

TWENTY-FOURTH ANNUAL REPORT  
JEFFERSON COUNTY PLANNING AND ZONING COMMISSION  
JULY 1, 1990 THROUGH JUNE 30, 1991

Twenty-fourth Annual Report  
Jefferson County Planning and Zoning Commission  
July 1, 1990 through June 30, 1991

I. OPERATION OF THE PLANNING AND ZONING COMMISSION

A. Planning and Zoning Commission Membership

1. H. Richard Flaherty, President
2. Robert N. Warren, Vice President \*\*\*
3. William Senseney, Secretary/Treasurer
4. Charles B. Clendening  
(designated member from the County Commission)
5. Charles Lutman\*
6. Robert L. Mason\*
7. D. Lee Morgan
8. Gilbert Page Wright
9. Betty Braxton
10. L. Campbell Tabb
11. Scott Coyle \*\*\*
12. Carolyn Hoffman
13. Ernest Benner
14. Betty Roper
15. Herbert Snyder \*\*  
(designated member from the County Commission)

\* Charles Lutman, Robert L. Mason and Betty Braxton resigned effective March 31, 1991. They were replaced by Carolyn Hoffman, Ernest Benner and Betty Roper.

\*\* Herbert Snyder replaced Mr. Clendening as the designated member from the County Commission effective January 1, 1991.

\*\*\* Scott Coyle replaced Mr. Warren as Vice President in April, 1991.

B. Planning and Zoning Commission Staff

Paul J. Raco, Director of Planning and Zoning\*  
Paula J. Coomler, Permit Officer/Assistant  
Rebecca F. Burns, Executive Secretary  
John C. Laughland, County Engineer (employee of the County Commission)

\*Paul Raco is also the designated Zoning Administrator

Schedule of Regular Meetings

Regular meetings are held on the second and fourth Tuesday of each month at 7:30 p.m. in the Planning Commission meeting room located on the first floor at 108 East Washington Street, Charles Town, West Virginia 25414.

During Fiscal Year 1990/91, the Planning and Zoning Commission held twenty-two (22) Regular Meetings. In addition, one special meeting (work session) was held on August 21, 1990, to work on amendments proposed to the Jefferson County Zoning, Subdivision and Improvement Location Permit Ordinances.

Jefferson County Planning and Zoning Commission  
Twenty-fourth Annual Report  
July 1, 1990 through June 30, 1991  
Page Two

Also, three public hearings were held to receive public comments on the proposed changes to the Zoning and Development Review Ordinance, the Subdivision Ordinance and the Improvement Location Permit Ordinance. In addition, Neighborhood Compatibility Hearings were held on three separate projects. Minutes and tapes of all meetings and work sessions are on record in the Planning Commission office and are available for public review during normal business hours, Monday through Friday, 9:00 a.m. to 5:00 p.m.

The Staff and Subdivision Review Panel conducted subdivision review work sessions, as necessary, on the first and third Friday of the month at 10:00 a.m. in the Planning Commission meeting room. During Fiscal Year 1990/91, seventeen (17) subdivision review work sessions were held for the purpose of reviewing seven (7) Community Impact Statements, sixteen (16) Preliminary subdivision plats, and seven (7) site plan reviews.

D. 1990-1991 Budget

The following is the amount expended by the Planning Commission through the fiscal year.

Total Salary	\$67,323.33
FICA	5,148.85
Insurance	4,153.68
Retirement	6,410.79
	<hr/>
	\$83,036.65
Telephone	1,462.48
Printing	2,624.81
Travel	200.22
Maintenance/Repair - Equipment	1,746.11
Maintenance/Repair - Autos	19.16
Legal Publications	1,351.10
Postage and Refunds	99.00
Dues/Subscriptions	752.74
Professional Services	44,250.00
Insurance/Bonds	1,070.79
Contractual Services	6,394.11
Supplies/Materials	1,175.10
Auto Supplies	667.20
New Equipment	643.92
	<hr/>
Total	\$145,493.39

In addition, the following items were also expended:

Engineering Services	\$30,000.00	
Prosecuting Attorney	<u>\$10,000.00</u>	
Subtotal		\$ 40,000.00
Total		<u>\$185,493.39</u>

The \$44,250.00 expended in professional services was for the Tischler Fiscal Impact Study in totality and was not originally budgeted for this Department.

E. Revenues \$170,042.95

Total revenues decreased by \$71,460.00 from Fiscal Year 1989/90.

II. BUILDING CONSTRUCTION ACTIVITY

A. Improvement Location Permit Activity

The total number of Improvement Location Permits issued during the 1990/91 fiscal year, as shown on the table below, increased by 44 over the last fiscal year. A total of 996 permits were issued versus 952 in 1989/90. However, the total value of construction decreased from \$52 million in 1989/90 to \$44 million during the 1990/91 fiscal year.

IMPROVEMENT LOCATION PERMIT ACTIVITY  
 FISCAL YEAR 1988/89 and FISCAL YEAR 1989/90

	<u>FY 1989/90</u>		<u>FY1990/91</u>	
	<u>No.</u>	<u>Value</u>	<u>No.</u>	<u>Value</u>
Apartment Buildings	0	0	0	0
Single Family Homes				
Detached	400	38,605,586	316	28,072,468
Attached	23	1,133,500	21	1,426,400
Mobile Homes	93	1,295,733	91	1,436,853
Garages/Carports	107	849,888	116	730,208
Additions	142	1,451,720	181	1,643,502
Accessory Buildings	88	389,474	154	794,193
Farm Structures	29	490,700	46	295,399
Commercial/Industrial	35	5,126,880	35	1,745,542
Swimming Pools	27	390,494	20	224,015
Other	<u>8</u>	<u>2,580,728</u>	<u>16</u>	<u>8,066,065</u>
	952	\$52,314,703	996	\$44,434,645
Total dwelling units	516		428	
Average Construction Cost/ single family home		\$79,525		\$72,233

The total number of new dwelling units created (apartment units, single family homes and mobiles homes) decreased from 516 units to 428 units. Likewise, the total average value of residential construction decreased from \$79,525 per dwelling unit in 1989/90, to \$72,233 in 1990/91, or a decrease of slightly over \$7,000 per unit.

The number of permits issued for commercial/industrial buildings remained the same as in 1989/90. However, the value of the construction in this category decreased from \$5,126,880 in 1989/90 to \$1,745,542 in 1990/91. The category of "Other" doubled in the number of permits from 8 to 16 with the value increasing from \$2,580,728 in 1989/90 to \$8,066,065 in 1990/91, due mostly to major additions to two schools and construction of a new elementary school. Overall, the number of permits increased by 44 over the previous fiscal year and the total construction value decreased by \$8,880,058.

#### B. Improvement Location Permit Ordinance Revisions

Following Planning Commission review, a Public Hearing on proposed amendments to the Improvement Location Permit Ordinance to add bonding requirements for Commercial and Industrial Site Plans was held on August 14, 1990. Other proposed changes included a change in the requirements for what needs an Improvement Location Permit, and a stipulation was added to require a plan for water conveyance under all proposed driveways. After consideration of comments received, the proposed amendments were referred to and adopted by the County Commission (see attached Addendum I).

#### C. Enforcement of Flood Plain Management Ordinance

In the 1990-91 Fiscal Year, the Planning Commission staff issued nine (9) Improvement Location Permits for construction on lots within flood prone areas. Three of these permits were for construction that is to be located at or above the 100 year flood plain, one for a home, one for a garage and one for a deck. Five permits, for additions to existing structures or garages, were issued for construction within the flood plain since the value of the addition was less than 50% of the value of the existing structure. One permit for an addition was issued on the basis of a waiver granted by the Jefferson County Commission. One permit was issued for a pavilion that is not an enclosed structure.

Steve Adukaitis of FEMA's Philadelphia office came to the county to review the Planning Commission files and inspect the sites, and indicated that the regulations are being enforced excellently and suggested that we would probably qualify for a lower insurance rate if the proper paperwork is submitted.

In addition, the Staff received numerous inquiries as to location of flood prone areas, and prepared a number of parcel maps indicating the regulated flood plain.

### III. LAND DEVELOPMENT ACTIVITY

#### A. Subdivision Ordinance Activity

The number of lots, sites or units approved by the Planning Commission under the Subdivision Ordinance has fluctuated between 154 to 871 yearly over the last four fiscal years. During the 1990-91 fiscal year the Planning Commission approved 381 new lots, sites or units. In addition, the number of lots created through the subdivision exemptions has ranged between 20 and 104 annually during the same period. The number of lots, sites or units pending completion of subdivision processing at the end of the 1990-91 fiscal year is 1514. However, the number of pending lots has never been an accurate count of what actually is approved. (See Appendix I, Page Five).

A listing of the specific subdivision proposals which have been approved, those currently pending further processing and approval, and Community Impact Statements (concept plans) submitted and accepted as of July 1, 1991, can be found in Appendix 1.

In addition to the subdivision activity described above, the Planning Commission received and approved four (4) variance requests to permit two or more principal buildings on a single lot. One request was denied.

#### B. Construction Inspections and Bonding

Once a project is approved by the Planning Commission, the Planning Commission Staff, and primarily, the County Engineer, inspect the subdivision improvements to insure that they conform with the approved plans.

In addition to the inspections, the Planning Commission Staff administers construction bonds provided by developers to insure completion of improvements. As of July 1, 1990, the total value of the bonds held by the County was \$3,501,070.50. The subdivisions currently bonded and the amount and form of security are listed in Appendix II.

#### C. Subdivision Ordinance Revisions

Following Planning Commission review, a Public Hearing on proposed amendments to the Subdivision Ordinance to delete the Planned Unit Development Standards and add Condominium

Standards was held on August 14, 1990. Also proposed were amendments including adding buffering requirements for sensitive natural areas, as well as definitions of wetland, natural vegetation, rare and endangered species and clustering. Other proposed amendments included revised ditch standards, revised road and asphalt standards, new requirements for State Highway improvements, revised sidewalk standards, enhanced stormwater management standards (quality and quantity), new turbidity standards, revised townhouse setbacks, revised common interest ownership agreement and other miscellaneous changes. After consideration of comments received, the proposed amendments were referred to and accepted by the County Commission (see attached Addendum II).

#### D. Salvage Yard Ordinance Activity

The Jefferson County Salvage Yard Ordinance, adopted in August, 1984, established regulations for salvage yards not previously permitted by the State Department of Highways. The ordinance applies to the collection of three or more "junked" motor vehicles (unable to pass State inspection) or other certain accumulations of ferrous and non-ferrous material. Requirements include setbacks, fencing and other site design standards intended to minimize adverse impacts of a salvage yard.

During the 1990/91 Fiscal Year, the Planning Commission Staff investigated approximately forty (40) complaints at various locations around the County. Some of the complaints were determined not to constitute a salvage yard by the definition of "junked" motor vehicles. However, efforts have been made by a number of property owners who were investigated, to clean up their property and alleviate the cause for the complaints. Twenty-seven (27) locations were determined to contain salvage yards in violation of the Salvage Yard Ordinance and were pursued. A number of these violations are awaiting trial and disposition in Magistrate Court.

### III. STATUS OF PLANNING

#### A. Zoning and Development Review Ordinance Revisions

Public Hearings on proposed amendments to the Zoning and Development Review Ordinance were held on August 14, 1990, September 11, 1990 and May 14, 1991. The amendments proposed were concerned with the addition of a buffering requirement for sensitive natural areas and the addition of several new definitions (natural vegetation, seasonal use, sensitive natural area, rare or endangered species and wetland). The

proposed amendments also included new provisions for clustering and condominiums, revised lot line definitions, revised setbacks, new prison and jail standards, higher fines, revised buffering requirements, clarifications on how to do the LESA Point process, increased advertising time for hearings, new seasonal use provisions, and revised parking standards. Another proposed change added a provision with regard to casino type betting and gambling. Following further consideration of comments received at the public hearing the amendments were referred to the County Commission for adoption (see attached Addendum III).

No projects were submitted to process through the zoning procedure and the Land Evaluation/Site Assessment (LESA) system. This is an indication that the LESA system has indeed forced the growth into the perceived growth corridor. During this fiscal year there have been many large property owners in the Rural Agricultural District that have been waylaid with their potential development plans.

C. Site Plan Reviews

With the institution of zoning, a site plan review process was instituted for any projects other than single family residential. The following projects were submitted for site plan review:

<u>Name of Project</u> <u>Acres</u>	<u>Type Development</u>	<u>District</u>	<u>Status</u>
Charles Town Races, Inc.	Commercial	Charles Town	Site Plan Waived
Jefferson Asphalt Plant at Millville	Industrial	Harpers Ferry	Approved
Oakland United Methodist Church	Institutional	Charles Town	Certain Variances Granted 11/27/90 Pending
3M Addition	Industrial	Middleway	Approved
R & R Investment Texaco Service Station & Convenience Store	Commercial	Charles Town	Approved Pending Bonding
One Valley Bank Drive-Up Addition	Commercial (Ranson)	Charles Town	Pending
Feagan's Mill Substation	Utility	Charles Town	Approved
FCT Corporation	Office Bldg.	Charles Town	Approved Pending Bonding

D. Intergovernmental Cooperation

The Planning Commission has established an open working relationship with other governmental agencies to ensure cooperation and coordination of programs and planning activities affecting Jefferson County. Examples of agencies the Planning Commission communicates with on a regular basis include: the Jefferson County Commission, Board of Education, Health Department, Development Authority, Solid Waste Authority Emergency Services, Public Service District and the

offices of the Assessor, County Clerk and Prosecuting Attorney; the State Departments of Health, Highways, and Natural Resources; and the U. S. Departments of Agriculture and Interior.

E. Miscellaneous Meetings and Activities

In addition to the regular and special meetings of the Planning Commission and the Zoning Board of Appeals, and individual project Neighborhood Compatibility Meetings, the Planning Commission Staff has attended numerous meetings, conferences and work sessions on such topics as groundwater protection, environment, zoning, subdivision ordinance and stormwater management. Formal speaking engagements by the Staff included the Charles Town Women's Club, Jefferson County Kiwanis Club, Charles Town Rotary Club, Rolling Ridge Foundation, Harrison County Planning Commission, Monongalia County Planning Commission, West Virginia Planning Association, and the Harpers Ferry Junior High School Social Studies Fair.

Neighborhood Compatibility Meetings were held as follows:

<u>Date</u>	<u>Project</u>
July 11, 1990	R & R Investment Texaco Service Station and Convenience Store
August 22, 1990	Shannondale, Section 24-J
January 1, 1991	Sherman Dimon Mobile Home Park

The Planning Commission also completed their review of impact fees and submitted all reports to the County Commission.

The Impact Fee Committee was made up of the following people:

Douglas Rockwell	Michael M. Johnson
Peter Chakmakian	Rosella Kern
Steve Bittinger	Rev. Ernest Lyles
James Bryan	Terry Marcus
Guy Chicchirichi (withdrew)	Judith Moore
Carolyn Hoffman	Russell Roper
A. G. Hooper, Jr.	R. Michael Shepp
William Theriault	Craig Yohn

The County Commission is currently studying the feasibility of home rule powers.

The Planning Commission Staff prepared a proposed Building Code that is currently being reviewed by the County Commission.

The Planning Commission also defended several lawsuits, including a case that is still pending in Federal Court. The documents concerning these cases are available for review in the Court files.

F. Miscellaneous Information Requests

As with previous fiscal years, a large portion of Staff time is devoted to responding to inquiries received in person and by telephone. A large portion of these inquiries are directly related to building and subdivision activity. However, the Planning Commission also receives numerous requests for census information, aerial photographs, flood plain information, and general information related to appraisals and marketing studies. In addition, since the zoning effort has been under way and is now effective, numerous inquiries are directed along this line. The Staff keeps a daily log of in-coming and out-going telephone calls and visits in person. Also, the County switchboard keeps a daily log of in-coming calls.

The following table shows the number of calls received by the various offices for Fiscal Year 1990-91:

Assessor	5,367
Circuit Clerk	5,582
Circuit Clerk Judge	2,820
County Clerk	8,179
County Commission	3,891
County Development	3,593
Dog Warden	584 (7/90-11/90)
Planning Commission	7,657
Prosecuting Attorney	6,671
Sheriff-Law	7,559
Sheriff-Tax	6,862
Information	4,664
Records Room	1,458

The month during which the Planning Commission handled the greatest number of calls was August, 1990, with 851 calls, and the lowest number of calls handled was in Dec. 1990, when 427 calls were received. The average calls received per month was 638. As indicated by the chart, the planning Staff, again, responded to a great deal of the calls coming into the court house. It is also informative to note that the large majority of these 7,657 calls are answered and routed by one executive secretary.

APPENDIX I  
Subdivisions Approved During Fiscal Year 1990/91

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Athey Minor Subdivision	Kabletown	10.677	3
Page Nelson Athey Minor S/D	Kabletown	3.242	2
Woods Minor Subdivision	Harpers Ferry	5.5028	3
Enos Minor Subdivision	Harpers Ferry	15.280	3
Thomas Nalls Minor Subdivision	Charles Town	*373.920	3
Jefferson Asphalt Commercial S/D	Harpers Ferry	*194.98	2
Robert Palmer Minor Subdivision	Middleway	* 46.041	2
Athey Minor Subdivision, Lot 8	Kabletownown	*109.2	2
Jewell Minor Subdivision	Middleway	2.3201	2
Tusawilla West, TH-1 thru TH-10	Charles Town	1.352	10
Ivan Barb Minor Subdivision	Middleway	* 74.5	3
Estate of Gladys E. Davidson	Harpers Ferry	*117.44	3
Robert Lee Gray Minor Subdivision	Harpers Ferry	22.84	3
James Burr Technology Center	Charles Town	11.77	4
Hy Crest Farm Minor Subdivision	Kabletown	*127.871	3
Tusawilla West DP-1 thru DP-8 and Lots 48-64 & Residue "B"	Charles Town	*120.103	25
Susan Tomasino Minor Subdivision	Kabletown	10.00	3
Ridgeway Minor Subdivision	Harpers Ferry	10.529	3
Arnold W. Dailey, Sr. Minor S/D	Middleway	*127.7	3
Borden Subdivision	Shepherdstown	* 68.818	2
Mathews Minor Subdivision	Shepherdstown	9.707	2
Weller Minor Subdivision	Harpers Ferry	*183.070	2
Jeffrey A. Barr Minor Subdivision	Shepherdstown	4.8061	2
Freedland Minor Subdivision	Middleway	*100.000	3
Jeffrey L. Smith Minor Subdivision	Harpers Ferry	10.000	3
Donley Estate Minor Subdivision	Shepherdstown	*101.70	2
West Woods	Kabletown	*371.050	11
The Hamlet	Shepherdstown	5.000	35 t.h.
Crossroads Shopping Center	Shepherdstown	*112.090	5
Glenn Meadows, II	Shepherdstown	21.341	12
Breckenridge, Section I	Charles Town/HF	57	100
Rolling Knolls Minor Subdivision	Shepherdstown	*139.63	3
Link Minor Subdivision	Shepherdstown	*125.28	2
Nansfield Hunt	Harpers Ferry	25.907	20
FCT Corporation Minor Subdivision	Charles Town	17.03	2
Capriotti/Athey, Lots 1A, 1B & 1C MSD	Charles Town	35.217	3
Capriotti/Athey, Lots 2A & 2B MSD	Charles Town	24.001	2
Maddex Farm, Phase II, Lots 47-77	Shepherdstown	3.05	31 t.h.
Clipp Minor Subdivision	Kabletown	17.357	3
Lots A, B & C of Hendrix Subdivision	Shepherdstown	* 68.87	3
Mavis L. Ferguson Minor Subdivision	Harpers Ferry	12.652	2
Samuel Shade Subdivision	Shepherdstown	* 39.87	2
Jerry R. Powers Minor Subdivision	Middleway	11.1032	2
T. J. Baumgardner Subdivision	Harpers Ferry	* 57.00	2

• Appendix I  
 Subdivisions Approved During Fiscal Year 1990/91  
 Page Two

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Fulton D. Reeder Minor Subdivision	Middleway	17.764	3
Kidwell Subdivision	Charles Town	10.12	2
Larry R. Slater Minor Subdivison	Harpers Ferry	7.3261	2
Lewis Meadows Subdivision	Shepherdstown	* 90.37	3
Shannondale, Section 24-J	Charles Town	<u>73.043</u>	<u>33</u>
		3,195.35	381

NOTE: \* The acreages shown on the denoted subdivisions above are distorted because they include a large residue of property which, at a later date may be further subdivided. The total residue acreage on these denoted subdivisions is 2,749.49 acres. Therefore, the total acreage actually subdivided into lots is 445.86 acres.

Appendix I  
 Subdivisions Pending at the End of Fiscal Year  
 Page Three

Subdivisions Pending At The End of Fiscal Year 1990/91

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
* Scotia Run	Charles Town	32.334	22
Glenn Woods	Shepherdstown	49.205	16
Maddex Farm Property, Phase I, Section I, II and III	Shepherdstown	14.613	4 (un- specified use
		2.770	9 s.f.
		3.138	33 t.h.
* Spring Hill (Concept Only)	Charles Town	160.9	290 s.f. 155 t.h.
Rosetree	Shepherdstown	36	50
Robins-Boldso	Charles Town	17.41	3
* Locust Grove Village (Concept Only)	Harpers Ferry	172	349
Breckenridge, Section II	Charles Town	17.558	130 t.h.
Briar Run Estates	Charles Town	139.097	252 s.f. 150 t.h.
Runnymede, II, Lots 11 & 12	Kabletown	37.28	2
Yorkville	Harpers Ferry	8.9	9
Dimon Mobile Home Park	Charles Town	13	30 sites
Cress Creek, South Hills, Section Lots 12-18	Shepherdstown	5.053	7
Senseney Townhouses	Charles Town	14.979	s.f. 4 t.h.
John F. Palmer Subdivision	Harpers Ferry	<u>21.8611</u>	<u>3</u>
		746.0981	1,514 d.u.

\* These files have since been closed.

Appendix I  
 Community Impact Statements Accepted  
 Page Four

Community Impact Statements Accepted by the  
 Planning Commission During Fiscal Year 1990-91  
 (Concept Plans)

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Jefferson Asphalt Company Plant at Millville Quarry	Harpers Ferry	4.01	1
Locust Grove Village	Harpers Ferry	172	349
Briar Run Estates	Charles Town	139.097	252 s.f. 150 t.h.
Shannondale, Section 24-J	Charles Town	74.87	39
Yorkville Subdivision	Harpers Ferry	8.9	9
Sherman Dimon Mobile Home Park	Charles Town	13	30 sites
FCT Corporation Office Building	Charles Town	2.665	39,600 s.f.office building
		<u>414.542</u>	<u>829 d.u.</u>

TABLE 1

Calendar Year Initiated	Proposed <u>Lots</u>	Approved <u>Lots</u>	Accumulative	
			<u>Proposed</u>	<u>Approved</u>
1972	806	594	808	594
1973	1135	415	1941	1009
1974	523	313	2464	1322
1975	491	277	2955	1599
1976	815	191	3770	1790
1977	193	127	3963	1917
1978	367	267	4330	2184
1979	459	87	4789	2271
1980	102	46	4891	2317
1981	53	22	4944	2339
1982	94 (88 Apts.)	93	5038	2432
1983	232	216	5270	2648
1984	115	102	5385	2750
1985	295	216	5680	2966
1986	134	133	5814	3099
1987	1275	430	7089	3529
1988	1705	723	8794	4252
1989	5457	648	14251	4900
1990	2353	404	16604	5304
1991 through 6/30/91	63	18	16667	5322

APPENDIX II  
Outstanding Construction Bonds As Of June 30, 1991

<u>Subdivision</u>	<u>Security</u>	<u>Amount</u>
Muzzey I	Cash-in-Escrow	\$4,612.00
Willow Brook, Section III	Cash-in-Escrow	3,312.00
Patrick Henry Estates, Section B	Cash-in-Escrow	1,500.00
Willow Spring Farm, Section III	Cash-in-Escrow	2,588.00
Stafford	Cash-in-Escrow	1,500.00
Glenn Meadows, Section I	Cash-in-Escrow	20,600.00
Uvilla Estates	Deed of Trust	31,453.00
Maddex Professional Center, Phase I	Cash-in-Escrow	1,700.00
Guy Cornell Estates	Letter of Credit	3,000.00
Eastland, Section I	Letter of Credit	5,750.00
Norwood, Sections 1 and 2	Deed of Trust	405,085.00
Schaeffer's Crossroads, Section I	Cash-in-Escrow	5,000.00
Farview Farm, Section I	Cash-in-Escrow	2,000.00
Somerset Village	Letter of Credit	10,000.00
Eastland, Section II-A	Letter of Credit	30,992.50
Stonebrook, Section I	Deed of Trust	21,275.00
Old National Bank	Cash-in-Escrow	25,000.00
Cloverdale Heights, Section I	Deed of Trust	9,200.00
Shannondale, Section 3-M & 6-C	Deed of Trust	44,850.00
Glendale Estates	Deed of Trust	225,788.00
Eastland, Section II-B	Letter of Credit	30,245.00
Norwood, Sections 3 and 4	Letter of Credit	9,750.00
Apple Blossom Meadows	Deed of Trust	144,258.00
Brentwood	Letter of Credit	5,000.00
Highland Meadows, Section II	Letter of Credit	46,086.00
Deer Mountain Estates	Deed of Trust	455,000.00
Cherry Hill	Deed of Trust	214,732.00
Highpoint	Letter of Credit	20,000.00
The Lumber Yard	Letter of Credit	133,014.00
Cloverdale, Section II	Deed of Trust	130,246.00
Patrick Henry Estates, Section C	Deed of Trust	11,500.00
Patrick Henry Estates, Section D	Cash-in-Escrow	65,000.00
Ambler's Glen	Letter of Credit	57,000.00
Maddex Farm Ltd. Partnership (SWM Only)	Cash-in-Escrow	7,200.00
Nansfield Hunt	Deed of Trust	221,439.00
Schaeffer's Crossroads, Section II	Deed of Trust	179,400.00
Maddex Square Shopping Center	Letter of Credit	8,000.00
Rolling Knolls	Cash-in-Escrow	4,429.00
Rockwell's Moving & Mini-Storage	Letter of Credit	42,320.00
Glenn Meadows, Section II	Letter of Credit	167,256.00
West Woods	Letter of Credit	98,670.00
Cress Creek, South Hills Section	Letter of Credit	186,520.00
Donley Subdivision	Letter of Credit	3,800.00
Tuscawilla Hills	Deed of Trust	95,000.00
Tuscawilla Hills	Letter of Credit	100,000.00
Tuscawilla West	Letter of Credit	200,000.00
3M Corporation	Letter of Credit	10,000.00
		\$3,501,070.50

ADDENDUM I

IMPROVEMENT LOCATION PERMIT ORDINANCE

Delete the [] sections of Article 3, Section 3.1.6

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.

Delete the [] sections of Article 4, Section 4.0

Examples of buildings, building alterations, structures and land uses which do not require an Improvement Location Permit (outside of flood prone area) are: uses 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.

Insert the following paragraph after the existing second paragraph in Article 4, Section 4.1

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. Said method 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.

Add new section to Article 5

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.

Add new Article to Improvement Location Permit Ordinance

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.

ADDENDUM II

SUBDIVISION ORDINANCE

Add to Article 3

Section 3. Definitions

★ 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.

★ 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.

★ 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.

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

Amend the following definition to read as follows:

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.

Add the following definitions:

★ 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.

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.

★ 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.

★ 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.

Remove numbers from all definitions through this Section.

Change Section 5.1 a) 2.b to read:

only have access (motor vehicle) to a public road via a County grade right-of-way (forty (40)- feet) which serves more than three lots; or,

Change Section 5.1 a)2.c to read:

only have access (motor vehicle) to a public road via a County grade road and right-of-way which serves more than three lots.

Add the following to Article 8, Section 8.0

The requirements and standards of this Article also apply to Condominium and Non-residential Developments unless otherwise superceded by Articles 9 and 11.

Change Section 8.1.c 15 to read:

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.

Amend Article 8, Section 8.2.a.8 to read:

A minimum ditch depth of 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 for all subdivision roads.

Change Article 8, Section 8.2.a.17 to read:

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.

Add the following statement to Article 8, Section 8.2.a.17:

The subgrade over which gravel is placed must be compacted for the top 12' to 95% 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.

Amend Article 8, Section 8.2.a.18 to state: "Asphalt shall consist of a plant mixed bituminous material rolled smooth to a depth of at least 3 inches."

Amend Article 8, Section 8.2.a.20(b) to read as follows:

(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.

Amend Article 8, Section 8.2.a.20(c) to read as follows:

(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.

Add item (e) and (f) to Article 8, Section 8.2.a.20 as follows:

(e) Shoulder widening shall be provided as follows:

- AA*
- (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 Services 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 when either (1) a proven significant accident record of (2) a potentially hazardous condition which would be exacerbated to actual accident experience by the addition of the development traffic exist.

Change Article 8, Section 8.2.b.3 to read:

1. 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 1-1/2 inches or more. Alternative designs may be approved by the County Engineer.

Amend the last sentence in the first paragraph of Article 8, Section 8.2.b.5 to read as follows:

Sidewalks shall be four feet wide and placed on a suitable base approved by the Engineer.

Amend Article 8, Section 8.2.c.1(d) to read as follows:

- (d) Stormwater Management (Quantity)--Control the 2 year frequency storm, pass the 10 year frequency storm through the principal control structure and provide an emergency spillway or routing for the 100 year frequency storm. 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 two year release rate based on evidence that conventional computations are not consistent with field conditions or based on a complete hydrological model of the stream basin within which the project is located and the need to balance flows within said stream.

Add item (e) to Article 8, Section 8.2.c.1. as follows:

- (e) Stormwater Management (Quality)--In dry basins or wetland basins provide retention volume below the invert of the low flow outlet equal to one-half (1/2) inch of rainfall on the contributing drainage area; or, in wet ponds provide a pond volume equal to one (1) inch of rainfall on the contributing drainage area; or, on small commercial sites provide oil/grit separation volume for parking lots equal to 400 cubic feet per acre of area drained. Special designs may be approved by the Engineer upon receipt of written justification from the Applicant.

Add to Article 8, Section 8.2.c.5, 1st paragraph, next to last sentence:

...in cooperation with West Virginia's Soil Conservation Districts[.] and Jefferson County Standard Details.

Add to Article 8, Section 8.2.c.5, at end of section:

The erosion and sediment control plan will cover all aspects of construction including roads, utilities, other common facilities, buildings and houses.

Add to Article 8.2 c) 12

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.

Delete Section 8.2d 4 and 4(a).

Add new Section 8.2 4 which reads as follows:

"If a central water and/or sewer system is required, then the developer shall enter into a binding legal agreement with the appropriate Public Service District for the construction and operation of such systems. The terms and conditions of such agreement must be acceptable to the Public Service District 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.

Amend Article 8, Section 8.2.d.15 to read as follows:

15. Fire hydrants shall be installed at maximum intervals of 600 feet or ISO standards 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.

Add the following to Article 8, Section 8.2.e.3:

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.

Add the following sentence to Article 8, Section 8.3.c.1.c:

Sidewalks will be a minimum of four (4) feet wide.

Amend Section 8.3.c.2.c. to read as follows:

c. Minimum lot size will be 1400 square feet.

Amend Section 8.3.c.2.f. to read as follows:

f. The required minimum building restriction lines will be as follows:

Front	-	<u>25'</u>
Side (end unit)	-	<u>12'</u>
Street side	-	<u>15'</u>
Rear	-	<u>20'</u>

Add the following to Section 8.3.c.5.:

d. All on-site utilities and dumpsters shall be effectively screened.

Motels, Tourist Homes	1 space per guest room or suite.
Nursing Homes	1 space per 400 sq.ft. floor space.
Office Building	1 space per 300 sq.ft. floor space.
Professional Building (Other than Medical)	2 spaces per 300 sq.ft. floor space.
Recreational Establishment (Other than theaters, swimming pools and bowling lanes)	1 space per 80 sq. ft. floor space and/or as determined by extent of outdoor use.
Restaurants, Taverns, Lounges, Nightclubs	1 space per 50 sq. ft. customer floor space.
Shopping Center (Retail greater than 2,000 sq.ft. floor space)	5.5 spaces per 1,000 sq.ft. floor space.
Swimming Pool	1 space for every 7 persons permitted at any one time.
Theaters, Auditoriums, Stadiums	1 space per every 2 seats.
Transportation Terminals	1 space per main shift employee.
Warehouses or Wholesale Establishments	1 space per main shift employee plus 2 spaces per wholesale establishment.

Add the following to Section 8.3.c.7.:

- 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.

Replace Article 9 with the following:

ARTICLE 9. REQUIREMENTS FOR CONDOMINIUM SUBDIVISIONS

Add the following to 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.

a. Items specific to Condominium plats

1. A dimensioned and scaled outline of each site (building side) 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.

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 in 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.
- 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.
- 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.
- d. Water and Sewer Systems
1. Provisions for water and sewer systems shall be as required by Section 8.2.d.
- 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.

Add the following to Article 9.2.e.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 none-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'.
  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.
- 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.

g. Surveys

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

h. Constructions Plans and Specifications

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

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 subdivision 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.

Amend Article 10, Section 10.0 General, to read as follows:

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.

Amend the Section referred to in Article 10.2.d. to read Section 8.2.a.18.

Add the following to the end of Section 10.2.m.: Articles 8 and 9.

Add the following statement at the end of Section 11.0 General:

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

Add the following to Section 11.2.a.:

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.

Amend Section 11.2.b.4. to read as follows:

4. Minimum criteria for installation of improvements to State Highways are cited in Section 8.2.a.20.

Amend Section 11.2.c.1. to read as follows:

1. Driveways, parking spaces and internal access drives shall be setback as required by Article 5 of the Zoning and Development Review Ordinance.

Delete remainder of this item.

Add the following sentence to Section 11.2.d.6.:

Appropriate documentation of permission to use said parking must be submitted to and approved by the Planning and Zoning Commission.

Add the following item to Section 11.2.e.:

6. All on-site utilities and dumpsters shall be effectively screened.

Amend Section 11.2.k.1. to read as follows:

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.

Delete Section 11.2.k.2.

Delete all of Article 13 and replace it with the following:

ARTICLE 13. 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 subdivision:

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.

Add the following to Article 14:

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.

Add the following paragraph of Section 14.1:

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.

Amend Section 14.2 Natural Areas, so that it reads as follows:

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 +  
(Percent)

Percentage of Land To Be  
Maintained in a Natural Condition

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.

Add the following Section 13.3

\* Once a Homeowners 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.

ADDENDUM III

JULY PROPOSED AMENDMENTS (1990)  
(Pursuant to Public Hearing Testimony)

Jefferson County Planning and Zoning Commission

Suggested changes to the Jefferson County Zoning and Development  
Review Ordinance

Add to Article 2.2 Terms Defined

- ★ Buffer An area on a property defined by a distance from the 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.
- ★ Clustering Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel remains within acceptable limits. See Chart (5.5.b) for minimum area per dwelling unit and minimum lot 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 other provisions of this 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.
- Amend Article 2.2 as follows (Remove bracketed material, add underlined material):
- Lot Line, Front The side or sides of an interior or through lot which abut a street; in a corner lot, [the choice of the frontage shall be optional] both sides abutting the streets forming the corner shall be considered front lots. Front lot lines shall be measured from the Road Improvement Easement where one exists.

Lot Line, Side Any lot line other than a front lot line or a rear lot line. In a corner lot there must be at least one rear lot line

Add to Article 2.2

★ 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.

Seasonal Use A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.

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 protected for environmental purposes by State or Federal statute.

★ 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.

Delete from Article 2.2 Terms Defined - "Temporary Use"

★ 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.

Change Article 3.1(a), to read as follows:

"The provisions of this Ordinance will be administered by the Jefferson County Planning and Zoning Commission. With enactment of the Ordinance, the County Commission shall designate a Zoning Administrator to be under the direct supervision of the Planning and Zoning Commission."

Amend Article 3.3(b), to read as follows:

As provided in Chapter 8, Article 24, Subsection 68, of the West Virginia Code, as amended, 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 (\$100.00) nor more than five hundred dollars (\$500.00) per day. Each day ...

Amend Article 4.3 (b) to read as follows:

Whenever a nonconforming use has been abandoned for a period of one (1) year, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance. However, a one time extension of up to 1 year may be granted by the Board of Appeals.

Add Section 4.4(f) as follows:

- (f) Jails, prisons and/or penal institutions shall be prohibited in all zones except the industrial/commercial zone. The Development Review System does not supercede this prohibition.

Add Section 4.4(h) as follows:

- ★ (h) For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 14.2 of the Subdivision Ordinance.

Add to Article 4, Section 4.11

- (a) All commercial development adjacent to any Residential district, or any lot with a residence, school, church or institution for human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials or vehicular parking shall be permitted within the side and rear yard buffers. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard [setbacks which must be planted in grass and/or landscaped] landscaped buffers.
- (b) All industrial development adjacent to any Residential district, or any lot with a residence, school, church, or institution for human care shall have a buffer yard of no less than two hundred (200) feet. No structures, stored

materials, or vehicular parking shall be permitted within the buffer yard. All industrial development adjacent to all other uses must maintain fifty (50) foot side and rear yard [setbacks] landscaped buffers.

All industrial development shall have front yard buffers of no less than one-half (1/2) the front yard building setback.

- ★ (g) All development adjacent to a Sensitive Natural Area shall have a minimum buffer of 100 feet of natural vegetation. Environmental standards contained in Section 5.8(b), 2 through 8, will apply.

#### Add Section 4.15 LOCATIONS OF JAILS/PRISONS

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial Zone and shall be subject to the Development Review System as outlined in Article 6 of this ordinance. Furthermore, these projects shall comply with Article 5, Section 5.6 (L), and Article 6 of the Jefferson County Zoning and Development Review Ordinance.

Add to Section 5.4

Add parenthesis around (b).

Add the following to Section 5.4 (b).

When computing the dwelling unit yield for a parcel of land use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in Article 14 of the Subdivision Ordinance.

Add Section 5.4 (c) and (d).

- ★ (c) Commercial Services in Residential Developments

Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less. Commercial uses shall not be built or established prior to the residential development except that they may be built in phases consistent with phasing of the residential construction. These uses shall be located within the interior of the project and shall be subject to the Neighborhood Compatibility Hearing process as outlined in Article 7 of this Ordinance. Any proposed commercial use that is served from a road that is located on the perimeter of the project or on a State Road shall be subject to the entire Development Review Process.

SECTION 5.5(b) RESIDENTIAL/GROWTH DISTRICT  
HEIGHT AND YARD REQUIREMENTS

Development Type	Minimum Lot Area (MLA)		Required Yards	Maximum Building Height*
	Area per Dwelling Unit (ADU)	ADU**		
1. Single family detached dwelling	6,000 sq. ft.	ADU**	25 ft. front	40 ft.
<del>1.1</del> Public/Central water and sewer	10,000 sq. ft.	MLA	12 ft. side	
Public/Central water or sewer	20,000 sq. ft.	MLA	20 ft. rear	
No Public/Central water or sewer	40,000 sq. ft.	MLA		
2. Duplex dwelling unit	3,200 sq. ft.	MLA	25 ft. front	40 ft.
Public/Central water and sewer	7,500 sq. ft.	ADU	25 ft. front (exterior only)	
Public/Central water or sewer	10,000 sq. ft.		30 ft. rear	
3. Townhouse	1,400 sq. ft.	MLA	25 ft. front	40 ft.
Public/Central water and sewer	3,500 sq. ft.	ADU	12 ft. side (exterior only)	
			20 ft. rear	
4. Multi-family dwelling	20,000 sq. ft.	MLA	25 ft. front	40 ft.
Public/Central water and sewer	2,000 sq. ft.	ADU	12 ft. side (exterior only)	
			30 ft. rear	
5. Condominium	20,000 sq. ft.	area for the parcel containing the condominium	25 ft. front	40 ft.
Public/Central water and sewer	2,000 sq. ft.	minimum area per condominium unit	12 ft. side (exterior only)	
			30 ft. rear	

\* Subject to Section 9.2

NOTE: All detached accessory structures under 144 square feet in size - 6' setback.

\*\* The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

Delete the last two paragraphs under Article 5.5 (f). (They have been moved to (d) above).

★ Change Section 5.6 (d) Yard Requirements as follows: (These yard requirements are also for an approved commercial or industrial use proposed for any other zone).

- (1) Front yard building setback [-50 feet]  
Commercial sites - 25 feet  
Industrial sites - 50 feet
  
- (2) Side [and rear] yard [-50 feet] building setback  
Commercial sites greater than 1.5 Acres - 50 feet  
Commercial sites 1.5 Acres and smaller - 25 feet  
Industrial sites - 50 feet
  
- [(3) Compliance with Section 4.6]
  
- (3) Rear yard building setback  
Commercial sites greater than 1.5 Acres - 50 feet  
Commercial sites 1.5 Acres and smaller - 25 feet  
Industrial sites - 50 feet
  
- (4) Parking, Driveway and Internal Access Drive Front Setbacks  
Commercial sites greater than 1.5 Acres - 15 feet  
Commercial sites 1.5 Acres and smaller - 15 feet  
Industrial sites - 25 feet
  
- (5) Parking, Driveway and Internal Access Drive Side and Rear Setbacks  
Commercial sites greater than 1.5 Acres - 10 feet  
Commercial sites 1.5 Acres and smaller\* - 4 feet  
Industrial sites\* - 25 feet  
\* Driveways and Internal Access Drives Only  
Parking must abide by buffer requirements.
  
- (6) Compliance with Sections 4.6, 4.11 and 5.8.b. 2-10

Delete Section 5.6.(g) 1 (g)

Add the following to Section 5.7(b):

Minimum lot sizes, lot width, and yard requirements are as follows for principal permitted uses. For any residential use that complies with the Development Review System, the setbacks and lot shall be as outlined in Article 5.5(b).

Amend Section 5.8.b.11, second paragraph, as follows:

All commercial and industrial uses must conform with the Commercial and Industrial Design Standards and Yard Requirements cited in Section 5.6.d., and must be in compliance with Site Plan Requirements. In addition, it must be demonstrated at Community Impact Statement, or Site Plan Phase that traffic patterns created by

Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.

Add Section 5.6(L) Design Standards For Jails, Prisons and/or Penal Institutions

- (a) All jails shall have direct access to a primary road as defined by the Jefferson County Comprehensive Plan.
  - 1. Such road shall have a level of service no worse than Level C.
- ★ (b) No residential subdivisions, schools, churches or institution for human care shall be within 2000' of the subject property. However, this does not prevent such use from locating within 2000' of a jail or prison or penal institution.
- (c) SETBACKS
  - 1. Front - 1,000 Feet
  - 2. Sides - 1,500 Feet
  - 3. Rear - 1,500 Feet

★ Add the following to Section 5.8(b)(10) of the Zoning Ordinance:

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within 1/2 mile of a controlled access highway.

Add to Section 6.3 The Soils Assessment, following the Table of Soils Type Data:

The points for the soils assessment are computed as follows:

- 1. Determine the area of each soil type on the property according to the map symbols.
- 2. Multiply the soil type areas times the Relative Value for the soil type taken from the List of Soil Groups and Relative Values.
- 3. Sum the products of the multiplication of Area times Relative Value to obtain a total for the property.
- 4. Divide the total of the multiplication products by the Total Area of the property to obtain the Weighted Relative Value.
- 5. Multiply the Weighted Relative Value times the 25 Soil Assessment Points. Then divide the product by 100 to obtain the allowable number of Soil Assessment Points.

Soil groups [will have] take[n] into account a rating of best and [to] worst individual soil types. [ A relative value is determined for each group: the best group is assigned a value of 40 and all other groups are assigned lower values.] The following 10 soil groups have been developed from the Jefferson County Soil Survey and have been assigned relative values based on their agricultural productivity.

Amend Article 8.2 (b) to read as follows:

The Board shall hold a hearing within sixty (60) days from the date the appeal is received in the Planning Commission office.

Amend Article 8.2 (c) to read as follows:

Notice of the hearing shall be advertised in two issues of a newspaper having general circulation in the County at least 30 days before the hearing.

Add the following to Section 9.4 Setback Modification

9.4(a)

9.4(b) A structure may be located on a common side or rear lot line of contiguous property owned by the same entity. Provided, however, that the structure shall only be a single family dwelling or an accessory structure. Also provided, however, that the Land Use Ordinances of Jefferson County shall view the contiguous lots as one lot for all purposes.

Add Section 9.8 to Article 9 - Exceptions, as follows:

Seasonal use must be approved by the Board of Appeals pursuant to a public hearing. However, such public hearing need only be advertised for 15 days.

Amend ARTICLE 11. OFF-STREET PARKING STANDARDS to read as follows:

Section 11.1 Non-Residential Parking Standards

- (a) To decrease congestion in the streets, permanent offstreet automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses, increased in size by 20 percent or more after adoption of these regulations.

Spaces shall be required per use and are as follows:

Ambulance Facility	2 spaces per ambulance.
Auto Sales and Service	<u>1 space per 300 square feet of gross floor space.</u>

Auto Service Station	2 spaces per service bay plus 1 space per employee
Banks, Financial Institution	<u>1 space per 200 sq. ft. of floor space plus 5 reservoir spaces for each drive-up teller.</u>
Bowling Lanes	5 spaces per bowling lane.
Churches	1 space for each 5 persons for which seating is provided in the sanctuary.
Commercial Retail Sales (Less than 2,000 sq.ft. floor space)	1 space per <u>150</u> square feet retail floor space.
<u>Commercial Retail (Low customer turn over, large indoor display, e.g. carpet, furni- ture or appliance sales)</u>	<u>1 space per 500 square feet of floor space</u>
Community Center, Library, Museum	1 space per 400 square feet floor space.
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided.
Educational (Schools)	Per School Board Requirements.
Fire Stations	10 spaces minimum.
Hospitals	<u>1.5 for each bed plus one for every employee.</u>
Hotel, Resort	1 space per guest room plus 1 space per 5 employees.
Manufacturing Plant	1 space per employee on maximum working shift.
Medical or Dental Offices/Clinics	<u>5 spaces per 1000 square feet of gross floor space.</u>
Mortuary or Funeral Parlor	<u>1 per 150 square feet of floor area devoted to viewing and one per vehicle used in activity PLUS one per each two employees, but 20 spaces minimum.</u>