleys on or adjacent to the tract, including their names, if available, right-of-way widths and cartway widths.
  10. Proposed improvements shall include:
    - a. Location, right-of-way and cartway widths of all proposed streets and alleys.

- b. Sidewalks and crosswalks.
- c. All easements and other rights-of-way.
- d. Lot lines with bearings and dimensions.
- e. Such reservations of grounds for public or semi-public use as may be specified by the owner.
- f. General drainage plan for storm water in relation to natural channels.
- g. A plat of the proposed water distribution system or a plan showing the location of individual wells, including the sizes of water pipes and the location of valves and fire hydrants. The Planning Commission shall be provided with evidence of approval by the proper authority.
- h. A plat of the proposed sanitary and storm system, including manhole locations, invert elevations and grades and sizes of lines, or a plat (where applicable) showing the proposed location of on-lot sewage disposal facilities. The Planning Commission shall be provided with evidence of approval by the proper authority.

11. The following additional data shall be submitted upon request by the Commission:

- a. Names of abutting property owners.
- b. Subsurface conditions of the tract.
- c. Profiles showing existing and proposed centerline street grades.
- d. Typical cross sections of roadways and sidewalks.

### 315 REQUIREMENTS OF THE VICINITY SKETCH

A vicinity sketch at a scale of 200 feet to the inch shall be shown on or accompany the preliminary plat. This sketch or map shall show all existing subdivisions, streets and tract lines of acreage parcels, rights-of-way and roadway widths of all streets and easements abutting the proposed subdivision. It shall also show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property.

### 316 REQUIREMENTS OF THE FINAL PLAT

For any subdivision requiring approval, the final plat submitted:

- A. Shall be drawn on tracing cloth or other reproducible material and shall be on sheets in multiples of 17 inches by 22 inches with a border of one-half inch on all sides except the binding edge which shall be one inch. More than one sheet may be used for larger tracts and all sheets must be indexed.
- B. Shall be drawn with waterproof black ink and all records data, entries, statements, etc., thereon shall also be made with the

same type ink or reproducible typing.

- C. Shall be drawn to a scale of 1" = 100' for subdivisions of less than 100 acres, and at a scale of 1" = 200' for subdivisions greater than 100 acres.
- D. Shall contain a title block in the lower right corner with the following:
  - 1. Name under which the subdivision is to be recorded.
  - 2. Date of plat, graphic scale and location of subdivision.
  - 3. Name and address of subdivider(s).
  - 4. Name and address of the engineer or the surveyor preparing plat.
  - 5. Location by municipality, County and State.
  - 6. North arrow, date and graphic scale.
- E. All final plats submitted shall be drawn according to the following drafting instructions:

Outside of Subdivision:

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

Within Subdivision:

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

F. The Final Plat Shall Show:

- 1. Primary control points approved by the County Engineer or description and ties to which all dimensions, angles, bearings and similar data shall be referred.
- 2. Tract boundary lines, street rights-of-way, easements and other reserved areas, and property lines of residential lots with accurate dimensions sufficient to define the location of each item.
- 3. Name of each street.
- 4. Purpose of all easements.
- 5. Number to identify each lot or site.
- 6. Purpose for which sites other than residential are to be dedicated.

7. Building line on all lots and sites.
8. Location and description of all monuments used in the survey.
9. Names of recorded owners of adjoining unplotted land.
10. Certification of surveyor or engineer as to the accuracy of survey and plat.
11. Statement by the owner dedicating streets, rights-of-way, and sites to the County for public use.
12. Protective covenants, if any, in form suitable for recording.
13. Such other certificates, affidavits, endorsements or dedications as may be required in the enforcement of these Regulations.

### 317 PLANNED UNIT DEVELOPMENT AND PLATTING STANDARDS

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

- A. Preapplication: In addition to submitting the material required by Section 301 of these Rules and Regulations, the subdivider shall submit the following supplemental items. Replatted submission of identical information with subsequent plats is not necessary so long as written reference is made of this fact.
1. Five copies of any necessary agreements to conditions attached, by the Commission, to the approval of the Land Use Intensity (L.U.I.).
  2. Five copies of any covenants to be attached to the property.
  3. Five copies of any proposed Homes Association charter.
  4. Five copies of engineering drawings for all major water and sewer facilities necessary to service the plat area.
  5. Where applicable, a copy of an application to the State for a point of effluent discharge.
  6. Where applicable, a copy of an application to the State for ground or surface water supplies.
  7. Where applicable, a copy of an application to the State for any water impoundment structures.

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

- B. Final Platting: Final plats shall be submitted as provided in these regulations; however, no final plats may be approved without first having Items 1 through 7 in the preceding paragraph approved by the Commission.

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

ARTICLE IV  
DESIGN STANDARDS

400 APPLICATION OF STANDARDS

- A. The following land subdivision principles, standards and requirements shall be applied by the Commission in evaluating the plans for proposed subdivisions and shall be considered minimum requirements. Except as otherwise noted the provisions of this Article shall apply to all types of subdivisions.

401 LAND REQUIREMENTS

- \* A. Land shall be suited for the purpose for which it is to be subdivided.
- B. Land subject to hazards of life, health and safety shall not be subdivided for residential use until such hazards have been removed. Land within a flood plain area shall not be subdivided for residential, commercial or industrial use. The use of such land for recreational purposes shall not be prohibited.

402 STREET REQUIREMENTS

- A. Proposed streets shall be properly related to Municipality, County and State roads and highways.
- B. Streets shall be logically related to the topography so as to produce usable lots at reasonable grades.
- C. Streets shall be so laid out as to discourage through traffic.
- D. Where a subdivision abuts upon or contains an existing or proposed primary highway it must conform to state laws regulating access
- E. Maximum Allowable Grades: (Pertains to Type I and Type III Subdivisions only).

Primary	7 Percent
Secondary	10 Percent
Local	15 Percent

- F. Minimum grades on all streets shall not be less than 0.50 percent.
- G. Provision shall be made for simple transition at all significant grade changes, to provide for adequate vertical sight distance.
- H. Minimum street right-of-way and cartway widths shall be as follows:

<u>TYPE OF ROAD OR STREET</u>	<u>TYPE I &amp; III PAVED WIDTH</u>	<u>RIGHT-OF-WAY</u>
Feeder	20 Feet	40 Feet
Local	18 Feet	40 Feet
Where Curbing is Required	30 Feet	40 Feet

<u>TYPE OF ROAD OR STREET</u>	<u>TYPE II BASE WIDTH</u>	<u>RIGHT-OF-WAY</u>
Feeder	18 Feet	30 Feet
Local	16 Feet	30 Feet

- I. Cul-de-sac streets are permitted where they serve ten or fewer single family lots. In the case of multi-family lots the Planning Commission shall determine and fix the number of such lots permitted to serve a cul-de-sac.
- J. Street Intersections: (Pertains to Type I and Type III Subdivisions only).
  1. All curbs at intersections shall be rounded by a minimum radius of 30 feet for feeder roads and 20 feet for local roads or streets.
  2. Where the grade of any street at the approach to an intersection is to exceed five percent, a level area shall be provided with a reasonable transitional grade.
  3. Four-way intersections shall be the most complex intersections permitted.
  4. Streets shall be laid out so as to intersect as nearly as possible at right angles. Minimum street intersection angles shall be 60 degrees.
- K. Street offsets involving two intersecting streets with a third street at a distance of less than 100 feet are prohibited.
- L. Alleys shall have a minimum width of 15 feet.

403 LOT SIZES

Lot sizes must conform with State Health Department regulations where such regulations apply.

404 BLOCKS (Pertains to Type I Subdivisions only).

A. Block lengths shall not normally exceed 1,600 feet nor be less than 500 feet.

405 EASEMENTS

When the County Engineer determines that conditions are suitable for essential services, an easement reservation will be required. Utility easements shall be a minimum of 15 feet in width and placed at the side or rear of the lots.

406 SIDEWALKS

Sidewalks and crosswalks, where density exceeds five families per acre, shall be installed by the subdivider along public streets or where deemed necessary for public safety as determined by the Commission.

407 STREET NAMES

The subdivider may choose his street names. No street, other than an extension, may be given the name of an existing street in the subdivision or municipality.

408 CURBING

Curbs shall ordinarily be required where:

1. Streets are designed to serve areas in which the net residential density of the area surrounding the proposed subdivision equals or exceeds five families per acre.
2. Commercial development or other similar intensive urban uses exist.

409 STORM SEWERS

Storm sewers and/or drainage ditches shall be installed where deemed necessary by the Commission.

ARTICLE V  
IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

500 STREETS, CURBS, BASE AND PAVING

Except as otherwise provided the provisions of this Article shall apply to all types of subdivisions.

A. Grading:

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

B. Cross Drains:

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

C. Curbing: (Pertains to Type I and Type III Subdivisions only).

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

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

D. Base Course:

A base course shall be constructed at least six inches thick (rolled measurement) of native stone, limestone or crushed slag properly graded.

Lesser base courses, to a minimum of four inches, may be authorized on local streets by the Commission on advice from the County Engineer.

E. Pavement: (Pertains to Type I and Type III Subdivisions only).

A two inch bituminous plant mixed surface shall be placed on the prepared base.

501 STREET SIGNS

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

502 UTILITIES

Application for the installation, expansion, alteration or removal of sanitary sewers, sewage treatment plant and associated facilities or water systems and associated appurtenances shall be made to the State Department of Health.

A. Sanitary Sewers:

1. Installation of sanitary sewers shall be made in accordance with

the regulations of the State Department of Health. The Planning Commission shall be provided with evidence of approval of this authority.

2. Connection of any storm water into sanitary sewers shall be prohibited.
3. On-lot septic tanks and other private sewer systems will be permitted in areas where the public sewer system is not now available.
4. Septic tanks and private sewer systems shall be subject to approval by the County Health Department. Installation of septic tanks will be coordinated with the lot size requirements, drainage characteristics of the soil in the area, percolation tests and approval of the County Health Officer.

B. Storm Sewers:

1. Storm sewers shall be located within a street right-of-way or utility easement in a manner approved by the Commission.
2. Storm drains shall have a minimum diameter of 15 inches and shall accommodate a minimum flow velocity of 3 feet per second.
3. Manholes shall have a spacing of 300 feet or less for pipes 21 inches in diameter or smaller, and not more than 450 feet for pipes 24 inches and larger. Manholes shall also be installed at street alignment changes, and pipe size changes. When approved by the County Engineer, inlets may be substituted for manholes.
4. Culverts shall be designed to support the expected loads and carry expected flows, and shall be constructed the full width of the right-of-way.
5. Storm sewers and drainage ditches shall be designed to provide for the storm water run-off for a storm having an expected frequency of a minimum of ten years.

C. Water Supply:

1. In the case of planned public water supply, the Planning Commission shall be provided with evidence of the approval of the State Department of Health.
2. If public water is available or definitely planned for the area, then provisions shall be made for its immediate or eventual use.

3. Individual wells or project wells for water supply shall be approved by a State Health Officer, and a copy of the approval shall be submitted to the Commission.
4. Inspection of water supply facilities shall be made by the County Sanitarian prior to their use.

ARTICLE VI  
CONDITIONS OF ACCEPTANCE

600 RECORDING

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

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

601 GENERAL

- A. The Commission shall not approve any subdivision plat except in conformity with the provisions of these Subdivision Regulations.
- B. The Commission may request alteration of any subdivision plat, specifying alterations, changes or modifications therein which it deems necessary and may make its approval subject to such alterations, changes or modifications.
- C. No road, street, alley or related improvement shall be accepted as a part of the street system of the Municipality for maintenance unless opened, laid out, graded and improved in strict accordance with the provisions of these Subdivision Regulations.

ARTICLE VII  
MODIFICATIONS, VARIANCES AND WAIVERS

- 700 If it be determined that strict compliance with these Rules and Regulations would result in undue and unnecessary hardship to the Subdivider due to unusual topography or conditions beyond the control of the Subdivider, then the Planning Commission may modify, vary, or waive such requirements provided that such modification, variance or waiver will not nullify the intent or purpose of these Rules and Regulations, and provided further that such modification, variance, or waiver and the reason therefore shall be entered upon the minutes of the Planning Commission.

701 CONDITIONS OF, AND APPLICATIONS FOR VARIANCES

(a) In granting modifications, variances, or waivers, the Planning Commission may attach such other reasonable conditions as will, in its judgment, justify such modifications, variances and waivers and still maintain substantially the objectives of these Rules and Regulations.

(b) Each and every modification, variance, or waiver of these Rules and Regulations sought by the Subdivider shall be specifically applied for in writing in letter application form setting forth the reasons that the Subdivider feels he qualifies under this Article. Any condition shown on the Plat which would require a modification, variance, or waiver, shall constitute a ground for disapproval of the Plat unless such special application for modification, variance, or waiver is made. The granting of variances by the Commission shall be conditional and subject to the recommendations of the County Court of Jefferson County, West Virginia.

ARTICLE VIII  
CERTIFICATES, AFFIDAVITS, APPROVALS

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

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

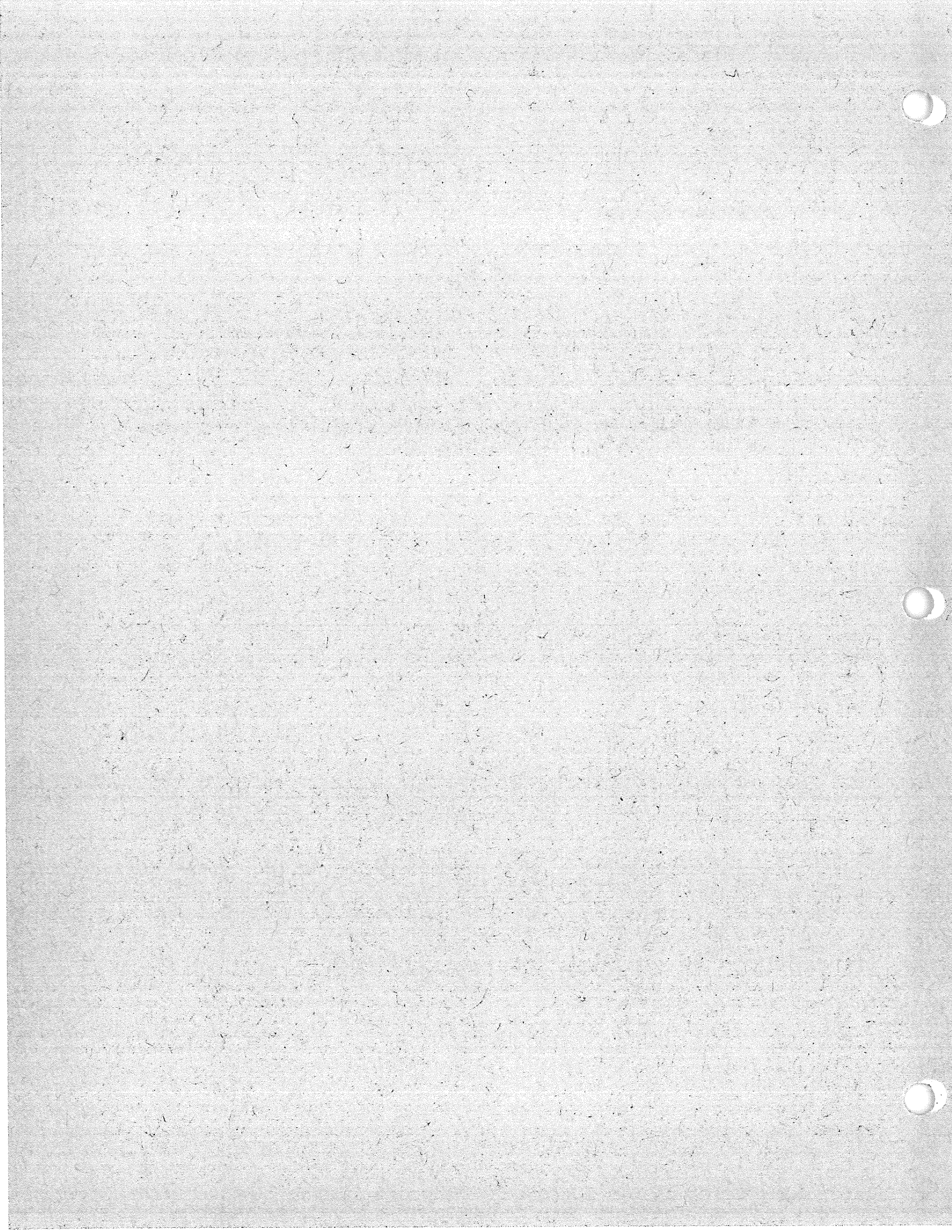
ARTICLE IX  
VALIDITY AND PENALTY

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

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

ARTICLE X  
AMENDMENT

1000 The County Court may from time to time adopt amendments that will tend to increase the effectiveness of these Rules and Regulations and expedite the approval of subdivision plats. These Rules and Regulations and amendments thereto may be modified, changed, amended or rescinded only by action of the County Court by following the same procedure set forth in Section 8-24-18 through 8-24-22 of the Code for the adoption of a comprehensive plan.



AMENDMENTS, ADDITIONS AND CHANGES  
TO  
JEFFERSON COUNTY SUBDIVISION REGULATIONS

EFFECTIVE  
May 7, 1973

PLATTING AND DESIGN STANDARDS FOR MOBILE HOME DEVELOPMENTS

The platting and design of each mobile home development shall comply with the following requirements:

SECTION 1101 PLATTING REQUIREMENTS

A. Preliminary Plat

A preliminary plat shall be submitted in accordance with Sections 304 and 314.

B. Final Plat

1) A final plat shall be submitted showing the final layout of the development as approved on the preliminary plat by the Planning Commission.

2) The final plat shall be submitted in accordance with Sections 307 and 316.

C. The final plat need not be recorded if the parcel of land in question is to be rented and not sold.

SECTION 1102 ENVIRONMENTAL, OPEN SPACE, ACCESS, DESIGN AND CONSTRUCTION REQUIREMENTS

A. General Requirements

Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants and adjacent land owners. All mobile home parks shall provide minimum of three acres in size. Minimum lot area per unit shall be 4,000 square feet. Minimum lot width 40 feet. Front, rear and side yard spaces shall be a minimum of 10 feet.

B. Soil and Ground Cover Requirements

Ground surfaces in all parts of every mobile home development shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

SECTION 1102 (Continued)

C. Site Drainage Requirements

The ground surface in all parts of every mobile home development shall be graded and equipped to drain all surface water in a safe, efficient manner.

D. Park Street System and Car Parking

- 1) GENERAL REQUIREMENTS: All mobile home developments shall be provided with safe and convenient vehicular access from public streets or roads to each mobile home lot. Such access shall be provided by streets or driveways.
- 2) Off-street parking shall be provided at the rate of one space per mobile home lot plus one additional off-street space for each lot to provide for guest parking, delivery and service vehicles.
- 3) DEVELOPMENT ENTRANCE: Entrances to mobile home developments shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the entrance street for a distance of 40 feet from its point of beginning.
- 4) INTERNAL STREETS: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

<u>Street Type</u>	<u>ROW-Feet</u>	<u>Pavement Feet</u>	<u>Curb &amp; Gutter</u>
Feeder	40	20	Yes
Local	40	18	Yes
Cul-de-sac	100 diam	70 diam.	Yes

- 5) REQUIRED ILLUMINATION OF PARK STREET SYSTEMS:  
All developments shall be furnished with approved lighting units spaced no more than 125 feet apart and equipped with luminaires placed at such mounting heights as will provide for the safe movement of pedestrians and vehicles at night.
- 6) STREET CONSTRUCTION AND DESIGN STANDARDS:
  - a. All streets shall be privately owned and maintained by the owner. Streets shall be named and signs erected.

SECTION 1102 (Continued)

- b. Pavements: All streets shall be paved in accordance with Section 500 for Type I Subdivisions.
- c. Grades: Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight percent. Short runs not exceeding 100 feet with a maximum grade of ten percent may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of horizontal curves.
- d. All streets shall be provided with a concrete or asphalt curb and gutter.
- e. Intersections: Streets shall intersect at approximately right angles. A distance of at least 100 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one location shall be avoided.

E. Walks

- 1) GENERAL REQUIREMENTS: All developments shall be provided with safe, convenient, paved pedestrian walks of a three foot minimum width. Abrupt changes in grading of walks shall not exceed 10 percent. Angular changes in alignment shall not exceed 20° except at street or walk intersections. When necessary to exceed 20° change in alignments, the walkway shall be curved with a radius of curvature not less than 15 feet measured at the walk centerline. Location of walks are subject to Planning Commission approval.
- 2) INDIVIDUAL WALKS: All mobile home stands shall be connected to common walks, to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

F. Mobile Home Stands

The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

SECTION 1102 (Continued)

- 1) The mobile home 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.
- 2) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "deadmen", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
- 3) 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.

G. Recreational Areas

Each park shall provide eight percent of its gross area for suitably equipped recreational space. This shall not include area required for buffering or streets.

H. Buffering

Mobile homes, structures and storage in each park shall be kept 25 feet back from all exterior property and right-of-way lines. All mobile homes must be skirted. An access panel or door of at least 2 feet by 2 feet shall be included in all trailer skirtings.

SECTION 1103 WATER SUPPLY

A. General Requirements

An accessible, adequate, safe, potable, and central water supply approved by the West Virginia State Board of Health shall be provided in each mobile home development.

SECTION 1104 SEWAGE DISPOSAL

A. General Requirements

An adequate and safe central sewerage system shall be provided in all mobile home developments for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state laws. Plans, operation, and maintenance are to be approved by the West Virginia State Board of Health. Septic systems are prohibited.

**SECTION 1105** UNDERGROUND UTILITIES

All utilities, including but not limited to electric and telephone lines, shall be placed underground in accordance with rules and procedures established by the West Virginia Public Service Commission and as suggested by the Commission Engineer.

**SECTION 1106** The provisions of Section 104 and 105 relating to bonds shall apply to this Article.

AMENDMENTS, ADDITIONS AND CHANGES  
TO  
JEFFERSON COUNTY SUBDIVISION REGULATIONS

EFFECTIVE  
May 7, 1973

ARTICLE II  
DEFINITIONS

230 MOBILE HOMES

Any vehicle or similar portable structure having no permanent foundation other than wheels, jacks or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

231 MOBILE HOME PARK

Any site, lot, or parcel of ground maintained or intended for the purpose of supplying a location or accommodation for two or more mobile homes for living purposes.

ARTICLE III  
PROCEDURE FOR APPLICATION, REVIEW, AND APPROVAL OF PLATS

314 REQUIREMENTS OF PRELIMINARY PLATS AND DATA

B.

6. Contour lines at vertical intervals of five feet, or in the case of relatively flat tracts, at intervals of two feet, are required for Type I and Type III subdivisions. At the pre-application conference, if the Committee deems necessary, it may require this to be submitted for Type II Subdivisions.

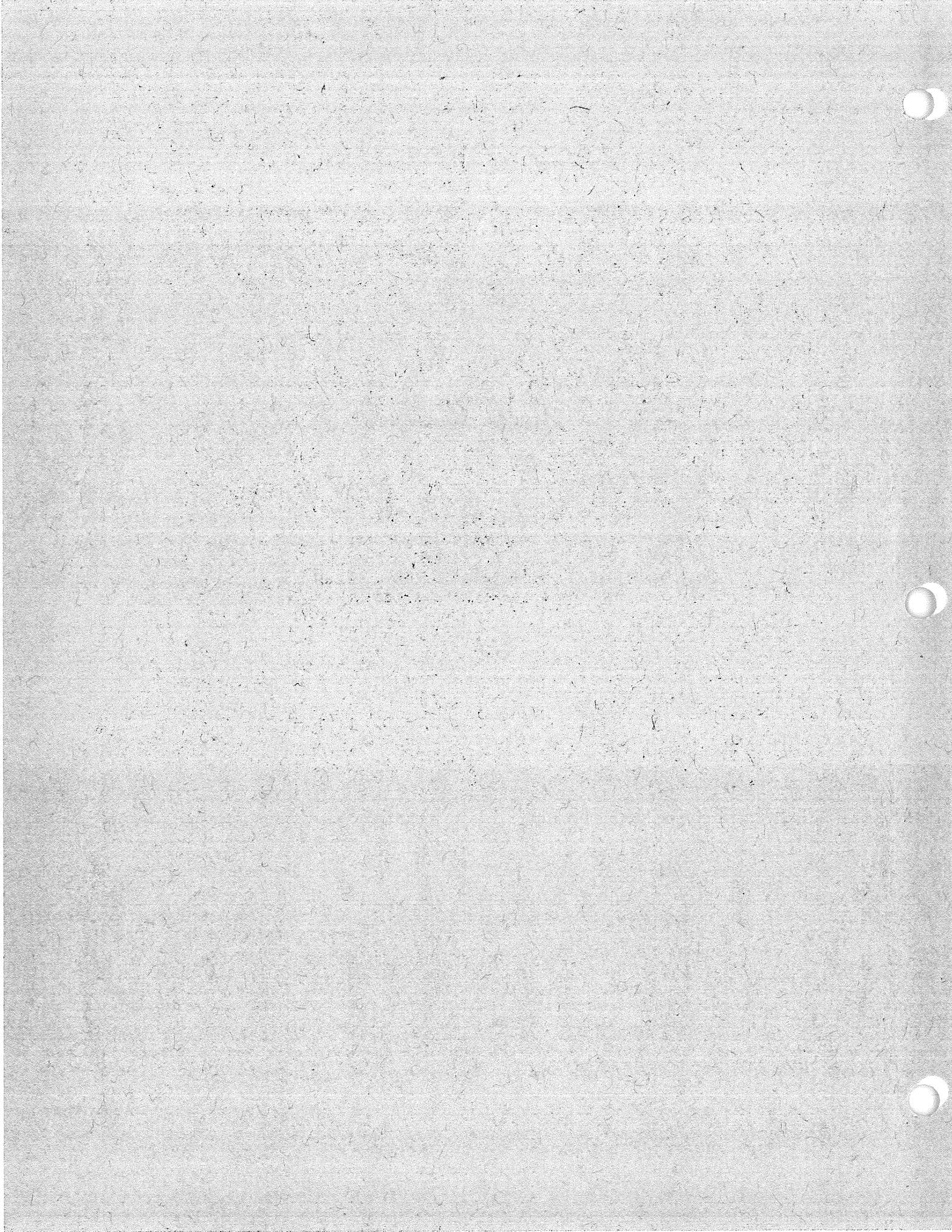
AMENDMENTS, ADDITIONS AND CHANGES  
TO  
JEFFERSON COUNTY SUBDIVISION REGULATIONS

EFFECTIVE  
May 7, 1973

ARTICLE IV  
DESIGN STANDARDS

401 LAND REQUIREMENTS

- B. Land subject to hazards of life, health and safety shall not be subdivided for residential use until such hazards have been removed. Land within a flood plain area shall not be subdivided for residential, commercial or industrial use. The use of such land for non-residential recreational purposes shall not be prohibited.



AMENDMENTS, ADDITIONS AND CHANGES  
TO  
JEFFERSON COUNTY SUBDIVISION REGULATIONS

EFFECTIVE  
August 9, 1973

226 SUBDIVISION

Immediately following the sentence which ends with the phrase "... relates to the process of subdividing and to the land or territory subdivided" shall be added the following two paragraphs:

"The owner of a contiguous parcel may sell one or more lots from his original contiguous parcel to any person or other legal entity without thereby creating a subdivision, provided that not more than one such lot shall be sold in any four year period and provided further that no lot smaller than ten acres in area may be divided into lots by sale or by any other method more often than once in any four year period. The date on which the deed for any outsale is recorded shall be deemed the date of such outsale."

"The owner of a contiguous parcel may sell, give, lease or otherwise convey lots, tracts or parcels from the contiguous parcel to the following named members of his family and their spouses without thereby creating a subdivision: grandfather, grandmother, father, mother, son, daughter; provided however that if any lot so conveyed is, within four years of such conveyance, further conveyed to a person or other legal entity not so related to the original owner, then the conveyance by the original owner shall be deemed to have been made directly to such ultimate owner and not to the member of the original owner's family."

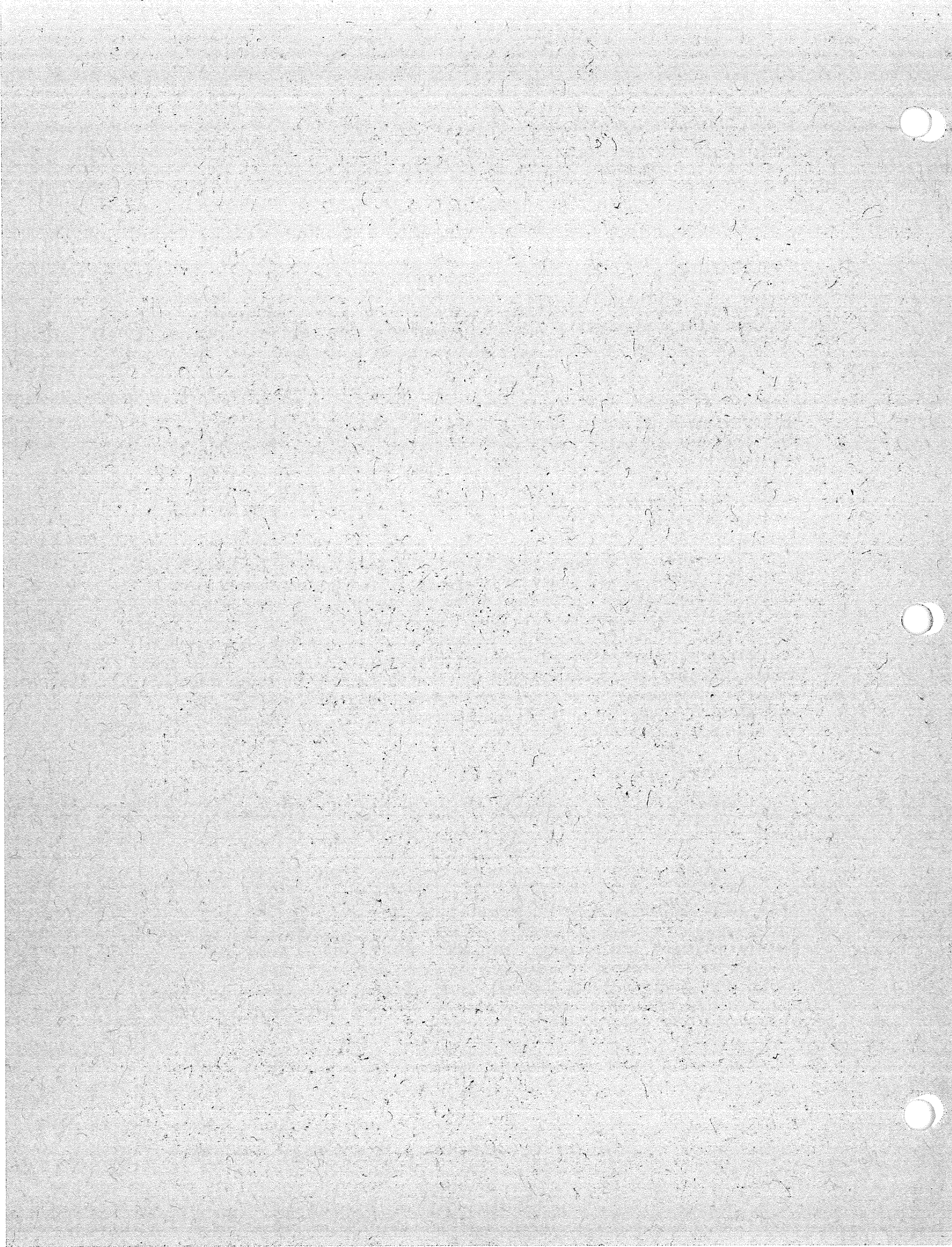
The remainder of this Section remains the same.

ARTICLE III  
PROCEDURE FOR APPLICATION, REVIEW, AND APPROVAL OF PLATS

313 SMALL SUBDIVISIONS AND RESUBDIVISIONS

Where a proposed subdivision is of such small size or contains so few lots as to present no engineering problems, to have little economic or environmental impact, or to present few, if any, planning problems, the Planning Commission may waive the procedures set forth in Sections 303 through 306.

The remainder of this Section remains the same.



AMENDMENTS, ADDITIONS AND CHANGES  
TO  
JEFFERSON COUNTY SUBDIVISION REGULATIONS

EFFECTIVE  
October 30th, 1975

226 SUBDIVISION

The following sections of the Jefferson County Subdivision Regulations are hereby repealed:

- A. Immediately following the sentence which ends with the phrase "...or for the construction, installation, and operation of mobile home parks and mobile home park developments." shall be deleted the language "except that a division of land for any purpose into lots, parcels, or other divisions of land of ten acres or more shall not be deemed a subdivision. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing and to the land or territory subdivided."
- B. Amendments, Additions and Changes to the Jefferson County Subdivision Regulations effective August 9, 1973:
  1. All references to Section 226 SUBDIVISION.

226 SUBDIVISION

Immediately following the sentence which ends with the phrase "... or for the construction, installation, and operation of mobile home parks and mobile home park developments." shall be added the following language:

"Subdivision includes resubdivision and, when appropriate to the context, relates to the process of subdividing and to the land or territory subdivided.

Exceptions:

- A. A division of land for any purpose into lots, tracts, parcels, or other divisions of land of ten acres or more shall not be deemed a subdivision.
- B. A division of land for any purpose into lots, tracts, parcels, or other divisions of land of less than ten acres shall not be deemed a subdivision under the following circumstances:
  1. The owner of any lot may create therefrom a lot of less than ten acres provided title to said lot of less than ten acres is transferred to one of the following named members of the owner's family: father, mother, grandfather, grandmother, son, daughter, grandson,

granddaughter. No named relative may receive more than one such lot and any further conveyance within four years by a named relative to a relative not named or to a non-relative shall be construed as an outsale by the original owner.

2. The owner of a lot that lawfully existed on the effective date of this amendment may create therefrom one lot of less than ten acres, said lot to be termed an outsale lot. Four years after the title to an outsale lot is recorded in the County Clerk's office, the owner of the remaining property may once again exercise an outsale. This process may continue until a maximum of four outsale lots have been created and recorded. The division of remaining land will then be recognized and processed as a subdivision. In no case shall an outsale lot be created from a lot that was formed after the effective date of this amendment.

Where an individual or other legal entity owns two or more lots that are joined one to the other by a common boundary or in an unbroken series, said adjoining lots, for the purpose of creating an outsale lot, shall be considered a single lot.

Where an outsale lot was created before the effective date of this Amendment, the four year delay remains effective from the date the outsale lot was recorded.

The remainder of this Section remains the same.

Adopted by the Jefferson County Commission  
October 30, 1975