



AGENDA

Jefferson County Planning Commission

Tuesday, July 9, 2013

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 p.m.

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

1. Re-approval of amended minutes from May 14, 2013 meeting (*addition of Steve Barney's name to the attendance*).
2. Approval of the minutes from the June 11, 2013 and June 25, 2013 meetings.
3. Citizen Communications: If you wish to comment, **please sign-in to speak for issues that are not on the agenda or items that are not open for public comment**. Items not open for public comment will be so noted.
4. Request for postponement.
5. Site Plan Public Hearing: Morgan's Grove Market (PC File #S12-06). This project consists of an agricultural based market. Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise (retail), Professional/Business Offices, Community Amenities, and other associated uses. This property is located at 3988 Kearneysville Pike (Route 480), adjacent to Morgan's Grove Park, and is designated as Tax District: Shepherdstown (09), Tax Map: 13, Tax Parcel: 26.1, 26.2, 26.3, and 26.4.
6. Public Hearing: Proposed Stormwater Management Ordinance and Text Amendments to the Subdivision and Land Development Regulations and to amend such other articles, sections, subsections, and provisions of the regulations as necessary to implement and maintain consistency with the foregoing amendments.

There is no public comment for the remaining items.

7. Discussion and possible recommendation regarding the proposed text amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2. Review comments compiled from the June 11, 2013 Public Hearing.
8. Discussion and possible recommendation regarding County Commission Motion requesting Planning Commission action related to a proposed draft amendment to the Residential-Light Industrial-Commercial Zone and the Commercial-Industrial Zone.
9. Discussion and possible recommendation regarding proposed text amendments to the Zoning and Land Development Ordinance regarding the creation of new commercial and industrial zoning categories and related amendments.
10. Reports from Legal Counsel and legal advice to the Planning Commission.
Active Litigation:
 - Far Away Farms
 - Cedar Meadows Airpark
11. Director's Report.
 - Update on 2014 Comprehensive Plan.

12. Planning Commission Exchange and Liaison Reports:

- County Commission Meeting
- Health Department Meeting
- Public Service District Meeting
- Parks and Recreation Meeting
- Jefferson County Development Authority Meeting
- Water Advisory Committee Meeting
- Planning Commission Exchange

13. President's Report.

14. Actionable Correspondence.

15. Non-Actionable Correspondence.

- Letter from Stephanie C. Boylan dated June 20, 2013 RE: Rezoning Request #Z12-02

16. Signing of approved Motions from previous Planning Commission meetings.

All files are made available for public review Monday through Friday, 9:00 a.m. to 5:00 p.m. (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record.

Feel free to submit your comments to any of the addresses below:

Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414
Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414
Email Address: planningdepartment@jeffersoncountywv.org
Fax Number: 304-728-8126

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on our website at www.jeffersoncountywv.org. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

This information is
Tab #1 in your binder.

Draft Minutes
Jefferson County Planning Commission
May 14, 2013

The Jefferson County Planning Commission met on May 14, 2013, with the following Commission members present: Paul Taylor, President, Daniel Hayes, Vice President; Steve Stolipher, Gene Taylor, Walt Pellish, Wade Louthan, Gary Phalen, and Darlene Truman. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathan Saunders, Engineer; Stephen Groh, Assistant Prosecuting Attorney; Jennilee Hartman, Zoning Clerk, and Alexandra Beaulieu, Planning Clerk.

Mr. Phillips was absent with notification.

Mr. P. Taylor called the meeting to order at 7:04 p.m.

1. Welcoming of new Planning Commissioners and Staff.

2. Election of open office: Secretary.

Mr. Hayes motioned to nominate Mr. G. Taylor. Mr. Stolipher seconded the motion, which carried unanimously.

3. Approval of the minutes for the March 12, 2013 meeting.

Mr. Hayes motioned to approve the minutes. Mr. P. Taylor requested the following change be made: "Paul Taylor, President, was absent *with* notification."

Mr. Stolipher seconded the motion, which carried unanimously.

4. Citizen Communications (hereinafter known as CC). None.

5. Request for postponement. None.

6. Request for a waiver from Section 20.201.A.2 of the Jefferson County Subdivision and Land Development Regulations requiring the existing 40' wide right of way to be widened to the required 50' to create a 35 acre single family residential lot (File #PCW13-03). The property is located at 478 Undergrace Lane, Charles Town, WV. Tax District Kabletown (06); Map 2; Parcel 1.4. Dale and Patricia Shockey are the owners.

Mr. Rivard provided the Planning Commission with a PowerPoint presentation giving a brief overview of the location of the property and description of the proposal.

Mr. Hayes requested clarification as to whether the waiver request, if granted, could be limited to just this lot so that any future subdivisions would need to process their own waiver request. Mr. Rivard confirmed that the waiver would in fact apply only to the lot listed on the application if the Planning Commission made a motion to that effect.

Mr. P. Taylor opened the floor to the applicant. Ms. Patricia Shockey spoke on behalf on the applicants and stated that the 35 acre lot would be sold as a single family lot with the intent of a single dwelling and not a development so as to keep in line with the current "country" feel of the surrounding lots. She stated they made the decision to subdivide and sell this lot to pay off their farm.

Mr. P. Taylor opened the floor for public comment.

Ms. Chanell Cain spoke first. She stated she was a resident off Wood End Court and expressed concern for increased traffic on Undergrace Lane. Ms. Cain also shared a dispute between her and Ms. Shockey regarding use of Undergrace Lane during inclement weather. In addition, Ms. Cain inquired as to whether Ms. Shockey is required to obtain a permit for the fencing Ms. Shockey put up to prevent people from accessing Undergrace Lane.

Mr. Stolipher stated that Ms. Cain's concerns would be best brought before the staff as this was a public hearing and not a question and answer workshop. Mr. Hayes agreed stating specifically that her inquiries regarding fencing should be brought before Building Permit staff.

Ms. Karla Miller spoke next. She stated she was a nearby resident concerned primarily about increased road traffic and future subdivisions.

Mr. Hayes motioned to close public comment. Mr. Stolipher seconded, which carried unanimously.

Mr. Stolipher stated that he had driven out to the property to see the proposed lot and the neighboring properties. He answered the public comments regarding increased traffic by stating the proposed subdivision was for a single family lot, not a development. He also noted that per house, the average traffic is 7-10 trips per day and that the current road is sufficient for such use. Any future division would require plat approval and road improvements.

Mr. Stolipher motioned to grant the waiver with the condition that any requests for further subdividing of the residue would require an additional waiver that would be considered on its own merits.

Mr. Hayes seconded the motion.

Mr. P. Taylor called the vote. Mr. Pellish stated that he was voting in favor, but wishes the Shockeys would make amends with neighbors.

The motion carried unanimously.

Mr. P. Taylor requested staff re-draft the motion to reflect a favorable vote.

7. Potential Minor Zoning Ordinance Amendments (discussion and direction).

Ms. Brockman introduced the item by stating that the proposed minor amendments resulted through working on the comprehensive plan as well as a number of recent inquiries from customers. She requested that if the PC agreed with proposed amendments, that they schedule a public hearing to move forward in the process.

Mr. Barney stated that the amendments are intended to reduce unnecessary barriers and streamline the ordinance for clarity. He reviewed the following proposed amendments:

Site Plan Requirement (Section 4.10): This amendment would clarify that the site plan must be approved prior to initiation of development.

Restaurants and Convenience Stores in Shopping Centers (Section 5.8C): This amendment would clarify that the Compatibility Assessment Meeting requirement does not apply to a building located within a shopping center shown on an approved site plan for restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area). The shopping center would stand on its own with the expectation that the owner would lease out space to businesses and that those businesses would not be expected to go through the Conditional Use Permit (CUP) process.

Breweries/Wineries/Distilleries (Section 8.5, various): The Zoning Ordinance currently permits “Farm Breweries and Wineries” in the rural district. Distilleries are currently excluded. We have received a number of inquiries regarding opening distilleries in Jefferson County. We would like to add the words “or distillery” and increase the square footage restrictions from 10,000 to 20,000 square feet. Feedback from Bloomery Distillery is such that 10,000 square feet isn’t enough.

Deck setbacks in certain townhome subdivisions (Section 9.5): We have received a number of variance requests for deck setbacks in townhome subdivisions, such as Windmill Crossing, that have small lots. This amendment would reduce the rear setback from 20 to 10 feet, if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

Receptions and events in rural areas (Section 10.5): Amending this section would eliminate the need for the Conditional Use Permit process, which is not the best fit for allowing special events such as weddings which typically do not require the construction of a permanent structure. The amendment would allow for weddings on a rural property as a special exception that would still need to go before the Board of Zoning Appeals, but would reduce to one public meeting rather than two, and also require a significantly shorter public notice period.

Secondary Dwelling Units for Agricultural Purposes (Section 10.5): To meet an increased number of requests to construct small, detached dwelling units for farmworkers or caretakers, the amendment would eliminate the need to go through the subdivision process and allow the request to process as a Special Exception that can be approved by the Board of Zoning Appeals.

Parking for seasonal or temporary uses (Section 11.1): This amendment would distinguish between conventional uses (such as retail store) and uses of a more rural or temporary use, such as a farmer’s market. The amendment would allow staff to administratively waive traditional parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis.

Public notice for zoning map amendments (Section 12.2): Reducing the current notice period from 30 days to 20-28 days would allow for a zoning map amendment case to be scheduled on the next PC meeting following the applicant’s presentation of a map amendment petition. The current 30 days requirement makes it such that the applicant has to wait nearly 60 days for the next meeting. State Law does not require posting on the property or mailing notices to adjacent property owners; therefore, this amendment would still be within state law.

Mr. Hayes motioned to schedule a public hearing on the proposed amendments for the next meeting on June 11, 2013. Mr. Stolipher seconded the motion.

Mr. Pellish requested that staff make a presentation at the next PC Meeting scheduled for June 11, 2013 on what was originally recommended to the County Commission by the Planning Commission last year versus what is being proposed this year so that we may stay on track.

Mr. Stolipher asked for direction on whether we need a motion or a letter to the CC.

Ms. Brockman stated all that is needed is a consensus.

The motion to schedule a public hearing regarding the proposed amendments at the next PC meeting was unanimous.

Mr. Stolipher addressed the proposed amendment to Section 10.5 regarding secondary dwelling units recommending that staff reference Clarke County's plan which includes an amendment allowing one to build a dwelling unit within a restricted square footage so it doesn't impact their dwelling unit rights.

8. Update on the 2014 Comprehensive Plan:

Ms. Brockman spoke on this item. She stated that the Steering Committee is meeting twice a month during May and June to prepare for the upcoming joint meeting with the County Commission on July 18th, 2013, where the intent is to have a final draft of the existing conditions and goals and objectives. The PC is welcome to attend this meeting.

Ms. Brockman stated that the next scheduled public input meetings will be July 27th, 2013 from 9:30am until noon in the gym at Sam Michael's Park and on Tuesday, July 30th, 2013 from 7:00pm until 9:00pm at the War Memorial Building/Community Club Building in Shepherdstown. She stated that the purpose of these meetings will be to report back from the meetings held during February and March (a total of four [4]) and to present drafted Goals and Objectives created in response to citizens comments received at the meetings and through written comment. She stated that there would also be an exercise related to the future land use map. She noted that the previous Comprehensive Plans in Jefferson County have not included land use maps and that staff are working to create a future land use map to address two goals: first, where do we think growth should be broadly; and second, what type of growth do we want to see in which parts of the county. She reported that staff planned to set up an information booth at the county fair to gather public input by engaging people in a brief survey or activity relating to the future land use map. Additionally, brochures will be distributed to people who are interested but not able to spend much time at the booth directing them to the website for input at a later time.

9. Reports from Legal Counsel and legal advice to the Planning Commission:

Mr. Groh provided updates on the following cases:

- a. **Cedar Meadows:** No update, still awaiting trial.
- b. **Far Away Farms:** Mr. Groh reported that a telephonic status hearing is scheduled for Wednesday, May 15th, 2013 during which a hearing date will be set by the Judge. He stated that a hearing will probably be in August of this year.

10. None

11. Director's report:

Ms. Brockman provided an update on the Stormwater Regulation draft reporting that a consultant is working with the engineering department to finalize a draft before providing presentation. She stated that once the draft is complete, the consultant will provide an overview to the Planning Commission at the next available PC meeting as a workshop and staff will schedule the public hearing for the following PC meeting date to meet the thirty (30) day notification requirement.

Mr. Pellish requested that consultant include in their presentation comments on the recently passed Maryland Rain Tax.

Ms. Brockman presented Department of Planning and Zoning goals for fiscal year 2013-2014. She stated that this year the County Commission requested that each Department identify their top 3 – 5 goals for the year with their budget, instead of a formal work plan. She presented these department goals which focused primarily on customer service and the Comprehensive Plan, but could develop a more formal work plan if the Planning Commission desired.

Ms. Brockman provided a quarterly report in a handout distributed to all members. She stated that the quarterly report is based on what the previous Planning Commission requested which was an update on the types of projects staff were working on, including daily tasks and walk-ins. She stated that the quarterly report is submitted to the County Commission on behalf of the PC, the Board of Zoning Appeals and the Departments of Planning and Zoning and asked what additional information would be of value to include in the report. Mr. Hayes stated that he would like to only see items that are PC related including pending projects. Ms. Brockman stated that the report addresses pending projects in the section called Proposed Projects Underway.

Ms. Brockman reminded PC members that the Ethics Training meeting is rescheduled for Tuesday, June 25th, 2013 at 7:00pm. She stated that the meeting topic is Ethics and Fraud Prevention and will be presented by the West Virginia Ethics Commission and the State Auditor's Office. She stated that the meeting is intended for boards and commissioners and that anyone planning to attend could let staff or County Commission members know.

12. Monthly Development Activity Report:

Ms. Brockman stated that this report is provided at the request of previous Planning Commission. Mr. Hayes stated that he was not interested in receiving this report anymore and requested that we exclude from future packets. He stated that the quarterly report is sufficient. Mr. Pellish agreed by stating he would like updates on major projects.

13. Liaison Reports:

- County Commission Meeting: Mr. Pellish stated that the topic addressing Fire and EMS fees scheduled for the upcoming CC meeting is going to be a hot topic and that he will report back with an update.

Minutes

Jefferson County Planning Commission

May 14, 2013

Page 6 of 6

- Health Department Meeting: Ms. Brockman stated that the Health Department is participating in the Content Management System RFP and their participation will help provide complete information relating to sites such as the status of well and septic at a particular location.
- Parks and Recreation Meeting: Mr. G. Taylor stated that he did not have any updates. He reported that the current Hite Road project was coming along. Ms. Brockman reported that they were working on a grant application for an Amphitheatre at Sam Michael's Park and that if approved, Parks and Recreation would present before the Planning Commission.
- Public Service District Meeting: No Liaison. Ms. Brockman stated that PSD meetings are held the first Monday of every month.
- Jefferson County Development Authority Meeting: Mr. Stolipher stated he had no updates. He stated that the JCDA was happy about the proposed waiver to reduce commercial impact fees and that a hearing would be held on May 30th, 2013. He reported that the JCDA is actively working to hire a new Program Manager (I believe Stolipher stated director, but that's not correct) to fill the vacant position.
- Water Advisory Committee Meeting: No liaison. Ms. Brockman stated that they meet the 3rd Monday of every month at 3:00pm.

Mr. Hayes requested that the Planning Commission Exchange agenda item be put back on the agenda.

14. President's Report: None.

15. Actionable Correspondence: None.

16. Non-Actionable Correspondence:

Ms. Brockman stated that Mr. Fred Blackmer had requested to speak at a previous Planning Commission meeting but that after seeking advice from Legal Counsel, it was determined that Mr. Blackmer could not be on the PC agenda unless he was presenting something the PC could act upon. Ms. Brockman stated that it was suggested to Mr. Blacker that he submit written comments and work with staff to maintain communication with the PC. Mr. Groh stated that a meeting was held with Mr. Blackmer, the County Administrator, and staff that hopefully addressed Mr. Blackmer's concerns. Ms. Brockman stated that Mr. Blackmer went to the Board of Zoning Appeals to relocate the Morgan's Grove Farmers Market for this summer so they could move forward with construction of current project.

17. Signing of approved Motions from previous Planning Commission meetings: None.

Mr. Hayes motioned to adjourn the meeting at 8:50pm. Mr. Stolipher seconded the motion, which carried unanimously.

This information is
Tab #2 in your binder.

Draft Minutes
Jefferson County Planning Commission
June 11, 2013

The Jefferson County Planning Commission met on June 11, 2013, with the following Commission members present: Paul Taylor, President, Daniel Hayes, Vice President; Gene Taylor, Secretary, Steve Stolipher, Walt Pellish, J.P. Phillips, Wade Louthan, Gary Phalen, and Darlene Truman. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathan Saunders, Engineer; Stephen Groh, Assistant Prosecuting Attorney; and Alexandra Beaulieu, Planning Clerk.

Mr. P. Taylor called the meeting to order at 7:02 p.m.

1. Approval of the minutes for the May 14, 2013 meeting.

Mr. Hayes motioned to approve the minutes. Mr. Pellish seconded the motion, which carried unanimously.

2. Citizen Communications (hereinafter known as CC).

Mr. Taylor read the statement from the agenda which clarified the intent of CC. Ms. Beaulieu retrieved the sign in sheets for Mr. P. Taylor. Ms. Brockman informed speakers of the purpose of CC as well as the rules for speakers. Mr. P. Taylor addressed those who had signed up for CC.

Mr. Jeffrey Bannon indicated he would like to speak on Agenda Item 6. Mr. Bannon stated he was in favor of the proposed text amendments. Ms. Janis Schiltz indicated she would like to speak on Agenda Item 6 and the topic of the proposed zoning district titled Planned Neighborhood Development (Agenda Item 7). She stated that the definition in the front of the proposal varied from the definition listed in Appendix C, and appeared to provide the Planning Commission unrestricted authority.

3. Request for postponement. None.

4. Morgan's Grove Market Site Plan.

Mr. Phalen recused himself from the meeting at 7:10 PM due to the fact that Mr. Peter Corum is his son-in-law.

Mr. Rivard provided a staff report recommending the Planning Commission find the Morgan's Grove Market Site Plan "Provisionally and Conditionally Complete" in order to schedule a Public Hearing on July 9, 2013 with the requirement that certain conditions be met one (1) week prior to a Public Hearing. The requested conditions included:

- Resubmittal of the site plan, with revisions addressing any significant outstanding comments (Any minor comments not yet addressed can be incorporated into the provisional finding of completeness).
- Written documentation that the WVDOH has issued the highway entrance permit and/or that it will be issued pending bonding.
- West Virginia State Health Department permit numbers for public water and sewer.

Mr. Rivard stated that if the above referenced documents were not submitted one (1) week prior to the next available Planning Commission meeting on July 9, 2013, the request by the applicant would be postponed to the next available Planning Commission meeting on August

Minutes

Jefferson County Planning Commission

June 11, 2013

Page 2 of 9

13, 2013 or any subsequent meeting where the documents could be submitted one (1) week prior to the meeting date.

Ms. Brockman stated that after staff agreed to place the request for MGM on the June 11, 2013 meeting agenda, staff realized that it would not be possible to meet the required 21 day notice for a public hearing on July 9, 2013 if the notice is placed in the Spirit of Jefferson. She stated that if we advertised a public notice in the Martinsburg Journal we could meet the 21 day notice requirement but stated that the Spirit of Jefferson is the Department's standard source for posting ads. She proposed that an advertisement be placed in the Spirit of Jefferson in addition to the Martinsburg Journal to be consistent with our current practices and meet the 21 day notice requirement. Alternatively, Ms. Brockman stated that the Planning Commission could call a special meeting for July 23, 2013 to ensure we meet the 21 day notice requirement.

Mr. Hayes asked if the applicant did not meet the recommended provisions set one (1) week prior to July 9, 2013 would postponement require re-advertisement with full 21 day notice?

Mr. Groh stated that WV Code states that a public notice has to be posted at least 21 days ahead of time and therefore would not require re-advertising for a public hearing.

Mr. Hayes stated that the ad should list that the project may be postponed if certain provisions were not met.

Mr. Taylor invited the applicant to speak.

Mr. Blackmer addressed the PC on behalf of Morgan's Grove Market (MGM). Mr. Blackmer stated that the State Health Department reviewed their plans and that the Health Department was waiting on approval from the DEP. He concluded by requesting a public hearing to be scheduled with the provisions set forth by staff.

Ms. Brockman clarified with Mr. Blackmer that a letter from the Health Department and the DEP stating that their permits are being processed would not meet the conditions set forth and that the permit numbers would be required to satisfy the conditions.

Mr. P. Taylor asked Mr. Blackmer if each of the referenced conditions would be met one week prior to July 9, 2013.

Mr. Blackmer confirmed that MGM would meet the requirements by the deadline and stated that condition number three (3) had been met. He stated MGM would be served by public utilities and the Health Department would be issuing a permit.

Mr. Pellish inquired as to the purpose of the public hearing in July.

Mr. Blackmer responded that the hearing would allow members from the public to identify any technical issues with the Site Plan.

Ms. Brockman and Mr. Groh stated that Mr. Blackmer was correct.

Mr. Pellish motioned to approve finding the site plans provisionally and conditionally complete in order to schedule a public hearing for July 9, 2013.

Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Phalen re-entered the room at 7:28 PM.

5. Public Hearing: proposed text amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2.

Mr. Barney stated that the proposed amendments were intended to reduce unnecessary barriers and streamline the ordinance for clarity. He reviewed the following proposed amendments:

Site Plan Requirement (Section 4.10): This amendment would clarify that the site plan must be approved prior to initiation of development.

Restaurants and Convenience Stores in Shopping Centers (Section 5.8C): This amendment would clarify that the Compatibility Assessment Meeting requirement does not apply to a building located within a shopping center shown on an approved site plan for restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area). The shopping center would stand on its own with the expectation that the owner would lease out space to businesses and that those businesses would not be expected to go through the Conditional Use Permit (CUP) process.

Breweries/Wineries/Distilleries (Sections 2.2, 5.7, 8.5): The Zoning Ordinance currently permits “Farm Breweries and Wineries” in the rural district. Distilleries are currently excluded. The County has received a number of inquiries regarding opening distilleries in Jefferson County. This amendment proposes adding the words “or distillery” and increasing the square footage restrictions from 10,000 to 20,000 square feet. Feedback from Bloomery Distillery indicates that 10,000 square feet isn’t enough.

Deck setbacks in certain townhome subdivisions (Section 9.5): The Board of Zoning Appeals routinely processes variance requests for deck setbacks in townhome subdivisions, such as Windmill Crossing, that have small lots. This amendment would reduce the rear setback from 20 to 10 feet, if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

Receptions and events in rural areas (Section 10.5): Amending this section would eliminate the need for the Conditional Use Permit process, which is not the best fit for allowing special events such as weddings which typically do not require the construction of a permanent structure. The amendment would allow for weddings on a rural property as a special exception that would still need to go before the Board of Zoning Appeals, but would reduce the process to one public meeting rather than two, and also require a significantly shorter public notice period.

Secondary Dwelling Units for Agricultural Purposes (Section 10.5): To meet an increased number of requests to construct small, detached dwelling units for farmworkers or caretakers, the amendment would eliminate the need to go through the subdivision process and allow the request for a second unit to process as a Special Exception that could be approved by the Board of Zoning Appeals.

Parking for seasonal or temporary uses (Section 11.1): This amendment would distinguish between conventional uses (such as retail store) and uses of a more rural or temporary use, such as a farmer’s market. The amendment would allow staff to administratively waive traditional parking requirements for seasonal or temporary uses,

agricultural uses, events, or other types of uses that do not require parking on a regular basis.

Public notice for zoning map amendments (Section 12.2): Reducing the current notice period from 30 days to 20-28 days would allow for a zoning map amendment case to be scheduled on the next PC meeting following the applicant's presentation of a map amendment petition. The current 30 days requirement makes it such that the applicant has to wait nearly 60 days for the next meeting. State Law does not require posting on the property or mailing notices to adjacent property owners; therefore, this amendment would still be within state law.

Mr. Barney made note of Mr. Eric Lewis' letter submitted in favor of the proposed amendment to Section 10.5 (Special Exception Uses) A and B (particularly B(c)). Mr. Lewis wrote, "We encourage the Planning Commission to recommend approval of and the County Commission to adopt these changes with one exception: We would recommend that specific language be included stating that a formal Site Plan shall not be required for Special Exceptions listed in Section 10.5 ... [as they] are very expensive and time consuming."

Mr. Taylor made record of Mr. Lewis' comments in favor of Section 10.5. Mr. Taylor opened the floor for Public Comment.

Mr. Rob Losey, co-owner of Bloomery Distillery, expressed gratitude to the Planning Commission for working with him to open the distillery. He spoke in favor of the proposed amendments, specifically the amendments related to Section 8.5 (Farm Brewery or Winery). He stated that the proposed amendments would contribute to the success of agritourism, which in turn would increase tax dollar revenue.

Ms. Linda Losey, co-owner of Bloomery Distillery, expressed gratitude to the Planning Commission and staff. Ms. Losey stated that the current size regulation for a production facility of 10,000 square feet should be increased to allow for all necessary amenities required to run a production facility.

Ms. Pam Parziale spoke last. She requested the Planning Commission be pro-active in supporting legislature that supports local economy and entrepreneurial businesses.

Mr. Taylor read aloud the names: Mr. Tom Keefer, Mr. Eric Bell, and Mr. Gary Capriotti. They each stated they no longer wished to speak, stating that their comments had been covered.

Mr. Stolipher inquired as to what the next step would be in moving forward with the proposed amendments.

Mr. Taylor responded that the Planning Commission could recommend changes to the proposed text amendments, or they could adopt the proposed amendment.

Ms. Brockman stated staff could compile comments received and draft a memo reflecting changes to the original amendments so that the Planning Commission could review before submitting to the County Commission for approval.

Mr. Stolipher inquired on the process to reduce the cost of impact fees in the construction of an accessory dwelling unit. He stated that the current fees are high for a small structure serving as temporary residence for farm help.

Mr. Groh explained that an accessory structure would need to include a certain number of rooms and amenities in order to require impact fees. He stated that it may be possible to amend the regulations for impact fees by requiring accessory units meet specific size and use standards.

Mr. Hayes addressed comments from the. Losey's regarding accessory units and commercial square footage. Mr. Hayes suggested amending text to reflect a distinction between detached dwelling units and detached accessory units for agricultural purposes.

Ms. Brockman clarified that typical agricultural uses can have detached structures that do not have to meet any square footage requirements. These structures do require a building permit, but are held under a separate standard.

Mr. Stolipher made a motion that staff compile and summarize comments for review during the July 9, 2013 Planning Commission Meeting.

Mr. Hayes seconded the motion, which carried unanimously.

6. Discussion and possible recommendation regarding the County Commission Motion requesting Planning Commission action related to a proposed draft amendment to the Residential-Light Industrial-Commercial Zone and the Commercial-Industrial Zone.

Ms. Brockman stated that Commissioner Lyn Widmyer requested that Planning Staff research and report back to the County Commission on a possible amendment to the Residential – Light Industrial – Commercial Zone and the Commercial-Industrial Zone. Ms. Brockman invited Commissioner Widmyer to explain the request.

Ms. Widmyer clarified that the recommendation was from the County Commission, which was approved 5-0. She stated that the motion was made in response to the multiple re-zoning requests received over the past year. Ms. Widmyer stated that the recommendation for a proposed amendment would require all Zoning Map Amendment Requests to include a development plan with the intent of reducing concern for types of future development within the neighborhood. She stated that the proposed amendment would not affect current zoning, but would affect applicants requesting re-zoning.

Mr. Pellish stated that it was not always possible to identify intended uses for a location. Mr. Pellish stated that the prior County Commission voted 3-2 to not implement changes to the existing zoning categories because the Comprehensive Plan was being written. He stated that the majority of the applicants requesting re-zoning in previous years notified neighbors of development plans and stated that the Planning Commission should focus on creating new zoning classifications for commercial districts.

Mr. Phillips stated he was in agreement with Mr. Pellish noting that the majority of applicants he had seen over the last year requested rezoning to the Residential - Light-Industrial – Commercial category. The proposed new zoning districts would narrow land uses to specific zoning districts and reduce concern neighbors incur when a property is re-zoned to a broad category such as the Residential-Light Industrial-Commercial zone.

Mr. Stolipher stated he was in agreement with Mr. Pellish and Mr. Phillips.

Mr. Hayes requested additional time to process the differences between the County Commission's motion (Agenda Item 6) and the proposed text amendments to create new commercial and industrial zoning categories (Agenda Item 7). He requested the County

Commission's motion be moved to the next meeting scheduled for July 9, 2013. The Planning Commission members were in agreement to postpone the motion.

Mr. Taylor clarified that consideration of the County Commission's motion would be continued to the next Planning Commission meeting on July 9, 2013.

7. Discussion and possible recommendation regarding proposed text amendments to the Zoning and Land Development Ordinance regarding the creation of new commercial and industrial zoning categories and related amendments.

Mr. Barney reviewed the proposed amendments to establish seven (7) new zoning districts. He stated that the new zoning districts would include conditional and permitted uses and that in these districts the noted Conditional Uses would exclude the LESA Point System. Mr. Barney stated that each district would have its own standards for setbacks, height, impervious surface requirements, etc. and that the new zoning districts would not affect existing properties but would affect future zoning and rezoning requests. He stated that the new zoning districts would provide more options to property owners by limiting the types of use permitted. He stated that the existing two (2) commercial districts are too broad and prohibit some property owners from re-zoning due to the uncertainty of future use created when placed in a category permitting anything from single family or multi-family to commercial – industrial uses.

Mr. Barney reviewed the following proposed new zoning districts and changes to appendices: Recommended additional zoning categories are as follows:

1. Neighborhood Commercial (NC) – Neighborhood serving shops and services, compatible with adjacent residential areas.
2. General Commercial (GC) – Retail stores, shopping centers, gas stations, and other general-purpose commercial uses.
3. Highway Commercial (HC) – Land uses appropriate for major highways, including larger retail stores and large gas stations.
4. Light Industrial (LI) – Warehousing, light manufacturing and other land uses that do not produce significant externalities (noise, odors, etc).
5. Major Industrial (MI) – Uses of a more intense nature than would otherwise be permitted in the Light Industrial district.
6. Planned Neighborhood Development (PND) – A district that allows customization of standards in order to provide a better fit for a particular development or piece of property. This district would allow implementation of conditions or restrictions offered by a property owner or developer.
7. Office/Commercial Mixed Use (OC) – A district intended to allow for well-designed employment centers that may also include residential uses.

Ms. Brockman stated that if the Planning Commission preferred some of the seven (7) proposed districts but not all, that it would be permissible to select the ones they preferred rather than rejecting the entire proposal based on one or two things they may not prefer.

Mr. Pellish spoke in favor of the proposed new zoning districts. He stated that the proposed changes were vetted at a number of past public hearings. Mr. Pellish stated he was in favor of holding another public hearing and moving forward with the proposal.

Mr. Stolipher motioned to submit the proposed amendments to the County Commission.

Ms. Truman seconded the motion.

Mr. Phalen stated that he would appreciate additional time to review the proposed amendments.

Mr. Hayes stated he would appreciate additional time to review the proposed amendments to determine whether an additional public hearing should be scheduled.

Mr. Phillips agreed with Mr. Hayes, requesting additional time to review.

Mr. Stolipher and Ms. Truman withdrew the original motion requesting action.

Mr. Hayes made a new motion that this topic be postponed until the next meeting on July 9, 2013.

Mr. G. Taylor seconded the motion, which carried unanimously.

Mr. Phillips requested that Appendix C be formatted to include columns reflecting permitted uses within new zoning districts. Mr. Barney stated he would re-format prior to his resignation for review during the July 9, 2013 Planning Commission Meeting.

8. Discussion and possible recommendation regarding US 340 Improvement Study from south of the Virginia Line to the Charles Town Bypass.

Ms. Brockman provided an overview of the most recent DOH alternatives presented at a public hearing/meeting on June 3, 2013 by the Department of Highways regarding the widening of US 340 South to four (4) lanes. Public comment is open through July 3, 2013. Ms. Brockman stated that it would be appropriate for the Planning Commission to make a recommendation regarding the proposed alignments, or, if preferred, to make broad comments regarding the project, such as the following:

- Commenting on the fact that if a four-lane road is located in this area, it is likely that the adjoining land uses will change and therefore requesting that the DOH take more intense land uses into consideration when designing the road;
- Requesting that if the road is intended to provide a free-flowing corridor that allows traffic to move quickly, the design needs to take into consideration access management principles and be designed in a way to minimize the need for future traffic signals;
- Request that a parallel frontage road be provided for the existing driveways that front on the road now so as to minimize the number of direct accesses to a four-lane road;
- Request that a bike path separated from the road be located along this route to continue the path currently along Rt 9 for the use of Jefferson County citizens and the many tourists that visit the County via non-motorized transit;
- Request landscaping that be provided along the corridor in a way that complements the history and culture of this area of the County;
- Request that the design be sensitive to the significant historic features that are found in this area of the County.

Mr. Pellish stated that the County Commission determined the US 340 South Expansion project a priority item and critical to the development of Jefferson County.

Ms. Brockman stated that if the Planning Commission did not provide comments for the July 3, 2013 meeting, they may not be permitted to make comments later. She stated that submitting comments related to minimizing access points and the creation of a bike path would make the Department of Highways aware that these items are important to residents in Jefferson County.

Ms. Truman motioned to approve that staff draft a letter for Mr. P. Taylor to sign on behalf of the Planning Commission which would read as follows:

The Jefferson County Planning Commission considers this four lane highway a high priority. We would like a decision to be made expeditiously with consideration to the following points:

- The fact that if a four-lane road is located in this area, it is likely that the adjoining land uses will change and requesting that they take more intense land uses into consideration when designing the road;
- Requesting that if the road is intended to provide a free-flowing corridor that allows traffic to move quickly, the design needs to take into consideration access management principles and be designed in a way to minimize the need for future traffic signals;
- Request that a parallel frontage road be provided for the existing driveways that front on the road now so as to minimize the number of direct accesses to a four-lane road;
- Request that a bike path separated from the road be located along this route to continue the path currently along Rt 9 for the use of Jefferson County citizens and the many tourists that visit the County via non-motorized transit;
- Request landscaping that be provided along the corridor in a way that complements the history and culture of this area of the County;
- Request that the design be sensitive to the significant historic features that are found in this area of the County.

Mr. Hayes seconded the motion, which carried unanimously.

9. Update on the 2014 Comprehensive Plan.

Ms. Brockman stated that this item was included in the director's report.

11. Director's Report.

Ms. Brockman reviewed upcoming meeting dates and stated that the special called meeting scheduled for June 25, 2013 would be located in the second floor Conference Room of the Mason Building at 116 East Washington Street due to the Ethics and Fraud Prevention training scheduled in the library meeting room.

12. Monthly Development Activity Report. *This item has been removed from the agenda at the PC's request.*

13. Planning Commission Exchange and Liaison Reports:

- County Commission – Mr. Pellish: CC is reviewing JCESA Emergency Services Fee and Ordinance.
- Health Department – None.

Minutes

Jefferson County Planning Commission

June 11, 2013

Page 9 of 9

- Public Service District – None.
- Parks and Recreation – Mr. G. Taylor mentioned the Mountain Heritage Arts and Crafts Festival on June 14, 15, and 16.
- Jefferson County Development Authority – None.
- Water Advisory Committee – None.
- Planning Commission Exchange – Mr. Stolipher requested the Planning Clerk email Planning Commission members to remind them of upcoming meeting dates every Monday. Mr. Hayes requested it be a monthly email listing dates for the upcoming month.

14. **President's Report.** None.

15. **Actionable Correspondence.** None.

16. **Non-Actionable Correspondence.** None.

17. **Signing of approved Motions from previous Planning Commission meetings.**

- Shockey Waiver, PCW13-03

10. **Reports from Legal Counsel and legal advice to Planning Commission.**

Active Litigation:

- Far Away Farms – Open Meetings Act Litigation/Dispute re: public notice of consideration of settlement of FAF litigation (discussion and possible action).

Mr. Hayes motioned that they go into an Executive Session. Mr. Stolipher seconded the motion which carried unanimously. Executive session began at 9:51 PM.

Mr. Hayes motioned to conclude executive session. Mr. Stolipher seconded the motion which carried unanimously. Regular session resumed at 10:08 PM.

Mr. Hayes read the following motion: "On July 26, 2011, Planning Commission went into executive session to receive legal advice. After returning to public session, the Commission voted to authorize counsel to propose a settlement in the Far Away Farms matter (Jefferson County case 11-C-125). In the days after said meeting, the parties to said civil action did agree to a settlement which was accepted by the Circuit Court by order entered August 3, 2011.

While not admitting that any action set forth above violated the Open Meeting Act, I move that we affirm and ratify the prior settlement in the Far Away Farms matter (Jefferson County case 11-C-125) authorized on July 26, 2011 and accepted and entered by the Court on August 3, 2011. I also move that the clerk of this body enter a copy of said settlement in to the official minutes of this meeting."

Mr. Stolipher seconded the motion, which carried unanimously.

- Cedar Meadows Airpark – Litigation re: denial of plat amendment (discussion and possible action).

Mr. Hayes motioned to adjourn the meeting at 10:10 PM. Mr. Louthan seconded, which carried unanimously.

Draft Minutes
Jefferson County Planning Commission
June 25, 2013

The Jefferson County Planning Commission met on June 25, 2013, with the following Commission members present: Paul Taylor, President, Daniel Hayes, Vice President, Walt Pellish, Wade Louthan, and Gary Phalen. Staff members present included Seth Rivard, County Planner; Roger Godwin, Chief County Engineer; Jonathan Saunders, County Engineer; Joe Kent, Land Development Inspector; and Alexandra Beaulieu, Planning Clerk.

Mr. Matthew Pennington, Chesapeake Bay Program Coordinator for Region 9 was present to answer questions related to Stormwater Management standards and the new Maryland Rain Tax.

This special called meeting took place in the conference room on the 2nd Floor of the Mason Building located at 116 East Washington Street.

Mr. P. Taylor called the meeting to order at 7:05 PM.

1. **Citizen Communications:** None.
2. **Discussion and possible recommendation regarding proposed text amendments to the Stormwater Ordinance and Text Amendments to the Subdivision and Land Development Regulations.**

Mr. Goodwin distributed and reviewed the Chesapeake Bay Summary Report from November 1, 2011. He stated that 14% of West Virginia drains into the Potomac River and into the Chesapeake Bay. He noted that Jefferson County is one (1) of seven (7) counties in West Virginia located within the Chesapeake Bay watershed contributing to stormwater runoff pollution of local streams and the Chesapeake Bay.

Mr. Goodwin stated that in 2002, West Virginia signed a Memorandum of Understanding agreeing to join with the states of Delaware, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia, to improve water quality in the Chesapeake Bay. The West Virginia Department of Environmental Protection (WVDEP) was charged with developing a program in WV to meet the federal water quality requirements for the Chesapeake Bay.

Mr. Goodwin stated that in 2011, the WVDEP formally requested that Jefferson County adopt the one-inch rainfall stormwater capture requirement as part of their current Stormwater Management Regulations. He stated that the WVDEP indicated that grant funds were available for Jefferson County to hire a consultant to assist staff in the development of a new Stormwater Management Ordinance.

Mr. Rivard noted that a majority of the draft Stormwater Management Ordinance consists of the stormwater management requirements found in the Subdivision and Land Development Regulations. The draft Stormwater Management Ordinance does include the addition of stormwater quality standards as established by the DEP. Mr. Rivard noted that the proposed draft Stormwater Management Ordinance is scheduled for a Public Hearing on July 9, 2013.

Mr. Rivard requested a special called meeting be scheduled for July 23, 2013 in response to a pending waiver request from the US Coast Guard. He stated that the US Coast Guard is planning to build a 40,000 square foot building and intending to break ground by August 27, 2013.

Mr. Taylor inquired what the waiver request included.

Mr. Rivard stated that the application was still forthcoming but that the US Coast Guard consultant stated they would be requesting three waivers. He stated they would be requesting an early grading permit and noted that this request would be similar to the one requested by Morgan's Grove Market. Mr. Rivard stated that they would also request a reduction in parking stall size requirements from 9' x 20' to 9' x 18' and also a request to include a second entrance going out to Wiltshire Road.

Mr. Taylor inquired as to the general consensus of Staff.

Minutes

Jefferson County Planning Commission

June 25, 2013

Page 2 of 2

Mr. Rivard stated that staff were comfortable with approving all three of the waivers.

Mr. Goodwin stated that the waiver request for a reduction in parking stall size would not be an issue because they would be providing more parking spaces than required. He stated that he did not foresee any issues with the waiver request for a 2nd entrance as it is not a requirement within our ordinance. He noted the applicant would be requesting the waiver for a second entrance due to a condition listed in their lease. Mr. Goodwin stated that the third waiver request would be for an early grading permit to allow site development at their own risk prior to receiving full site plan approval. He noted that the applicant was aware they would assume any risk for cost related to any changes in the site plan approval process.

Mr. Taylor scheduled a special called meeting for July 23, 2013 at 7:00 PM.

The meeting concluded at 8:16 PM.

This information is
Tab #5 in your binder.

Staff Report
Jefferson County Planning Commission Meeting
July 9, 2013

Background

Morgan's Grove Market proposes to have a full build out of multiple buildings with a total of up to 60,000 square feet. The first phase of the site plan is proposed to include two buildings, labeled Violet and Indigo, that are proposed to be approximately 10,000 and 8,000 square feet in area respectively. It is not anticipated that both buildings will be built at the same time. The existing restaurant pad and house along Kearneysville Pike will be removed at the time the Violet and/or Indigo buildings are constructed. The only existing structure to remain is the single-family home and greenhouses on the property in the rear of the site, known as Map 13 Parcel 26.4.

The Request

Applicant is requesting site plan approval. At the June 11, 2013 Planning Commission meeting, the site plan was found "conditionally and provisionally complete" with the following conditions to be addressed one (1) week prior to the July 9, 2013 Planning Commission Meeting.

- Resubmittal of the site plan, with revisions addressing any significant outstanding comments (Minor comments not yet addressed can be incorporated into the provisional finding of completeness).
- Written documentation that the WVDOH has issued the highway entrance permit and/or that it will be issued pending bonding.
- West Virginia State Health Department permit numbers for public water and sewer.

The applicant has met the conditions outlined above.

Site Plan Public Hearing Process

The process for site plan approval is detailed in 24.120 and 24.121 of the 2008 Amended Subdivision and Land Development Regulations. The site plan approval process is a public hearing. The following are the guidelines for a site plan public hearing.

Sec. 24.120 Major Site Plan Application - Public Hearing

- A. Subjects Covered. The scope of this public hearing shall be limited to whether the site plan application meets the requirements of these Regulations and the Zoning Ordinance.
- B. Hearing Procedure. The hearing shall be conducted in accordance with the Bylaws of the Jefferson County Planning Commission.

Sec. 24.121 Major Site Plan Application - Approval

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning Commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up to 45 days for additional information.

- A. Approval. If the site plan application is consistent with the concept plan application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.119(B)(12), Other Agencies, the Planning Commission shall approve the site plan application.
- B. Denial. Denial can only be done on the following basis:
 - 1. The plan (plan, final engineering, or final landscaping) is inconsistent with the approved concept plan or conditions of said approval.
 - 2. Failure to provide surety.

Staff Report
Jefferson County Planning Commission Meeting
July 9, 2013

C. Site Plan Signing. The Planning Commission President shall authorize the signing of the plan.

D. Effect and Vesting. The approval and signing of the site plan allows the applicant to provide surety, if necessary, and begin construction.

Planning and Zoning Recommendation

The site plan is consistent and has meet the standards of 24.121(A) with the exception that the West Virginia Department of Highways Permit number has not been provided and that certain easements have not yet been recorded. However, Staff has discussed with the applicant that these items will be recommended to the Planning Commission as a condition of site plan approval. These items shall be addressed prior to bonding of the site.

At the December 11, 2012 Planning Commission meeting, a Concept Plan was approved by the Planning Commission and no direction was provided. As such, there are no conditions related to the Concept Plan that are required to be shown on the site plan.

The use of this site was established by a Conditional Use Permit (CUP) that was approved on April 19, 2012 with 30 conditions. The conditions that are related to the site plan design have been met.

Staff recommends the following conditions be satisfied before bonding of the site plan:

1. Department of Highways Permit Number is submitted.
2. Easements shall be recorded by the instrument of a deed and exhibit plat or Final Plat.

**A Motion Recommending Approval the
Morgan's Grove Market Site Plan (S12-06)
July 9, 2013**

Whereas, the following facts relate to the processing of Morgan's Grove Market Site Plan per Sections 24.120 and 24.121 (PC12-06);

Whereas, Morgan's Grove Market has been found Provisionally and Conditionally Complete by the Planning Commission on June 11, 2013;

Whereas, a Public Hearing has been scheduled for the site plan on the July 9, 2013 Planning Commission meeting;

Whereas, Staff is recommending Planning Commission approve the Morgan's Grove Market site plan with the following conditions to be satisfied before bonding of the site plan:

- Department of Highways Permit Number is submitted;
- Easements shall be recorded by the instrument of a deed and exhibit plat or Final Plat.

Now therefore be it moved, that the Jefferson County Planning Commission _____ the site plan for Morgan's Grove Market with the following conditions to be satisfied before bonding of the site plan:

- Department of Highways Permit Number is submitted
- Easements shall be recorded by the instrument of a deed and exhibit plat or Final Plat

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Action taken on this _____ day of _____ 2013.
By vote of the Jefferson County Planning Commission
By a vote of _____ Yes _____ No

Planning Commission President

Jennifer Brockman

From: Debbie Keyser <dkeyser@jeffersoncountywv.org>
Sent: Monday, June 17, 2013 2:54 PM
To: 'Jennifer Brockman'
Subject: FW: sewer permit
Attachments: PERMIT 19272.pdf

From Fred B.

From: Fred Blackmer [<mailto:fred@fredblackmer.com>]
Sent: Monday, June 17, 2013 1:47 PM
To: Debbie Keyser
Subject: sewer permit

Ms. Keyser,

I attempted to send the MGM approved sewer permit for Ms. Brockman. The email bounced back. Could you please see that she gets it? Thanks.

Fred

State of West Virginia

OFFICE OF ENVIRONMENTAL HEALTH SERVICES

350 CAPITOL STREET, ROOM 313

CHARLESTON, WV 25301-3713

Telephone (304) 558-2981

PERMIT

(Sewer and Water)

PROJECT: Morgan's Grove Market

PERMIT NO.: 19,272

LOCATION: Morgan's Grove

COUNTY: Jefferson

DATE: 6-14-2013

THIS IS TO CERTIFY that after reviewing plans, specifications, application forms, and other essential information that

Corporation of Shepherdstown

P. O. Box 248

Shepherdstown, West Virginia 25441

is hereby granted approval to: install approximately 70 LF of 6" and 540 LF of 8" sewer line; necessary cleanouts and manholes; one (1) 37 GPM duplex sewage pump station; approximately 1,725 LF of 2" and 74 LF of 4" force main; with discharge to the existing Colonial Hills Subdivision pump station. Also, to install approximately 1,960 LF of 8" water line and all necessary valves and appurtenances.

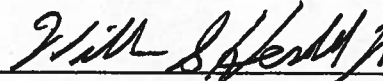
Facilities are to initially serve one (1) residential customer and one (1) commercial customer (Morgan's Grove Market).

NOTE: This permit is contingent upon all new water line being disinfected, flushed and bacteriologically tested, prior to use.

The Environmental Engineering Division of the OEHS-Kearneysville District Office, (304) 725-9453, is to be notified when construction begins.

Validity of this permit is contingent upon conformity with plans, specifications, application forms, and other information submitted to the West Virginia Bureau for Public Health.

FOR THE DIRECTOR



William S. Herold, Jr., P.E., Assistant Manager
Infrastructure and Capacity Development
Environmental Engineering Division

WSH:lch

pc: D. A. Stansbury Engineering
Jefferson Brady, P.E., DEP
Ingrid Ferrell, P.E., PSC-Engineering Division
Amy Swann, PSC
Jefferson County Health Department
OEHS-EED Kearneysville District Office

RECEIVED

JUN 17 2013

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Bond

KNOW ALL MEN BY THESE PRESENTS:

BOND NO. Q90 7070254

That TWIN OAKS SUBDIVISION, LLC

Address P O BOX 536, 3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443 Phone No. 304-283-2467

as principal, and ERIE INSURANCE PROPERTY CASUALTY CO, a corporation, organized
and existing under the laws of the State of WEST VIRGINIA, with principal office at
ERIE PA, and duly licensed

and authorized to do business in the State of West Virginia, as surety, are held and firmly bound unto the State
of West Virginia in the just and full sum of FORTY THOUSAND DOLLARS AND 00 CENTS
Dollars (\$ 40,000), for the payment whereof well and truly to be made, we bind ourselves, our heirs,
executors, administrators, successors and assigns, jointly and severally by these presents.

WITNESS the signatures and seals of said principal and surety, both thereunto duly authorized this 20TH day
of JUNE, 2013.

The condition of the above obligation is such, that whereas, the above bound principal has filed with West
Virginia Division of Highways ITS written application for a permit to install
(his, its, etc.)

TO CONSTRUCT A RIGHT TURN LANE AND ENTRANCE TO SERVE MORGAN GROVE PHASE 1 ACCORDING TO PLANS IN
JEFFERSON COUNTY WV 480 MILE POST 4.05

along bridges, roads and highways in the State of West Virginia, in manner and form prescribed by The West
Virginia Division of Highways, which may result in damage to said bridges, roads, highways, shoulders, and
ditches thereof.

Now, if the said TWIN OAKS SUBDIVISION, LLC

principal, shall properly repair any and all damages that may result to said bridges, roads, highways, shoulders, and
ditches, upon which it may perform work, to as good condition as when same was entered upon, as determined by
the District Engineer of The West Virginia Division of Highways having jurisdiction over the work permitted, or
pay damages therefore in an amount sufficient to properly restore such bridges, roads, highways, shoulders, and
ditches to such original condition; and shall reimburse The West Virginia Division of Highways for all inspection
costs incurred by it in connection with said work and repairs of such damages and faithfully comply with all terms,
provisions and conditions of said permit and save harmless West Virginia Division of Highways and the State of
West Virginia from all losses resulting from the conduct of said work or repairs; then this obligation to be void,
otherwise to remain in full force and effect.

By execution of this bond the Principal and the Surety affirm that the text above is a verbatim reproduction of
The West Virginia Division of Highways Bond Form SM-6, Revised 5-19-05. Attached notarized signatures and
Power-of-Attorney are a part of this contract.

(SEAL)

RECEIVED

JUN 26 2013

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

(SEAL)

TWIN OAKS SUBDIVISION LLC

A Corporation

By PETER S CORUM

Its MANAGING MEMBER

By DEBRA S MYERS

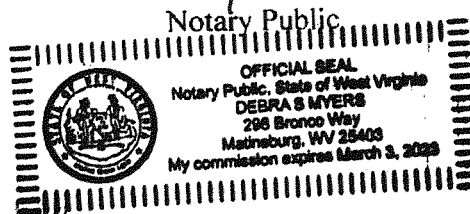
A Corporation
Its Attorney-in-Fact

STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY, TO-WIT:

I, DEBRA S MYERS, a Notary Public in and for the County and State
aforesaid, do hereby certify that PETER S CORUM,
whose name is signed to the foregoing writing, bearing date the 20TH day of JUNE, 2013,
has this day acknowledged the same before me in my said County and State.

Given under my hand this 20TH day of JUNE, 2013.
My commission expires 3/3/23

Debra S Myers

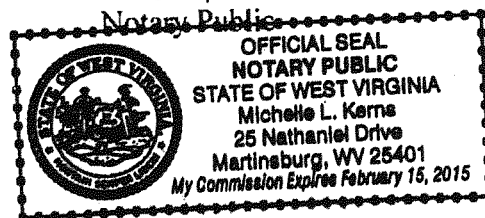


STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY, TO-WIT:

I, MICHELLE L KERNS, a Notary Public in and for the County and State
aforesaid, do hereby certify that DEBRA S MYERS,
who signed the foregoing writing bearing date the 20TH day of JUNE, 20 13, for
ERIE INSURANCE PROPERTY CASUALTY CO,
a corporation, has this day in my said County, before me, acknowledged the said writing to be the act and deed of
said corporation.

Given under my hand this 20TH day of JUNE, 20 13.
My commission expires 2/15/15

Michelle L Kerns



STATE OF _____,
COUNTY OF _____, TO-WIT:

I, _____, a Notary Public in and for the County and State
aforesaid, do hereby certify that _____,
who signed the foregoing writing bearing date the _____ day of _____, 20_____, for
_____,
a corporation, has this day in my said County, before me, acknowledged the said writing to be the act and deed of
said corporation.

Given under my hand this _____ day of _____, 20_____.
My commission expires _____.

Notary Public



ERIE INSURANCE
PROPERTY & CASUALTY COMPANY
ERIE, PA 16530
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That ERIE INSURANCE PROPERTY & CASUALTY COMPANY, a corporation duly organized under the laws of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint

----- Frederick R. Kerns, Robert S. Miller, Thomas C. Miller, Debra S. Myers and Amy L. Groves -----

individually, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed: any and all bonds and undertakings of suretyship,

----- each in a penalty not to exceed the sum of five hundred thousand dollars (\$500,000.00). -----

And to bind ERIE INSURANCE PROPERTY & CASUALTY COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by the appropriate officer of ERIE INSURANCE PROPERTY & CASUALTY COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

The Power of Attorney is granted under and by authority of the following Resolution adopted by the Board of Directors of ERIE INSURANCE PROPERTY & CASUALTY COMPANY on the 11th day of March, 2008, and said Resolution has not been amended or repealed:

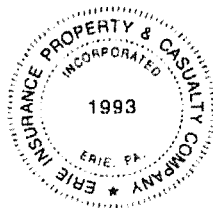
"RESOLVED, that the President, or any Senior Vice President or Vice President shall have power and authority to: (a) Appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and, (b) Remove any such Attorney-in-Fact at any time and revoke the power and authority given to him; and

RESOLVED, that Attorney(s)-in-Fact shall have power and authority, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

This Power of Attorney is signed and sealed by facsimiles under and by virtue of the following Resolution adopted by the Board of Directors of ERIE INSURANCE PROPERTY & CASUALTY COMPANY on the 18th day of September, 2008, at which a quorum was present and said Resolution has not been amended or repealed:

"RESOLVED, that the signature of Terrence W. Cavanaugh, as President and Chief Executive Officer of the Company, and the Seal of the Company may be affixed by the following facsimiles on any Limited Power of Attorney for the execution of bonds, undertakings, recognizances, contracts and other writings in the nature thereof, and the signature of James J. Tanous, as Secretary of the Company, the Seal of the Company, the signature of Sheila M. Hirsch, as Notary Public, and her Notarial Seal, may also be affixed by the following facsimiles to any certificate or acknowledgment of any such Limited Power of Attorney, and only under such circumstances shall said facsimiles be valid and binding on the Company."

IN WITNESS WHEREOF, ERIE INSURANCE PROPERTY & CASUALTY COMPANY has caused these presents to be signed by its President and Chief Executive Officer, and its corporate seal to be hereto affixed this 18th day of September, 2008.



Terrence W. Cavanaugh
Terrence W. Cavanaugh
President and Chief Executive Officer

STATE OF PENNSYLVANIA } ss.
COUNTY OF ERIE

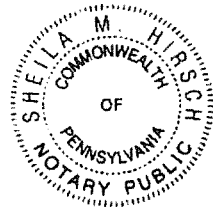
On this 18th day of September, 2008, before me personally came Terrence W. Cavanaugh, to me known, who being by me duly sworn, did depose and say: that he is President and Chief Executive Officer of ERIE INSURANCE PROPERTY & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the Seal of said corporation; that the Seal affixed to the said instrument is such corporate Seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

CERTIFICATE

I, James J. Tanous, Secretary of ERIE INSURANCE PROPERTY & CASUALTY COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a full, true and correct copy, is still in full force and effect as of the date below.

In witness whereof, I have hereunto subscribed my name and affixed corporate Seal of the Company by facsimiles pursuant to the action of the Board of Directors of the Company,

this 20TH day of JUNE 20 13



Sheila M. Hirsch
My commission expires June 27, 2012
Notary Public



James J. Tanous
James J. Tanous Secretary

This information is
Tab #6 in your binder.



Jefferson County, West Virginia

Departments of Planning & Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

MEMORANDUM

TO: Planning Commission
FROM: Seth Rivard, County Planner
DATE: July 9, 2013
RE: Subdivision Regulations Amendments to Stormwater Management

This memo outlines the proposed changes to the amended 2008 Subdivision and Land Development Regulations.

Removal of Stormwater Standards from the 2008 Subdivision and Land Development Regulations

- These standards have been moved to the proposed stand-alone Stormwater Management Ordinance.

References to Stormwater Management Ordinance

- References have been added to the 2008 Subdivision and Land Development Regulations directing the reader to the Stormwater Management Ordinance for design standards.

Rural Site Plan Standards

- The Rural Site Plan Standards have been amended to reduce the gravel depth in parking and drive aisle from 9 inches to 6 inches.

Definitions

- Definitions related to the Stormwater Management Ordinance have been added.

Unintentional No Net Changes

- These related to changes that accidentally occurred during editing and formatting of the document that will be addressed in a future version. An example of Unintentional No Net Changes can be seen below.

Article 21 Subdivision and Development Design

Division 21.100 Subdivision Plat Components

Sec. 21.101 Blocks

- Block Length.** The ~~blocks~~~~blocks~~ shall not, in most instances, exceed six lots in length on one side of the street. For attached units, that shall not exceed 12 lots. The length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for ~~buildings~~~~buildings~~ of the type proposed, zoning requirements, fire ~~access~~~~access~~, emergency service, and police protection. Blocks may be longer in rural subdivisions due to topographic constraints and/or the total number of lots in the subdivision does not exceed 9 and the lots are over ¾ acre in land area each.

Additionally, there are a few minor proposed edits not related to the Stormwater Management Ordinance.

WVDOH

- The 2008 Subdivision Regulations requires a traffic study when a certain threshold is met. There are circumstances when the WVDOH would prefer an applicant to provide known needed road improvements rather than conduct the traffic study. This would allow applicants to not provide a traffic study if WVDOH agrees and a WVDOH improvement is provided.

Redline revision

- This amends the section related to redline revisions. The proposed amendment requires the color of the redline to be red. An amendment of an approved project can either be done by hand in red color or in an electronic format in red color.

Sidewalk/trails

- Sidewalks are required in almost all projects. There are locations where a pedestrian/bike easement may be more appropriate than the installation of the sidewalks. As such, the proposed amendment is to allow for administrative approval of trail easements to be substituted for installation of sidewalks.

TABLE OF CONTENTS

Article I	General Provisions.....	1
A.	Statutory Authority.....	1
B.	Purpose and Objectives.....	1
C.	Administering Entity.....	2
D.	Applicability.....	3
E.	Severability.....	5
F.	Incorporation by Reference.....	5
Article II	Stormwater Management Program Procedures and Requirements.....	5
A.	Stormwater Management Plan Requirement, Review, and Approval.....	5
B.	Erosion and Sediment Control.....	6
(1)	Review and Approval of Erosion and Sediment Control Plans.....	6
(a)	No changes shall be made in the contour of the land and no grading, excavating, removal, or destruction of topsoil, trees, or other vegetative cover shall commence until an Erosion and Sediment Control Plan for stabilizing disturbed areas has been reviewed and approved by the Jefferson County Engineering Department. .6	
(c)	The owner or developer shall submit the Erosion and Sediment Control Plan, and any supporting computations, to the Jefferson County Engineering Department for review and approval as part of the Stormwater Management Plan. The Erosion and Sediment Control Plan shall contain sufficient information and notes to describe how soil Erosion and off-site sedimentation will be minimized. The Jefferson County Engineering Department shall review the plan to determine compliance with the <i>West Virginia Erosion and Sediment Control Handbook for Developing Areas</i> and the regulations established in this Ordinance. The plan shall serve as a basis for all subsequent grading and stabilization.	6
C.	Stormwater Control and Conveyance Plan Requirements.....	10
D.	Maintenance Requirements.....	14
Article III	Waivers and Modifications of Requirements.....	17
A.	General.....	17
B.	Request for Waiver or Modification.....	17
Article IV	Stormwater Management Design Criteria.....	18
A.	Reference to the Design Manual.....	18
B.	General Performance Criteria.....	19
C.	Stormwater Quantity Control Criteria.....	20
D.	Stormwater Quality Control Criteria.....	25

E. Small-Scale Stormwater Management Practices.....	29
Small-scale stormwater practices, LID, better site design (BSD), and nonstructural techniques designed to mimic natural hydrologic runoff and minimize the impact of land development on water resources must be utilized and described in the Stormwater Management Plan. Only when absolutely necessary is the use of structural BMP warranted.....	
F. Redevelopment	30
(c) Reduce post-development peak discharge rates to 90% of the predevelopment rates for the 2-year, 10-year, and 100-year, 24-hour storm events based on a comparison of existing ground cover to post-development site conditions.	30
G. Soil Studies and Karst Terrain Requirements	31
H. Stormwater conveyance and Drainage Criteria.....	31
I. Landscaping	35
J. Riparian Buffers	36
Article V Construction Inspection and bonding.....	38
A. Performance Bond.....	38
B. Inspections During Construction	38
C. Post-construction Final Inspection and As-Built Plans	39
Article VI Post-construction Maintenance, Inspection, and Repair of Stormwater Facilities	42
A. Inspection and Maintenance of Stormwater Facilities.....	42
Article VII Enforcement and Penalties	44
A. Authority.....	44
B. General Procedures	44
C. Civil and Criminal Penalties	45
D. Disapproval of Subsequent Permits	45
E. Holds on Use and Occupancy Certificates	45
F. Suspension, Revocation, or Modification of Permit	45
Article VIII Definitions.....	46
Attachments	52
A. Stormwater Facility Inspection Report	53

ARTICLE I GENERAL PROVISIONS**A. STATUTORY AUTHORITY**

- (1) Short Title
 - (a) This Ordinance and Ordinances supplemental or amendatory thereto shall be known and may be cited as the “Stormwater Management Ordinance of Jefferson County” and hereinafter referred to as the “Ordinance.”
 - (b) EFFECTIVE DATE:
- (2) The provisions of this Ordinance are enacted pursuant to West Virginia Code:
 - Chapter 7, County Commissions and Officers, Article 1, “County Commissions Generally”
 - Chapter 8A, Land Use Planning, Article 4, “Subdivision and Land Development Ordinance”
 - Chapter 8A, Land Use Planning, Article 5, “Subdivision or Land Development”
 - Chapter 22, Environmental Resources, Article 11, “Water Pollution Control Act”
 - Chapter 22, Environmental Resources, Article 12, “Ground Water Protection Act”
- (3) The provisions of this Ordinance are also enacted pursuant to the Chesapeake Bay Restoration Act of 2000.

B. PURPOSE AND OBJECTIVES

This Ordinance has the following purpose:

- (1) Protect, maintain, and enhance the environment of Jefferson County and the public health, safety, and general welfare of the citizens of Jefferson County by controlling discharges of pollutants to Jefferson County’s stormwater system, and maintain and improve the quality of the receiving waters into which all stormwater flows, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the community
- (2) Enable Jefferson County to comply with the West Virginia Department of Environmental Protection (WVDEP)-administered National Pollutant Discharge Elimination System (NPDES) stormwater permit program and applicable regulations (40 CFR, §122.26) for stormwater discharges
- (3) Enable Jefferson County to comply with the Environmental Protection Agency’s (EPA) Total Maximum Daily Loads (TMDLs) Water Quality Standards established for the Potomac River Basin
- (4) Enable Jefferson County to comply with the West Virginia Water Pollution Control Act, West Virginia Code, Chapter 22, Article 11

- (5) Allow Jefferson County to exercise the powers granted in West Virginia Code §8A-4, Article 4, "Subdivision and Land Development", Article 5, "Subdivision or Land Development," and §22, Article 12, "Ground Water Protection Act," which provide, among other powers that counties have with respect to stormwater systems and stormwater management programs, the power by ordinance or resolution, as the case may require, and by appropriate action based thereon to do the following:
 - (a) Establish standards for setback requirements, Lot sizes, streets, sidewalks, walkways, parking, easements, rights-of-way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, stormwater management, and water and wastewater facilities
 - (b) Adopt any rules and regulations deemed necessary to accomplish the purposes of this Ordinance, including the adoption of a system of fees for services and permits
 - (c) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants that may be necessary to protect water quality
 - (d) Establish standards for flood-prone or subsidence areas
 - (e) Review and approve plans and plats for stormwater management in proposed residential and nonresidential subdivisions as applicable under Subsection D below
 - (f) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities
 - (g) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit
 - (h) Ensure that required improvements are installed and not avoided by a series of minor subdivisions or land developments
 - (i) Define control measures for drainage, erosion, and sediment

C. ADMINISTERING ENTITY

- (1) Pursuant to West Virginia Code §7, Article 1, "County Commissions Generally," any county commission in the State of West Virginia is hereby authorized and empowered to own, acquire, construct, equip, operate, and maintain within the respective county a stormwater system, stormwater works, and stormwater management program as defined herein.
- (2) Jefferson County is the entity responsible for administering the provisions of this Ordinance.

D. APPLICABILITY

- (1) This Ordinance shall be applicable to all activities as defined herein. A Stormwater Management Plan for any new development or redevelopment shall be required as described below. In addition to Stormwater Quantity and Quality Control Plans, stormwater Runoff conveyance systems, Erosion and Sediment Control Plans, and stormwater management facilities' maintenance requirements must be included in all Stormwater Management Plans. Stormwater management quantity and quality control shall be applicable as follows:
- (a) Quantity control criteria for newly developed impervious surfaces and/or changes in land cover shall apply to
- (i) Minor Site Developments, as defined by the Jefferson County Subdivision and Land Development Regulations, requiring a Limited Site Plan, and
 - (ii) Rural Site Plans, and
 - (iii) Any Site Development requiring a Full Site Plan, and
 - (iv) Any Major residential or commercial subdivision requiring a Preliminary Plat.
- (b) In addition to the quantity control requirements noted above, Quality control criteria for newly developed impervious surfaces shall apply to
- (i) Rural Site Plans involving the Development of 5,000 square feet or more of impervious surface or resulting in more than one acre of land disturbance, and
 - (ii) Any Site Development requiring a Full Site Plan, and
 - (iii) Any Major residential or commercial subdivision requiring a Preliminary Plat.
- (2) The following activities are exempt from this Ordinance:
- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources
- (b) Projects that do not require Site Plans or Preliminary Plat Plans. This includes Minor Subdivisions as defined under the Subdivision and Land Development Ordinance.
- (c) The construction of single-family or duplex residential structures or additions or modifications to existing single-family or duplex residential structures
- (i) However, despite the exemption, minimal Erosion and Sediment control measures shall be required and include the following:
 - 1. Installation and maintenance of a stone construction entrance during the entire construction phase to reduce

the transport of sediment from the site by vehicles and equipment leaving the site, and

2. Installation of a Silt Fence during the entire construction phase to control erosion and sediment runoff from the Site, and
3. All disturbed areas on the Site shall be stabilized within seven days of final grading or becoming idle with permanent vegetation or protective ground cover suitable for the time of year.

(ii) The Erosion and Sediment control measures shall be constructed and installed according to the details and specifications as established by the Chief County Engineer.

(iii) The minimal stone construction entrance and Silt Fence shall be in place at the time of the footer inspection. Failure to meet minimal requirements will result in a failed footer inspection under the building code.

The final grading and stabilization of the Site shall be complete at the time of final inspection. Failure to meet this requirement will result in a failed final inspection and withholding of the Use and Occupancy Certificate issued under the building code.

(d) Any logging or Agricultural Activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the Eastern Panhandle Conservation District.

(e) Repairs to any Stormwater Management Facility.

(f) Subdivision Plats or Site Plans approved before the adoption date of this Ordinance. However, any and all Subdivision Plats and Site Plans approved prior to the adoption of this Ordinance shall still be required to meet the stormwater management requirements in effect at the time of their approval and under which they were approved.

(3) Compatibility with Other Permits and Ordinance Requirements

(a) Compliance with the requirements herein does not create exclusion to permitting requirements from the WVDEP, the U.S. Army Corps of Engineers, or any other agency or reviewing body that has jurisdiction over the proposed project area.

(b) Whenever this Ordinance imposes a conflicting restriction regarding stormwater regulation, the provisions of the more restrictive ordinance shall control.

E. SEVERABILITY

If any section, clause, sentence, part, or provision hereof shall be held to be invalid, or unconstitutional, by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance.

F. INCORPORATION BY REFERENCE

- (1) For the purposes of this Ordinance, Jefferson County has adopted by reference the following published standards:
 - (a) *West Virginia Stormwater Management and Design Guidance Manual (2012)*
 - (b) Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed," version 2.0 (June 2009)
 - (c) *West Virginia Erosion and Sediment Control Best Management Practice Manual (2006)*
- (2) All Stormwater Management Plans shall be consistent with the regulations and design standards established in the listed published standards.

ARTICLE II STORMWATER MANAGEMENT PROGRAM PROCEDURES AND REQUIREMENTS**A. STORMWATER MANAGEMENT PLAN REQUIREMENT, REVIEW, AND APPROVAL**

- (1) Any person or entity proposing to perform any Land Development Activity(ies) pursuant to the applicability standards outlined under Article I.D. of this Ordinance shall submit a complete Stormwater Management Plan to the Jefferson County Engineering Department as part of a subdivision Preliminary Plat or Site Plan submittal and approval.
 - (a) The Jefferson County Stormwater Management Plan is required in addition to any permitting or Notice of Intent issuances required by the WVDEP for land disturbance activities in excess of one acre.
- (2) Each Stormwater Management Plan submittal shall include the minimum content specified in Article II and meet the minimum stormwater design requirements specified in Article IV of this Ordinance.
- (3) The Stormwater Management Plan shall be in a format acceptable to the Jefferson County Engineering Department and contain any professional certifications and seals required by them and/or as required by any applicable professional licensing board in the State of West Virginia. This shall include, but is not limited to, any surveys, engineered plans, and details, specifications, design calculations, analyses, or reports.

- (4) Unless specified otherwise by this Ordinance, the Stormwater Management Plan must comprise the following:
 - (a) Erosion and Sediment Control Plan in accordance with Article II.B
 - (b) Stormwater Control and Conveyance Plan in accordance with Article II.C
 - (c) Maintenance Plan requirements in accordance with Article II.D
- (5) No Site Plan and/or Subdivision Preliminary Plat Plan shall be approved until a satisfactory Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Plan have undergone a review for compliance with the requirements of this Ordinance and been approved by the Jefferson County Engineering Department.
- (6) Approval of the Subdivision Plat or Site Plan by the Jefferson County Engineering Department shall constitute approval of the Stormwater Management Plan.
- (7) No owner or developer shall commence any land disturbance activity prior to meeting the requirements of this Ordinance, if applicable.

B. EROSION AND SEDIMENT CONTROL

- (1) Review and Approval of Erosion and Sediment Control Plans
 - (a) No changes shall be made in the contour of the land and no grading, excavating, removal, or destruction of topsoil, trees, or other vegetative cover shall commence until an Erosion and Sediment Control Plan for stabilizing disturbed areas has been reviewed and approved by the Jefferson County Engineering Department.
 - (b) The Erosion and Sediment Control Plan shall be submitted as part of the Stormwater Management Plan at the same time the Subdivision Plat or Site Plan is to be submitted.
 - (c) The owner or developer shall submit the Erosion and Sediment Control Plan, and any supporting computations, to the Jefferson County Engineering Department for review and approval as part of the Stormwater Management Plan. The Erosion and Sediment Control Plan shall contain sufficient information and notes to describe how soil Erosion and off-site sedimentation will be minimized. The Jefferson County Engineering Department shall review the plan to determine compliance with the *West Virginia Erosion and Sediment Control Handbook for Developing Areas* and the regulations established in this Ordinance. The plan shall serve as a basis for all subsequent grading and stabilization.
 - (d) All plans must meet the requirements of the WVDEP's Construction Stormwater NPDES regulations, as applicable. In the event of conflict between the Jefferson County Subdivision Ordinance's regulations and WVDEP's requirements, WVDEP's requirements shall prevail.

- (e) Approval of the Subdivision Plat or Site Plan by the Jefferson County Engineering Department shall constitute approval of the Erosion and Sediment Control Plan.
- (2) Contents of Erosion and Sediment Control Plans
 - (a) The applicant is responsible for submitting an Erosion and Sediment Control Plan that meets the requirements of the Jefferson County Engineering Department, this Ordinance, and the *West Virginia Erosion and Sediment Control Handbook for Developing Areas*. The plan shall include sufficient information to evaluate the potential impacts of the proposed grading on water resources and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.
 - (b) The Erosion and Sediment Control Plan shall be submitted as a part of the Stormwater Management Plan. The Erosion and Sediment Control Plan shall be at an appropriate scale and include, at a minimum, the following information:
 - (i) North arrow and graphic scale
 - (ii) Symbol key for all erosion and sediment control measures (e.g., stabilized construction entrance, silt fence, check dams, culvert inlet protection, etc.) shown on the plan
 - (iii) The existing and proposed topography/grading contours
 - (iv) The limits of the disturbed area
 - (v) Storm drainage provisions, including velocities and peak quantities of the Q10 discharge rates at outfalls
 - (vi) Erosion and sediment control provisions to minimize erosion and prevent off-site sedimentation
 - 1. Provisions to preserve topsoil and limit disturbance
 - 2. Details of grading practices
 - 3. Design details and construction notes for structural controls
 - 4. Details and notes of temporary and permanent stabilization measures, including placement of the notes included in Figure

Figure 1- Erosion and Sediment Control Notes

1. Any area of exposed soil where no construction activity is anticipated for a period of longer than three weeks or where construction activity has stopped for three weeks shall be temporarily stabilized.
2. Following initial soil disturbance or re-disturbance, permanent stabilization shall be completed within seven calendar days after completion of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); and seven calendar days after reaching final grade for all other disturbed or graded areas.

These provisions do not apply to those areas that are shown on the plan for material storage or for those areas on which actual construction activities are currently being performed.

These time requirements may be extended, as deemed necessary by the Jefferson County Engineer in the event that adverse conditions prevent compliance with the stated time limitations for the completion of permanent or temporary stabilization.
3. Stabilization will be considered adequate when the following conditions are met:
 - a) Water courses, stream banks, and drainage easements shall be 100% stabilized and free from erosion and deposition.
 - b) Slopes steeper than 10% shall have at least 98% stable ground cover, as determined by the Jefferson County Engineer.
 - c) All other areas shall have at least 85% stable ground cover, as determined by the Jefferson County Engineer.
 - d) Grass vegetation shall have reached a minimum of 3 inches of height or have been mowed back to a minimum of 2 inches of height.
4. For all projects adjacent to or within 500 feet of a continuously flowing stream, 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 NTUs over background turbidity when the background is 50 NTUs or less, or have more than a 10% increase in turbidity (plus 10 NTUs minimum) when the background turbidity is more than 50 NTUs.
5. Indication whether an off-site borrow pit is (or is not) proposed for this project.
6. Maintenance shall be performed as necessary to ensure that all erosion and sediment control measures are performing as designed. The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing the approved plans do not provide adequate protection.
7. All residential and commercial/industrial building Lots shall have a stabilized construction entrance installed prior to beginning construction on the Lot.
8. The developer/applicant is responsible for ensuring that all clearing, grading, drainage, construction, and development is conducted in accordance with the Erosion and Sediment Control Plan.

- (vii) Temporary and permanent seeding specifications, including:
 - 1. Type of seed (mixture) and application rate
 - 2. Type of lime and fertilizer and the associated application rates
 - 3. Type of mulching, application rate, and type of anchoring
 - (viii) Sequence of construction outlining the installation and maintenance of erosion and sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, at a minimum, outline the sequence for the installation of erosion and sediment control devices for the following applicable activities:
 - 1. Installation of the stabilized construction entrance
 - 2. Clearing and grubbing for those areas necessary for installation of perimeter controls
 - 3. Construction of perimeter controls (e.g., dikes, silt fence, sediment traps, sediment basins, etc.)
 - 4. Remaining clearing and grubbing
 - 5. Road grading
 - 6. Grading of ditch lines and drainage swales
 - 7. Utility installation
 - 8. Grading for stormwater management facilities
 - 9. Grading for the remainder of the site
 - 10. Final grading, landscaping, or stabilization
 - 11. Maintenance schedule for all erosion and sediment control devices
 - 12. Removal of temporary erosion and sediment controls
 - (ix) Any off-site source of borrow materials that is located in Jefferson County, and not regulated directly by an agency of the state or federal governments, shall be so noted on the Erosion and Sediment Control Plan, and an Erosion and Sediment Control Plan shall be provided for the borrow pit. If no off-site borrow source is proposed, it shall be so noted on the Erosion and Sediment Control Plan.
 - (x) The following note shall be placed on the Site Plan, Preliminary Plat, and Final Plat of subdivision: "All residential and nonresidential building lots shall have a stabilized construction entrance installed prior to beginning construction on the lot."
 - (xi) Computations as may be necessary to show adequate sizing of erosion and sediment control measures.
- (c) The Jefferson County Engineer may waive the inclusion of any specific information required by this section that is considered by the Jefferson County Engineer to not be required or applicable for the affected site.

- (3) Modifications to the Erosion and Sediment Control Plan.
 - (a) The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing that the approved plans do not provide adequate protection. Modifications may also be requested by the developer or engineer of record due to unforeseen field conditions.

C. STORMWATER CONTROL AND CONVEYANCE PLAN REQUIREMENTS

- (1) All Stormwater Control and Conveyance Plans shall be appropriately sealed and signed by a professional engineer in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with West Virginia Code Chapter 30, Professions and Occupations, and attendant regulations certifying that the plan meets all submittal requirements outlined in this Ordinance and is consistent with good engineering practice.
- (2) The developer is responsible for submitting a Stormwater Control and Conveyance Plan that meets the design requirements of this Ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer or builder shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the approved plan. The minimum information submitted for support of stormwater management shall include those components listed in subsection (3) of this section.
- (3) The Stormwater Control and Conveyance Plan shall include the following:
 - (a) Name, address, and telephone number of all persons having a legal interest in the property
 - (b) Tax reference number and parcel number of the property or properties affected
 - (c) Existing and proposed buildings, roads, and parking areas
 - (d) Existing and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities
 - (e) Existing and proposed utilities, easements, and structural stormwater management and sediment control facilities
 - (f) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses
 - (g) Clearing and grading limit boundaries

- (h) A 1-inch = 200-foot topographical base map of the site, which extends a minimum of 200 feet beyond the limits of the proposed development
- (i) Existing surface water drainage including streams, ponds, culverts, ditches, drainage patterns, and wetlands
- (j) A written or graphic inventory of the natural resources at the site and surrounding area, including forest cover, wetlands, and other native vegetative areas, as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site
- (k) Environmentally sensitive features as defined in the Jefferson County Subdivision Ordinance that provide particular opportunities or constraints for Development
- (l) A stable maintenance route to the stormwater management feature
- (m) All necessary construction specifications
- (n) SWM features to meet all Natural Resources Conservation Service (NRCS)-378 pond design criteria, including embankment width, core trench, anti-seep collars, emergency spillway, etc., as described in the following documents as recommended by the *West Virginia Stormwater Management and Design Guidance Manual*:
 - (i) *West Virginia Erosion and Sediment Control Best Management Practice Manual*
 - (ii) *Virginia Stormwater Best Management Practices Clearinghouse*
 - (iii) *Maryland Stormwater Design Manual*
 - (iv) *Pennsylvania Stormwater Best Management Practices Manual*
- (o) Analysis of the impacts of stormwater flows downstream. The design release rate of the structure shall be modified if there is a risk that any increase in flooding or stream channel erosion will occur at any point.
- (p) A sequence of construction
- (q) A plan and profile view through the centerline of the SWM feature, including the forebay area, micropool area, embankment, and outlet, showing existing and proposed grades and all pertinent features at accurate elevations
- (r) Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report if deemed necessary by the Jefferson County Engineer. The submitted report shall include boring depth, sampling frequency and types, and associated laboratory testing with results and conclusions, and follow the criteria in Appendix B of the *West Virginia Stormwater Management and Design Guidance Manual*. Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in

the *West Virginia Stormwater Management and Design Guidance Manual*.

- (s) Outlet protection information including dimensions, depth, geotextile, and stone sizing
- (t) Tabular summary of all SWM facilities provided in spreadsheet format (Microsoft Excel or equivalent) with the following details:
 - (i) Facility location based upon West Virginia State Plane Coordinate System.
 - (ii) Description of type of system
 - (iii) Total area the facility is providing stormwater management services for.
- (v) Digital data submissions of the same information found on the printed sets of plans are required in addition to the printed sets of plan submission requirement. Printed sets of plans remain mandatory and will continue to be recognized as the official document.

The following digital formats are acceptable:

DXF: AutoCAD Drawing Exchange Format, release 13 or later

DWG: AutoCAD Drawing File, release 13 or later

Data formats that are native to GIS (i.e., shapefiles and geodatabases) are also acceptable, though not required. Additional formats will only be accepted if they are compatible with GIS and increase the efficiency for data capture and integration.

The following coordinate system, horizontal datum and mapping units are required for all digital data submissions:

Coordinate System: State Plane, West Virginia North, FIPS Zone 4701

Horizontal Datum: NAD83

Mapping Units: US Survey Feet

- (w) Any other information required by the Jefferson County Engineering Department or representative thereof
- (x) A Stormwater Control and Conveyance Plan shall be submitted including all hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in this Ordinance. This report shall be dated, and signed and sealed by the Engineer of Record. Such calculations shall include the following:
 - (i) Description of the design storm frequency, intensity, and duration
 - (ii) Time of concentration

- (iii) Soil Curve Numbers (CNs) or runoff coefficients
 - (iv) Peak runoff rates and total runoff volumes for each watershed
 - (v) Infiltration rates, where applicable
 - (vi) Culvert and/or channel capacities
 - (vii) Flow velocities
 - (viii) Data on the increase in rate and volume of runoff for the specified design storms
 - (ix) Documentation of sources for all computation methods and field test results
- (4) The Stormwater Control and Conveyance Plans shall contain at a minimum, the following. Additional information may be required at the discretion of the County Engineer.
- (a) Plan over Profile sheets of any storm sewer system shall be shown on the preliminary plat and/or site plan, as applicable; and shall show:
 - (1) Inlet identification that corresponds with plan view
 - (2) Top and bottom of storm inlet elevations.
 - (3) Pipe size, shape, material type & length.
 - (4) Pipe inlet and outlet invert elevations.
 - (5) Slope of pipe.
 - (6) Outlet end-section type.
 - (7) Outfall rip-rap apron/energy dissipation device at 0% grade.
 - (8) Q10 flow rate and velocity.
 - (9) Hydraulic Grade line
 - (10) All applicable details of inlets, and other associated structures
 - (b) Culverts shall be shown in both plan and profile views on the preliminary plat and/or site plan, as applicable, and shall show:
 - (1) Culvert identification that corresponds with plan view
 - (2) Invert elevations at the inlet and outlet of the culvert.
 - (3) Pipe size, shape, material type & length.
 - (4) Slope of pipe.
 - (5) Outlet end-section type.
 - (6) Outfall rip-rap apron/energy dissipation device at 0% grade.
 - (7) Q10 flow rate and velocity.

- (c) Drainage swales shall be shown on the preliminary plat and/or site plan, as applicable, and shall show:
 - (1) Grading of the swales.
 - (2) Typical cross section of the swale showing the 10-year water surface.
 - (3) Any required lining.
 - (4) Slope of the swale.
 - (5) Q10 flow rate and velocity.
 - (6) Any applicable details.
- (d) The Stormwater Control and Conveyance Plan shall include all hydrologic and hydraulic design calculations for all storm sewer, roadway culverts and drainage swale conveyance systems, including a narrative explaining the design methodologies. The report shall be dated and signed and sealed by the Engineer of Record.

D. MAINTENANCE REQUIREMENTS

- (1) The design and planning of all stormwater management facilities shall include detailed maintenance procedures to ensure their continued function. These maintenance procedures will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary.
- (2) The Stormwater Management Plan must ensure access to all stormwater management facilities at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. These easements will be recorded and will remain in effect even with the transfer of title to the property.
- (3) Prior to the approval of any Stormwater Management Plan that has stormwater management facilities requiring access easements, the developer or owner of the site must demonstrate that all required easements are obtained and recorded - or will be recorded - prior to recordation of the Final Plat or final approval of the Site Plan.
- (4) Ownership, maintenance, inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association and/or property owner or other responsible entity. All stormwater management facilities shall be conveyed by deed to the responsible party at the same time transfer of all other common areas is required under the Subdivision and Land Development Regulations. This shall be stated on the Subdivision Preliminary Plat, Final Plat, and/or Site Plan, along with any other required maintenance plan notes and inspection schedule.
- (5) Inspection and maintenance of stormwater facilities

- (a) The Homeowners Association or Lot Owners Association and/or property owner or other entity responsible for the maintenance of the stormwater management facilities constructed pursuant to this Ordinance shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, discharge structures, trash racks, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with the approved plans and specifications.
- (b) The party responsible for the maintenance of the stormwater management system shall maintain and provide written records of all maintenance and repairs within 30 days of work completion to the WVDEP. A copy of these records shall also be submitted to the Jefferson County Engineering Department as notification that maintenance work was performed.
- (c) A periodic maintenance schedule shall be developed for the life of any stormwater management facility. This maintenance schedule shall be included in the approved Stormwater Management Plan and placed on approved Site Plans and Subdivision Preliminary and Final Plats, along with the following statement:

“All maintenance and repair, periodic inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association, and/or property owner or other responsible entity, and shall be performed in accordance with the Jefferson County Stormwater Management Ordinance under which the project was approved.”
- (d) The following minimum maintenance requirements shall be printed on the Stormwater Management Plan, Site Plan, Preliminary Plat Plan, and Final Plat:

Jefferson County, West Virginia**Stormwater Management Facilities Maintenance Requirement**

1. In accordance with the Jefferson County Stormwater Management Ordinance under which this project was approved, periodic inspection and maintenance shall be performed to ensure the proper function of all stormwater management facilities.
2. All maintenance and repair, periodic inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association, and/or property owner or other responsible entity, and shall be performed in accordance with the Jefferson County Stormwater Management Ordinance under which the project was approved.

STORMWATER FACILITY MAINTENANCE AND INSPECTION SCHEDULE

1. Regular Maintenance:
 - A. Mowing (seasonal) and removal of trash and debris shall be performed on a monthly basis at a minimum.
 - B. Repair and stabilization of eroded areas shall be performed during growing season and on an annual basis at a minimum.
2. Periodic Inspections:

All elements of the stormwater management facilities shall be inspected for proper operation and maintenance as follows:

 - A. After the first year of operation
 - B. Once every year after the first year of operation
 - C. Within 15 days after any maintenance activities are performed and completed
 - D. After a 3-inch rainfall within a 24-hour period storm event (2-year, 24-hour storm event)
 - E. As requested by the Jefferson County Engineering Department in response to complaints or notice of possible violations

Best Management Practices (BMPs) Maintenance Procedures

1. Maintenance for rain gardens, vegetated drainage swales, riparian buffers, infiltration basins, etc., shall be performed in accordance with the BMP maintenance specifications in the West Virginia Department of Environmental Protection's *West Virginia Stormwater Management and Design Guidance Manual*.

Project-Specific Maintenance Procedures Required

(Determined by the Stormwater Management Plan Engineer-of-Record)

- 1.
- 2.
- 3.

- (6) Inspection report requirements (see Attachment B)

ARTICLE III WAIVERS AND MODIFICATIONS OF REQUIREMENTS

A. GENERAL

- (1) This Article is intended to provide a procedure to achieve the water quality and quantity objectives of this Ordinance while providing reasonable flexibility for difficult site conditions and innovative site design approaches.
- (2) The provisions of this Ordinance are the minimum requirements for the protection of the public's health, safety, and welfare, and should be strictly adhered to. Written requests for waivers to or modifications of these requirements should be granted only where the requirement of strict adherence would be unreasonable, cause undue hardship, or an alternative standard can be demonstrated to provide equal or better results.

B. REQUEST FOR WAIVER OR MODIFICATION

- (1) Every person or entity defined under Article I.D. of this Ordinance shall submit a complete Stormwater Management Plan unless a written request for a waiver seeking relief from the stormwater management standards of this Ordinance is filed with the Jefferson County Engineering Department and such request is granted by the Jefferson County Engineering Department.
- (2) If the owner or developer demonstrates to the satisfaction of the Jefferson County Engineering Department that any stormwater management requirements of this Ordinance are unreasonable or cause undue hardship as it applies to the proposed land disturbance activity(ies), the Jefferson County Engineering Department may grant relief to such standards, provided that such relief meets the findings specified under Section B.(4) below.
- (3) The owner or developer shall submit all requests for waivers in writing to the Jefferson County Engineering Department and shall include such requests as a part of the Stormwater Management Plan review and approval process as defined under Article II.D. of this Ordinance. The owner or developer shall state in full the facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance that are involved, and the minimum waiver or relief that is necessary. The owner or developer shall state how the requested waiver and their proposal shall result in an equal or better means of complying with the water applicable quality and quantity objectives and requirements of this Ordinance.
- (4) The Jefferson County Engineering Department may grant waivers or a modification of requirements when the following findings are made, as relevant:
- (a) The waiver will not create an adverse impact to water quality and water quantity.
 - (b) The waiver is the minimum action necessary to provide relief.
 - (c) The applicant is *not* requesting a waiver based on cost considerations.

- (d) Existing off-site stormwater problems will not be exacerbated.
- (e) Runoff is not being diverted to a different drainage area.
- (f) Increased flooding or ponding on off-site properties or roadways will not occur.
- (g) Potential icing conditions will not occur.
- (h) Increase of peak flow or volume from the site will not occur.
- (i) Erosive conditions due to increased peak flows or volume will not occur.
- (j) Increased 100-year floodplain levels will not result.
- (k) Increased or unusual municipal maintenance expenses will not result from the waiver.
- (l) The amount of stormwater generated has been minimized to the greatest extent allowed.
- (m) Infiltration of runoff throughout the proposed site has been provided where practicable, and predevelopment groundwater recharge protected at a minimum.
- (n) Peak flow attenuation of runoff has been provided.
- (o) Long-term operation and maintenance activities are established.
- (p) The downstream waterways within the watershed containing the site that will receive runoff will not be subject to each of the following criteria:
 - (i) Deterioration of existing culverts, bridges, dams, and other structures
 - (ii) Deterioration of biological functions or habitat
 - (iii) Accelerated streambank or streambed erosion or siltation
 - (iv) Increased threat of flood damage to public health, life, and property

ARTICLE IV STORMWATER MANAGEMENT DESIGN CRITERIA

A. REFERENCE TO THE DESIGN MANUAL

- (1) The Jefferson County Engineering Department shall use the technical specifications and standards in the *West Virginia Stormwater Management and Design Guidance Manual* as the tool for making decisions about stormwater design, implementation, and performance of structural and nonstructural stormwater BMPs.
- (2) The *West Virginia Stormwater Management and Design Guidance Manual* includes a list of stormwater quality treatment practices, including the specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance

standards. If the specifications or guidelines found therein are more restrictive than other requirements, they shall not prevent the application of the specifications or guidelines in the *West Virginia Stormwater Management and Design Guidance Manual*.

- (3) Reference is also made to NRCS 378, for the design and construction of conventional pond facilities.

B. GENERAL PERFORMANCE CRITERIA

- (1) Low Impact Development (LID) is a stormwater management method that is modeled after nature. LID is unique to each site and uses both structural and nonstructural practices to control runoff close to where it falls. LID is recommended as the standard stormwater management practice.
 - (a) The use of LID and BMPs in conjunction with traditional stormwater management shall control stormwater runoff at the source and more closely approximate predevelopment runoff conditions.
 - (b) Karst Terrain Considerations
 - (i) Developers and designers shall minimize the amount of impervious cover created at the site to reduce the volume and velocity of stormwater runoff generated.
 - (ii) Developers and designers shall place a high priority on preserving as much of the length of natural Karst swales present on the Site as possible to increase infiltration and accommodate flows from major storm events.
 - (iii) Developers and designers should consider small-scale LID practices as prescribed in the latest version of the Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed."
 - (c) The design criteria, hydrologic analysis, and computational procedures for LID stormwater management design plans shall be those of the latest edition of the *West Virginia Stormwater Management and Design Guidance Manual*.
 - (d) LID stormwater management design plans shall not conflict with existing state or Jefferson County laws, ordinances, regulations, or policies.
 - (e) Storm drainage easements shall be recorded to identify the locations of integrated management practices on lots or parcels. The property owner shall not remove or structurally alter integrated management practices without prior written approval from the Jefferson County Engineering Department.
 - (f) Stormwater runoff from parking lots shall utilize stormwater management infiltration facilities and/or stormwater management filtering systems. These shall be placed within or near the parking lot islands, if feasible.

- (g) Stormwater runoff being infiltrated into the groundwater by means of a Class V well must utilize BMPs that are considered Class V wells provided through the WVDEP at [http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Documents/ClassV_Well_IdentificationGuide\[1\].pdf](http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Documents/ClassV_Well_IdentificationGuide[1].pdf).

BMPs considered Class V wells will require an Underground Injection Control Permit (UIC Permit) provided by the WVDEP.
- (2) All stormwater control facilities shall be designed to achieve post-development hydrologic conditions that are consistent with predevelopment conditions and to improve runoff conditions for redevelopment.
- (3) The site shall maintain, as closely as possible, the predevelopment infiltration processes and rates by implementing infiltration close to the source of runoff.
- (4) Stormwater shall be treated to reduce pollutants during conveyance and collection.
- (5) Peak flows shall be attenuated to prevent high runoff rates and subsequent flooding of the receiving stream.
- (6) Site design should implement runoff reduction techniques to reduce the amount of stormwater that must be collected, conveyed, and treated by stormwater management facilities.
- (7) The applicant shall improve runoff conditions for redevelopment projects.

C. STORMWATER QUANTITY CONTROL CRITERIA

- (1) Figures for determining the rainfall amounts for the design storms shall be obtained from the National Oceanic and Atmospheric Administration (NOAA) point precipitation frequency estimates. The NOAA Site for these estimates is provided below: <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.
- (2) Wooded sites shall use a ground cover of woodland in good condition. All other predevelopment land use shall be considered meadow except as noted in Table 1.
- (3) For all new land development projects, the post-development peak discharge rate shall not exceed the predevelopment peak rate (adjusted for Karst if required) for the 2-year, 10-year, and 100-year storm events if applicable under Table 1.
- (4) A hydrologic analysis for calculating the watershed runoff for both the predevelopment and post-development conditions shall be provided and based on the 24-hour rainfall event. This may be done using the NRCS methodologies (e.g., TR-20 and TR-55, etc.) that takes into consideration the ground cover, time of concentration, area of the watershed, and the 24-hour rainfall amount and rainfall distribution for the region; or the modified calculation method provided in Appendix E of the *West Virginia Stormwater Management and Design Guidance Manual* to help prevent overestimations under the TR-20 and TR-55 methods; or

any other acceptable methodology in the public domain and approved by the Jefferson County Engineer or authorized representative.

- (5) Table 2 provides for reduction of the predevelopment flows due to the Karst geology characteristics of Jefferson County. This results in lower predevelopment runoff rates for the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events.

The Karst adjustment factors shown in Table 2 shall only apply to the area of Jefferson County depicted as Karst on Map 1: Karst Geology Map of Jefferson County.

- (6) Nonstructural quantity control and conveyance methods should be utilized whenever possible.
- (7) The owner or developer must demonstrate that adequate downstream conveyance facilities are adequate.
- (8) Drainage easements that will establish operation and maintenance for on-site properties shall be obtained.
- (9) Stormwater quantity control shall be provided that reduces the post-development runoff rate from the site such that it does not exceed the "Karst adjusted" predevelopment runoff discharge.
- (10) Quantity control may be provided by stormwater detention and retention basins, underground detention storage infiltration basins or trenches, and/or any other means approved by the Jefferson County Engineer. Provide the hydrologic and hydraulic routing calculations and analysis in the Stormwater Management Plan.
- (11) The runoff from any predevelopment area draining to a sinkhole shall not be counted in the calculation of the predevelopment runoff from the site.
- (12) An off-site stormwater management facility may be used instead of an on-site facility when:
 - (a) An adequate route of conveyance between the site and the off-site facility exists, or will be built as part of the project; and
 - (b) The off-site facility has the capacity or can be retrofitted to meet the criteria stated above; and
 - (c) The developer has demonstrated the right to convey the runoff and use the off-site stormwater management facility.
- (13) Standards and methods for stormwater facilities should be constructed in accordance with standards described in NRCS 378, and/or the *West Virginia Stormwater Management and Design Guidance Manual*.

- (14) The emergency spillway and principal spillway outfalls shall be constructed in a cut section only (to prevent erosion and collapse of the basin embankment) and shall maintain a flat (0%) grade to the end of the designed length of the control section, and shall provide a stabilized flow path to a rip-rap outfall apron, plunge pool, or other approved outfall spreader.
- (15) Where the outfall of a stormwater management facility is less than 75 feet from the immediate downstream property line, the outfall rip-rap apron shall be depressed 6 inches to create a plunge pool.
- (16) Where a stormwater management basin exceeds 6 feet in height above the existing ground, anti-seep devices shall be provided along the principal spillway pipe to prevent “piping” and collapse of the basin embankment.
- (17) Where a stormwater management basin embankment exceeds 10 feet in height above the existing ground, a dam breach/failure analysis is required to identify the potential for damage to homes, buildings, roads, utilities, etc. Any facility that falls under the criteria of the West Virginia Dam Control and Safety Act shall meet the design standards of that act. Documentation of approval by the WVDEP Dam Safety staff shall be provided prior to approval by Jefferson County.
- (18) All stormwater management basin embankments shall have core trenches consistent with the size of the embankment. The NRCS Pond 377 and 378 Engineering Standards shall be used as a guide for designing pond embankments, spillways, anti-seep collars, and core trenches, etc., unless another standard is approved by the Jefferson County Engineer.
- (19) All stormwater management basins shall be able to pass the 100-year, 24-hour storm event with a minimum of 1 foot of freeboard.
- (20) The stormwater management basin shall have a minimum slope of 1.0% across the bottom and slope toward the low-flow outlet at the control structure to ensure that the pond drains and to prevent the puddling of water after the basin has emptied. This requirement does not apply to stormwater management basins designed as shallow marsh wetlands and/or stormwater retention or infiltration basins.
Finish contours/grades and/or spot elevations shall be provided on the Stormwater Management Plan, Preliminary Subdivision Plat, or Site Plan, as applicable, detailing the bottom of pond grading. Sediment forebays shall be provided at all points of concentrated inflow. Sediment forebays shall be lined consistent with WVDEP specifications under the groundwater protection program.
- (21) The Infiltration BMP checklist should be utilized, as provided in Chapter 4.2.6 in the *West Virginia Stormwater Management and Design Guidance Manual* for any Infiltration BMPs to be utilized.

- (22) Infiltration rates for Infiltration basins shall be determined from percolation tests performed by a licensed septic installer or a licensed geotechnical engineer, or based on the NRCS Soils Manual for Jefferson County using Infiltration rates for the soil type at the Site. The method used shall be approved by the Jefferson County Engineer. Infiltration basins shall be designed to infiltrate/empty within 72 hours after the storm event has ended.
- (23) Stormwater management easements shall be provided where necessary to provide for access and maintenance of the stormwater management facilities. All easements shall be shown on the Stormwater Management Plan, Preliminary Subdivision Plat, and Final Subdivision Plat.
- For stormwater detention, retention, and infiltration basins, the limits of the 100-year, 24-hour storm event storage elevation shall be delineated on the Preliminary Plat and/or Site Plan, as applicable. The stormwater management facility and the 100-year storm event storage limits shall be located within a lot/common area specifically designated for stormwater management purposes; or a stormwater management easement shall be provided that provides access to and contains both the stormwater management facility and the 100-year storm event storage limits. The limits of the 100-year storm event shall not encroach into a roadway.
- All other stormwater management facilities shall have easements where necessary to provide for access and maintenance.
- (24) The Stormwater Management Plan shall demonstrate adequate downstream conveyance of stormwater discharge from the Site. The capacity should be determined for the existing downstream storm drainage system to convey runoff discharged by a project to natural streams and rivers. If the capacity is less than the predevelopment runoff rate, then the capacity of the storm drainage system shall be used as the allowable release rate.
- (25) Structural and nonstructural stormwater management practices that promote or otherwise make best possible use of on-site infiltration shall be considered first.
- (26) For sites located adjacent to the Potomac River, Shenandoah River, or the Opequon Creek, stormwater quantity control may use the "quick release" approach to reduce the impact on the receiving stream's Peak Discharge. Use of the quick release approach shall be justified based on engineering analysis and approved by the Jefferson County Engineer on a case-by-case basis.
- (27) Natural wetlands shall not be used to meet minimum requirements. If an outfall pipe discharges into a natural wetland, the velocity shall not exceed 2 feet per second for the two-year storm event, and it shall be demonstrated that the discharge will not create erosion.
- (28) Sites required to provide the 1-inch capture quality control shall be allowed to take quantity control credit. The post-developed Runoff Curve Number (RCN) may be adjusted based upon interpolation of Table 2-1 of the NRCS TR-55 manual.

Table 1
Stormwater Management Quantity Control Criteria

	Criteria	2-Year Storm	10-Year Storm	100-Year Storm
1.	Conditions under which stormwater management is required.	All Sites	All Sites	Sites located within the upper two-thirds of the drainage basin as measured from the Potomac or Shenandoah Rivers, or Opequon Creek, and which are located within a "growth" area, and which have a Federal Emergency Management Agency (FEMA)-designated floodplain on or adjacent to the Site.
2.	Allowable assumptions for Predevelopment land use.	Model as wooded, meadow, or existing orchard	Model as land use at present time.	Model as land use at present time.
3.	Typical control device	2-year low-flow orifices and principal spillway	10-year high Weir and principal spillway	Highest Weir for control, or if not controlled, provide emergency overflow spillway cut into existing ground or size the principal spillway to pass the 100-year storm event.
4.	Minimum adjustment of Predevelopment Runoff for Karst geology.	Apply 100% to all on-site drainage areas and pro-rate off-site based on percentage of undeveloped off-site area in the total off-site drainage area.	Pro-rate based on percentage of undeveloped on-site and off-site area in the total drainage area.	Pro-rate based on percentage of undeveloped on-site and off-site area in the total drainage area.
Karst Geology – Runoff Adjustment Factors				
	% Karst	Multiply Predevelopment Peak Discharge by Factors Below		
		2-Year Storm	10-Year Storm	100-Year Storm
	100	0.33	0.43	0.50
	90	0.34	0.46	0.56
	80	0.38	0.51	0.62
	70	0.47	0.58	0.68
	60	0.55	0.66	0.74
	50	0.64	0.73	0.80
	40	0.73	0.80	0.85
	30	0.82	0.86	0.89
	20	0.91	0.92	0.93
	10	1.00	0.98	0.97
	0	1.00	1.00	1.00

Note: Post-development Runoff adjustment may be made for Karst in large Lot subdivisions only, based on 1 acre per Lot plus the area of road rights-of-way modeled as "disturbed area," with the remaining undisturbed area considered Karst area. Such adjustment shall be reviewed and approved by the Jefferson County Engineer on a case-by-case basis.

D. STORMWATER QUALITY CONTROL CRITERIA

(1) General Quality Control Provisions

- (a) Stormwater quality control facilities shall reduce solids, sediment, nutrients, and other pollutants from stormwater runoff. This shall be presumed to occur when each of the following criteria is met:
 - (i) The facility is sized to capture the stormwater runoff volume of the first 1 inch of rainfall from a 24-hour storm event.
 - (ii) The facility is designed per the requirements and engineering calculations in the latest edition of the *West Virginia Stormwater Management and Design Guidance Manual*.
 - (iii) The facility is constructed in accordance with all applicable plans and permits.
 - (iv) The facility is maintained per Article VI.
 - (v) Water quality calculations can be estimated utilizing WVDEP's Stormwater Spreadsheet Tool provided through <http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Pages/ToolsandGuidance.aspx>,
or other models available in the public domain as deemed acceptable by the Jefferson County Engineering Department.
- (b) Infiltration of runoff shall be as close to the source of runoff as possible via Infiltration testing and analysis of Infiltration rates. Preference shall be given to a combination of surface and subsurface infiltration measures.
- (c) Water quality improvements shall be achieved in conjunction with or as part of infiltration design.
- (d) In order to promote activities that reduce existing impervious surfaces or help create less "accessory" impervious surface, the following incentive standards may be applied to these types of projects. A reduction of 0.2 inches from the 1 inch runoff reduction standard may be applied to any of the following types of development. Reductions are additive up to a maximum reduction of 0.75 inches for a project that meets four or more criteria. The owner or developer may choose to be more restrictive and allow a reduction of less than 0.75 inches if they choose. In no case will the reduction be greater than 0.75 inches.

- (i) Redevelopment
 - (ii) Brownfield Redevelopment
 - (iii) Transit oriented development
 - (iv) Vertical density (Floor to Area Ratio (FAR) of 2 or >18 units per acre)
- (e) If a high water table or other constraints exist, the following hierarchy should be followed in order of preference:
 - (i) BMPs that capture and infiltrate or permanently retain on-site the total volume of the first 0.50 inches
 - (ii) If the applicant can demonstrate through on-site soil evaluations that conditions do not allow for item (e)(i), then BMPs that capture and infiltrate or otherwise permanently retain the largest percentage of the total volume of the 0.50-inch, 24-hour storm event
 - (iii) Infiltration practices shall be designed that capture and infiltrate at least the first 0.50 inches of runoff from all impervious areas. If the volume of runoff is greater than the volume to be infiltrated or retained, the difference should be treated by an acceptable BMP.
- (f) For all new development activities, each of the following regulations shall apply:
 - (i) Stormwater management practices that provide or encourage infiltration shall be considered first and foremost in all site designs.
 - (ii) Stormwater quality management practices shall be designed to capture and treat the runoff volume from the first 1 inch of rainfall from a 24-hour storm event.
 - (iii) Stormwater shall be infiltrated and/or discharged within the same drainage area of the stream receiving the runoff prior to development.
- (g) Site design shall minimize disturbance. All grading should be designed to distribute runoff evenly. Areas of depression should be designed for subsurface Infiltration techniques.
- (h) All stormwater BMPs, including methods and systems identified in the *West Virginia Stormwater Management and Design Guidance Manual*, shall be considered and developed according to standards described therein.
- (i) During site construction, the Infiltration area shall be protected from compaction, storage of fill, or construction materials.
- (j) Where sediment transport in the stormwater runoff is anticipated to reach the infiltration system, appropriate permanent measures to prevent or

collect sediment shall be installed prior to discharge to the infiltration system.

- (k) For redevelopment activities, water quality improvements shall be provided for drainage areas not otherwise addressed by infiltration practices either at the source of runoff and/or during conveyance away from the source of runoff. Stormwater quality management shall be designed to capture and treat the stormwater runoff volume from the first 1 inch of rainfall from a 24-hour event over the newly developed impervious cover of development.

(2) **Stormwater Hotspots**

- (a) Stormwater discharges from land uses or activities with a high potential for pollutant loadings (Stormwater Hotspots) require the use of specific filtering or bioretention BMPs prior to Infiltration. Stormwater control from these hotspots shall be controlled by the following:
 - (i) In addition to a Stormwater Management Plan as required in Article II.A, additional permitting may be required by the WVDEP. Documentation of approval by the WVDEP of any additional permits shall be provided prior to approval by Jefferson County. The WVDEP may also require submittal of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP outlines pollution prevention and treatment practices that will be implemented to minimize polluted discharges from the Site. All SWPPPs shall be prepared following the guidelines in the West Virginia NPDES General Permit regulations even if an NPDES permit is not required. Copies of approved SWPPPs shall be provided to the Jefferson County Engineering Department.
 - (ii) A minimum of 50% of the total water quality volume must be treated by a filtering or bioretention practice prior to any infiltration. Portions of the site that are not associated with the hotspot-generating area should be diverted away and treated by an acceptable stormwater BMP.
 - (iii) In cases where Infiltration is prohibited, an alternative stormwater practice such as closed bioretention, sand filters, or constructed wetland must be used to filter the entire (100%) water quality volume before it reaches surface or groundwater.

Table 2: Potential Stormwater Hotspot Land Uses

Potential Stormwater Hotspot Operation	SWPPP Required	Restricted Infiltration	Infiltration Prohibited
Facilities with NPDES industrial permits	Yes	?	?
Public works yard	Yes		✓
Auto and metal recyclers/scrap yards	Yes		✓
Petroleum storage facilities	Yes		✓
Highway maintenance facilities	Yes		✓
Wastewater, solid waste, composting facilities	Yes		✓
Industrial machinery and equipment	Yes	✓	
Trucks and trailers	Yes	✓	
Aircraft maintenance areas	Yes		✓
Fleet storage areas	Yes		✓
Parking Lots (40 or more parking spaces)	No	✓	
Gas stations	No		✓
Highways (2,500 Average Daily Traffic)	No	✓	
Construction business (paving, heavy equipment storage and maintenance)	No	✓	
Retail/wholesale vehicle/equipment dealers	No	✓	
Convenience stores/fast food restaurants	No	✓	
Vehicle maintenance facilities	No		✓
Car washes (unless discharged to sanitary sewer)	No		✓
Nurseries and garden centers	No	✓	
Golf courses	No	✓	
Key: ? depends on facility ✓ Yes Shaded Area: Facilities or operations not technically required to have NPDES permits, but can be designated as potential Stormwater Hotspots by the Jefferson County Engineer			
<i>Source: Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed," version 2.0 (June 2009)</i>			

E. SMALL-SCALE STORMWATER MANAGEMENT PRACTICES

Small-scale stormwater practices, LID, better site design (BSD), and nonstructural techniques designed to mimic natural hydrologic runoff and minimize the impact of land development on water resources must be utilized and described in the Stormwater Management Plan. Only when absolutely necessary is the use of structural BMP warranted.

- (1) The following methods and practices should be utilized to the greatest extent possible, and identified within the Stormwater Management Plan, to meet minimum control requirements before resorting to structural BMPs.
 - (a) Preserving and protecting natural resources
 - (b) Minimizing the removal of trees and underbrush as much as possible during construction
 - (c) Conserving natural drainage patterns
 - (d) Minimizing impervious area
 - (e) Utilizing alternative surfaces such as permeable pavement to reduce runoff
 - (f) Limiting soil disturbance, mass grading, and compaction
 - (g) Clustering development
 - (h) Reducing impervious infrastructure as much as possible, including eliminating or reducing cul-de-sacs and reducing sidewalk widths while still meeting local code requirements
 - (i) Utilizing parking lot landscaping and low-impact residential landscaping in development
 - (j) Utilizing BSD practices described in Chapter 4.1 of the *West Virginia Stormwater Management and Design Guidance Manual*
- (2) The following nonstructural stormwater management practices shall be applied according to the *West Virginia Stormwater Management and Design Guidance Manual* to minimize increases in stormwater runoff in new development:
 - (a) Sheetflow to natural conservation areas
 - (b) Disconnection of rooftop runoff
 - (c) Disconnection of non-rooftop runoff
 - (d) Sheet flow to buffers
 - (e) Grass channels
 - (f) Environmentally sensitive development
 - (g) Landscape infiltration
 - (h) Dry wells
 - (i) Micro-bioretenment
 - (j) Rain gardens
 - (k) Swales
 - (l) Any other practices approved by the Jefferson County Engineering Department

- (3) The use of these practices must not conflict with existing state or local laws, ordinances, regulations, or policies.
- (4) Nonstructural stormwater management practices approved by Jefferson County for development/redevelopment projects must be recorded and remain unaltered by subsequent property owners. Prior approval from the Jefferson County Engineering Department must be obtained before nonstructural stormwater practices are altered.
- (5) The regenerative stormwater conveyance systems should be utilized, as described in Chapter 4.2.7 of the *West Virginia Stormwater Management and Design Guidance Manual*, when at all possible and appropriate for the site.
- (6) Mosquito abatement: Stormwater management facilities containing permanent pools of water should be designed with adequate depth, plantings, and habitat for mosquito predators and other means to control mosquito populations.
- (7) All stormwater management structures shall be located within a common area, right-of-way, or easement. There are to be no individual lot stormwater management structures (i.e., structure to be put in when the home is built).

F. REDEVELOPMENT

- (1) For redevelopment activities meeting the applicability standards defined in Article I.D, one of the following standards shall be accomplished. Selection of these performance standards shall be based on suitability as determined by the Jefferson County Engineer.
 - (a) Reduce impervious cover by at least 20% based on a comparison of existing impervious cover to proposed impervious cover.
 - (b) Achieve a 10% reduction in volume of runoff discharged by a 1-year, 24-hour storm event. Runoff calculations shall be based on a comparison of existing to proposed site conditions.
 - (c) Reduce post-development peak discharge rates to 90% of the predevelopment rates for the 2-year, 10-year, and 100-year, 24-hour storm events based on a comparison of existing ground cover to post-development site conditions.
- (2) In instances where project development cannot meet the standards described in Part (1) of this section on site, two alternatives are available:
 - (a) Off-site mitigation: Runoff reduction can be accomplished at another location in the same watershed as the original project, approved by the Jefferson County Engineering Department. If mitigation is occurring off-site at a new development site, mitigation measures for the original project must be in addition to stormwater management requirements for the new development.

G. SOIL STUDIES AND KARST TERRAIN REQUIREMENTS

- (1) Soil studies for infiltration practices should be conducted according to the Infiltration Design Checklist and the Feasibility Criteria and Design Considerations included in Chapter 4.2.6 on infiltration of the *West Virginia Stormwater Management and Design Guidance Manual*.
- (2) Due to the prevalence of Karst Terrain in Jefferson County, it should be assumed that a project is located in a region of Karst Terrain unless otherwise indicated by the developer, property owner, or other interested party using Map 1 -- *Karst Geology Map of Jefferson County*, or by U.S. Geological Survey Geologic Maps.
 - (a) If the presence of Karst Terrain cannot be accurately determined from Map 1, contact the Jefferson County Engineering Department for clarification.
 - (b) If a quantity other than 100% of the site is to be determined as Karst Terrain, the property owner, developer, or other interested party must conduct a detailed site investigation as described in Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed" to identify the percentage of Karst Terrain at the Site.
 - (i) The resulting report must be signed and dated by the engineer who conducted the investigation and provided to the Jefferson County Engineering Department for review.
 - (c) If the presence of Karst Terrain is in dispute, the property owner, developer, or other interested party must conduct a detailed site investigation as described in Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed."
 - (i) The resulting report must be signed and dated by the engineer who conducted the investigation and provided to the Jefferson County Engineering Department for review.

H. STORMWATER CONVEYANCE AND DRAINAGE CRITERIA

- (1) Drainage Culverts
 - (a) Roadway culverts shall be designed to pass the 10-year, 24-hour storm event without overtopping the roadway at the edge of the shoulder. Provide calculations in the Stormwater Management Plan.
 - (b) Roadway drainage culverts shall be galvanized corrugated metal pipe (CMP) or an approved, equal alternative by the Jefferson County Engineer. The culverts shall be a minimum of 15 inches in diameter or equivalent elliptical/arched pipe size.

- (c) The inlet and outlet ends of roadway drainage culverts shall be protected from scour by rip-rap aprons or other energy-dissipating devices. The Jefferson County Engineer may waive this requirement for the inlet end if inlet ends contain manufactured ends or concrete end walls that extend the full width of the drainage ditch or swale, effectively preventing culvert inlet erosion.
 - (d) Drainage culvert outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy-dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
 - (e) Roadway culverts shall have a minimum of 12 inches of cover over the pipe.
 - (f) Roadway culverts shall have manufactured end sections or concrete end walls at the inlet and outlet ends.
 - (g) Profiles of the roadway culverts shall be shown on the Stormwater Management Plan, as applicable, and shall show the following:
 - (i) Culvert identification that corresponds with plan view
 - (ii) Pipe size, shape, material type, and length
 - (iii) Inlet and outlet invert elevations
 - (iv) Slope of pipe
 - (v) Inlet and outlet end section type
 - (vi) Outfall rip-rap apron/energy-dissipation device at 0% grade
 - (vii) Q10 flow rate and velocity
 - (h) Construction details and specifications shall be provided on the Preliminary Plat and/or Site Plan, as applicable, for the culvert pipe, outfall aprons, and culvert end sections/wing walls.
 - (i) Individual lot driveway culverts shall be sized for the 10-year storm event; however, the minimum is 15 inches in diameter. Driveway culverts shall be galvanized CMP or an approved, equal alternative by the Jefferson County Engineer. A table of lot number and driveway culvert size shall be provided on the Stormwater Management Plan, if applicable.
- (2) Roadway Ditch Lines
- (a) Roadway ditch lines shall be a minimum depth of 1½ feet, with a 4:1 slope in from the road shoulder and a 2:1 return slope back out.
 - (b) Roadway ditch lines shall have a minimum linear slope of 1.5% unless a trapezoidal ditch (minimum 2 feet wide) is used; then a minimum of 0.5% is acceptable.

- (c) Roadway ditch lines shall not meander and shall be generally parallel to the roadway, except where necessary to direct runoff into culverts, move a ditch to the bottom of a fill slope, or to provide for a suitable discharge point.
- (d) Ditch line invert treatment shall be provided based on the 10-year, 24-hour storm event flows and the velocity of the water in the ditch line, as shown on Table 3.

Table 3		
Ditch Material	Maximum Allowed 10-Year Storm Event Velocity (Feet per Second)	Maximum Allowed Ditch Slope (Percent)
Seed & Mulch (Grass)	2.0	3.5
Mesh Ditch Liner	3.0	5.0
Solid Sodding	5.0	10.0
Loose Rip-Rap	7.0	10.0
Concrete Channel	Governed by ability to dissipate energy at outfall to provide a maximum velocity of 4 fps.	

- (e) The location and type of ditch line treatment and a typical section of the roadway ditch line shall be provided on the Stormwater Management Plan as applicable.
 - (f) Turnouts constructed in sufficient quantity and/or size to effectively disperse the 2-year, 24-hour flow of runoff is required for ditches terminating at an embankment or a capped ditch end to prevent erosion of embankments and overtopping.
- (3) Curb and Gutter
- (a) The curb and gutter shall be provided when required by the Jefferson County Subdivision and Land Development Regulations.
 - (b) Curb and gutter construction details shall be provided on the Preliminary Plat and/or Site Plan as applicable.

Road curbs and gutters shall be constructed of 3,000 psi strength Portland cement concrete. Curbs shall be to a height of no less than 6 inches above the finished road surface. The base of the curb shall be a minimum of 7 3/8 inches in width. The curb face may slope outward to join a rounded edge having a radius of 1½ inches or more. Other curb designs may be approved by the Jefferson County Engineer.

Drainage gutter and storm drain inlet devices shall be designed to carry the peak flow from a 2-year Frequency, 24-hour storm event with a maximum spread of one-half the travel way.

(4) Roof Drains

For all nonresidential sites, the building structure roof drain discharge points shall be located so as to avoid icing of walkways, driveways, and building entrances. The location of roof drain discharge points shall be shown or noted on the Stormwater Management Plan, as applicable.

- (a) Any properties utilizing rainwater harvesting techniques from roof drains on structures located on the Site must utilize standards and maintenance practices described in Chapter 4.2.8 of the *West Virginia Stormwater Management and Design Guidance Manual*.

(5) Drainage Swales

- (a) Drainage swales shall be sized for the 10-year, 24-hour storm event. Provide calculations in the Stormwater Management Plan.
- (b) Drainage swale grading and drainage swale details shall be provided on the Stormwater Management Plan, as applicable.

(6) Storm Sewers

- (a) Storm sewer system piping shall be designed for the 10-year storm event. Storm sewer inlets shall be designed for the 2-year storm event. Inlet structures located in a sump shall be checked to prevent curb overtopping during the 10-year event. Provide calculations in the Stormwater Management Plan.
- (b) Storm sewer systems may utilize curbs and gutters where needed to capture and divert runoff into storm inlets.
- (c) Storm sewer pipe shall be galvanized CMP or an approved, equal alternative by the Jefferson County Engineer. The pipe shall be a minimum of 15 inches in diameter or equivalent elliptical/arched pipe size.
- (d) The outlet end of the storm sewer shall be protected from scour by rip-rap aprons or other energy-dissipating devices.
- (e) Storm sewer outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy-dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
- (f) Storm sewer pipe shall have a minimum of 12 inches of cover over the pipe.
- (g) The outlet end of the storm sewer shall have manufactured end sections or concrete end walls.
- (h) Profiles of the storm sewer system shall be shown on the Preliminary Plat and/or Site Plan, as applicable, and shall show the following:
 - (i) Inlet identification that corresponds with plan view

- (ii) Top and bottom of storm inlet elevations
 - (iii) Pipe size, shape, material type, and length
 - (iv) Pipe inlet and outlet invert elevations
 - (v) Slope of pipe
 - (vi) Outlet end section type
 - (vii) Outfall rip-rap apron/energy-dissipation device at 0% grade
 - (viii) Q10 flow rate and velocity
 - (i) Drain inlets in residential subdivisions with closed section roads shall have bicycle-safe grates.
 - (j) Construction details and specifications shall be provided on the Preliminary Plat and/or Site Plan, as applicable, for the storm inlets and grates, manholes, pipe, end section/wing wall, outfall rip-rap apron, curb and gutter, etc.
- (7) Drainage Easements.
- (a) Drainage swales shall be located within drainage easements where necessary (e.g., on individual Lots, etc.) to retain the right to convey runoff from roadway ditch lines and common areas to stormwater management facilities and to provide access for maintenance of the drainage swale. Drainage swale easements shall be sized to contain the 10-year, 24-hour storm event flow within the easement. Drainage swale easements shall be a minimum width of 15 feet.
 - (b) Storm sewer systems shall be located within drainage easements where necessary (e.g., on individual Lots, etc.) to retain the right to convey runoff and to provide access for maintenance of the storm sewer system. Storm sewer system easements shall be a minimum width of 15 feet. The staff has the authority to require larger storm sewer drainage easements when large pipe diameters and/or bury depth make a 15-foot-wide easement impractical for access, maintenance, or replacement of the storm sewer.
 - (c) Drainage easements shall be shown on Stormwater Management Plan.

I. LANDSCAPING

- (1) The applicant must present Landscaping details as part of the Stormwater Management Plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater facilities. The maintenance requirements component of the Stormwater Management Plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared

by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

- (2) Landscaping shall be required in and around all constructed stormwater management practices with a minimum surface area of 1,000 square feet.
- (3) No woody plants shall be planted within the saturated zone or on a berm constructed for impounded water.

J. RIPARIAN BUFFERS

A riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. Any property that adjoins a watercourse or portion thereof shall provide a riparian buffer along said watercourse limiting development and the impact on these environmental transition zones.

- (1) Activity within these buffers is limited to the following:
 - (a) Activities integral to the utilization of the watercourse that meet all other federal, state, county, and local code, ordinance, and permitting requirements, including but not limited to the construction and use of:
 - (i) Docks
 - (ii) Boat ramps
 - (iii) Piers
 - (iv) Other facilities designed to allow recreational access to the watercourse.
 - 1. Corridor crossings for farm vehicles and livestock
 - (b) Public roads and improvements
 - (c) Corridor crossings for roads and railroads
 - (d) Public utility crossings, including but not limited to sewer, water, and electric
 - (e) Passive recreation uses
 - (f) Streambank improvement projects
 - (g) Any activity, as approved by the Jefferson County Engineering Department, that will minimally disrupt the existing tree cover and soil mantle in order to maximize filtering and overall physical removal of particulate-form pollutants from stormwater runoff

- (2) Riparian buffer requirements are to be established and protected, as defined below. If wetlands or hillsides abut or are within the riparian buffer in (a) through (d) below, then they shall be included even when the distance exceeds the buffer in (a) through (d) below. The buffer widths are as follows:
- (a) Lakes and Ponds - 75 feet
 - (b) Ephemeral Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch Watersheds)
 - (c) Potomac River and Shenandoah Rivers – 300 feet (unless a greater standard is required by the Zoning Ordinance)
 - (d) Opequon Creek and Perennial Streams - 100 feet
 - (e) Wetlands, Marl - 75 feet
 - (f) Wetlands, Farmed - 10 feet
 - (g) Wetlands - 50 feet
 - (h) Hillsides 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
 - (i) Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 600 feet, whichever is less.

ARTICLE V CONSTRUCTION INSPECTION AND BONDING**A. PERFORMANCE BOND**

- (1) All stormwater management and storm drainage infrastructure, and erosion and sediment control measures, shall be bonded in accordance with the bonding requirements of the Subdivision and Land Development Regulations and the Jefferson County Commission's bonding policy.
- (2) The estimated cost for stormwater management and storm drainage infrastructure, and erosion and sediment control measures, that is part of a subdivision or site plan processed under the Subdivision and Land Development Regulations, shall be included in the itemized cost estimate prepared under the Subdivision and Land Development Ordinance. The purpose is to have one cost estimate for all site improvements.
- (3) The construction bond and bond surety for the stormwater management and storm drainage infrastructure, and sediment and erosion control measures, that is part of a subdivision or site plan processed under the Subdivision and Land Development Regulations, shall be bonded with the bonding for all other bonded site improvements. The purpose is to have one bond and surety for all site improvements.
- (4) The bonding for stormwater management and storm drainage infrastructure shall be administered in accordance with the Jefferson County Commission's bonding policy.
- (5) Temporary erosion and sediment control measures located on individual residential Lots – measures that are required to be installed under an Improvement Location Permit – shall not require bonding.

B. INSPECTIONS DURING CONSTRUCTION

- (1) The Jefferson County Engineering Department, or their agent, may conduct periodic inspections of the Stormwater Management Facilities during construction. In lieu of performing the inspections, the Jefferson County Engineering Department may require the owner/developer to provide third-party engineering inspections and inspection reports. Construction inspections shall utilize the approved Stormwater Management Plan to establish whether the work is in compliance.
- (2) All inspections shall be documented by a written report prepared by the Jefferson County Engineering Department or agents thereof, or the third-party engineering firm, as may be applicable, and include each of the following:
 - (a) The name of the person or firm performing the inspection
 - (b) The date of the inspection
 - (c) The project name and location
 - (d) A statement of the stage of completion of the work on the date inspected

- (e) A statement regarding compliance with the approved Stormwater Management Plan
 - (f) Documentation of any variations from the approved Stormwater Management Plan
 - (g) Any other variations or violations regarding the on-site conditions as compared to the approved Stormwater Management Plan
 - (h) A statement of any corrective action that is necessary
- (3) The owner/developer shall be notified in writing of any violations and the required corrective actions.
- (4) Additional work shall not proceed until the corrective action is taken and the Jefferson County Engineering Department or agents thereof authorize the work to proceed.
- (5) For enforcement purposes, the Jefferson County Engineering Department may utilize any combination of the following:
- (a) A notice of violation may be used to specify the need for correction.
 - (b) A stop-work order may be issued by the Jefferson County Engineering Department.
 - (c) The bonds or securities may be held or the case can be referred for legal action if reasonable efforts to correct the violation have not been attempted.
 - (d) A civil action or criminal prosecution may be brought against any person in violation of this Ordinance.

C. POST-CONSTRUCTION FINAL INSPECTION AND AS-BUILT PLANS

- (1) Upon completion of a project, and before release of the construction bond for the stormwater management facilities, the owner/developer is required to certify that the completed project is in accordance with the approved Stormwater Management Plan.
- The As-Built plans and certification letter shall be deemed satisfactory prior to approving a request for bond release for the stormwater management facilities.
- (2) The owner/developer shall submit actual As-Built plans and a certification letter from the design Professional Engineer-of-Record for all Stormwater Management Facilities or practices after final construction is completed. The As-Built plan shall include the final As-Built design specifications for all Stormwater Management Facilities and must be certified by a Professional Engineer or a Professional Land Surveyor.

- (a) Submittal shall include the following:
- Two (2) printed sets of plans. The plan shall include final design specifications for all stormwater management facilities and must be certified by a professional engineer.
 - Certification letter to the Jefferson County Engineering Department
 - Digital specifications for stormwater facilities in a ESRI GIS compatible format synced to the West Virginia State Plane Coordinate System .
 - An electronic spreadsheet (Microsoft Excel or equivalent) identifying all BMP facilities with associated coordinates based upon the West Virginia State Plane Coordinate System.

The certification letter shall be signed and sealed by the Design Engineer-of-Record; and the As-Built plans shall be prepared and signed and sealed by a either a Professional Engineer or a Professional Land Surveyor.

- (b) The required certification letter must state that the conditions on the site and the As-Built plan are both identical to the stormwater management facilities shown on the final approved Site Plan or Preliminary Plat plan, as may be applicable.
- (i) Changes made during the construction process will not be permitted without prior processing of a red-lined revision by the design Professional Engineer-of-Record and written approval from the Jefferson County Engineering Department or agents thereof.
- (ii) At a minimum, all As-Built plans and certification letters shall include a red-lined set of drawings that compare the approved Stormwater Management Plan with what was constructed. Final acceptance and approval will not be given until all final inspections, the certification letter, and As-Built plans have been approved.
- (c) The following items shall be surveyed to determine actual field conditions, and the approved Site Plans or approved Preliminary Plat Plans, as may be applicable, shall be annotated to reflect such actual field conditions and shall constitute the As-Built plans:

(i) Storm Sewer System

For the storm sewer system, provide the As-Built stormwater inlet invert and top elevations and the size and location, and the storm sewer pipe size and material type. Show the location of the storm sewer system relative to any designated stormwater management easements. Indicate where the storm sewer system is not properly located or constructed. Provide a statement as to whether or not the storm sewer system is properly constructed.

(ii) Storm Drainage System:

For the storm drainage system, provide the As-Built drainage swales grading and location and verify correct swale dimensions and depths; provide storm drainage culvert As-Built locations, length, pipe size, material type, and invert elevations. Show the location of the storm drainage system relative to any designated storm drainage easements. Indicate where the storm drainage system is not properly located or constructed. Provide a statement as to whether or not the stormwater conveyance system is properly constructed.

(iii) Stormwater Management Basins and BMPs

For stormwater quantity and quality control facilities, show the final topography/grading of the pond and embankment and Infiltration basins. Provide As-Built dimensions compared to design dimensions. Verify that the correct type of control structures are installed, including material types, sizes, elevations, and dimensions, etc. Verify that emergency overflow structures are properly constructed, including material types, elevations, and dimensions, etc.

For quality control BMPs, provide the location of each BMP compared to the approved plan location, and indicate whether or not they are properly constructed and located within any designated stormwater management easements. Verify that the BMPs are installed in accordance with the plans, specifications, and details (e.g., elevations, correct type of soils, filter media, and/or vegetation, correct number and type of plants, discharge piping, etc.).

Indicate where stormwater management basins and BMPs are not properly located or constructed. Provide a statement as to whether or not the stormwater management basins and/or BMPs are properly constructed.

(iv) Other Information

Provide any other As-Built information required by the Jefferson County Engineer that is deemed necessary to verify that the stormwater management facilities are properly constructed.

ARTICLE VI POST-CONSTRUCTION MAINTENANCE, INSPECTION, AND REPAIR OF STORMWATER FACILITIES**A. INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES**

- (1) The Homeowners Association or Lot Owners Association and/or property owner or other entity responsible for the maintenance of the stormwater management facilities constructed pursuant to this Ordinance shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and embankments, discharge structures, trash racks, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with the approved plans and specifications.
- (2) Maintenance performed for specific BMPs shall be in accordance with the Maintenance Plan section within individual stormwater BMP specifications in Chapter 4 of the *West Virginia Stormwater Management and Design Guidance Manual*.
- (3) The party responsible for the maintenance of the stormwater management facilities shall maintain and provide written records of all maintenance and repairs within 30 days of work completion to the West Virginia Department of Environmental Protection or other local responsible entity. A copy of these records shall also be submitted to the Jefferson County Engineering Department as notification that maintenance work was performed.
- (4) The party responsible for maintenance of stormwater management facilities shall perform periodic inspections of all stormwater management facilities in accordance with requirements of the approved plans and specifications and in accordance with the inspection requirements printed on the approved Site Plan or Subdivision Preliminary Plat and Final Plat, as applicable.
- (5) Compliance Inspection Report Requirements
 - (a) Inspection reports shall be written and maintained by the Jefferson County Engineering Department for any stormwater management facility compliance inspections performed by them.
 - (b) A copy of the inspection report shall be provided to the party responsible for the maintenance of the stormwater management facilities.
 - (c) Inspection reports for stormwater management facilities shall include the following:
 - (i) Date of inspection
 - (ii) Location and address of facility
 - (iii) Name of inspector and contact information
 - (iv) Condition of the following:
 1. Vegetation or filter media

2. Fences or other safety devices
 3. Spillways, valves, or other control structures
 4. Embankments, slopes, and safety benches
 5. Reservoir or treatment areas
 6. Inlet and outlet channels or structures
 7. Underground drainage
 8. Sediment and debris accumulation in storage and forebay areas
 9. Any nonstructural practices to the extent practicable
 10. Any other item that could affect the proper function of the stormwater management facilities
- (v) Description of any needed maintenance
- (vi) Date or number of calendar days that the Stormwater Management Facility shall be required to be brought into compliance if maintenance is needed.

ARTICLE VII ENFORCEMENT AND PENALTIES**A. AUTHORITY**

The planning commission, governing body, ordinance compliance officer, or any authorized employee or agent may enforce this Ordinance in the manner provided for in this section and by applicable law.

The ordinance compliance officer or any employee or agent of the Jefferson County Commission shall have the authority, upon presentation of proper credentials, to enter and inspect any land or premises to ensure compliance with this Ordinance.

B. GENERAL PROCEDURES

Any failure to comply with the requirements of this Ordinance or the requirements of a Stormwater Management Plan that is part of an approved Subdivision Plan/Plat, Site Plan, and/or Improvement Location Permit may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (1) Upon learning of a potential violation of this Ordinance, the ordinance compliance officer or staff shall investigate to determine whether a violation of this Ordinance has occurred.
- (2) When it appears after an investigation that a violation of this Ordinance has occurred, the ordinance compliance officer or staff shall notify the violator by means of a written violation notice. The violation notice shall specify the following:
 - (a) The name and address of the landowner or the person responsible for the activity
 - (b) The physical address and location (e.g., street address, tax map and parcel, subdivision name and Lot number, etc.) of the activity
 - (c) A statement that explains the nature of the violation and the ordinance or regulation being violated
 - (d) A statement of the action needed to bring the violation into compliance
 - (e) A written statement requesting that the violation cease within 15 calendar days from the date appearing on the violation notice
 - (f) A statement that failure to terminate the violation within this time period shall be cause for the planning commission, the governing body, ordinance compliance officer, or other authorized employer or agent to
 - (i) Seek an injunction in the Circuit Court of Jefferson County to restrain the violator from continuing the violation, including but not

limited to requests for removal of structures or land uses involved,
and

- (ii) Seek a conviction in magistrate court or circuit court

C. CIVIL AND CRIMINAL PENALTIES

Any person or entity who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 and not more than \$500. Each day during which any violation of this Ordinance occurs shall constitute a separate offense.

D. DISAPPROVAL OF SUBSEQUENT PERMITS

As long as a violation of this Ordinance continues and remains uncorrected, Jefferson County may withhold or disapprove any request for a permit or Development approval or authorization required by this Ordinance, the Zoning Ordinance, the Subdivision and Land Development Regulations, the Building Code Enforcement Ordinance, or the Improvement Location Permit Ordinance for the land or project on which the violation occurs.

E. HOLDS ON USE AND OCCUPANCY CERTIFICATES

Jefferson County may refuse to issue a certificate of use and occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

F. SUSPENSION, REVOCATION, OR MODIFICATION OF PERMIT

Jefferson County may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

ARTICLE VIII DEFINITIONS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
2. The words “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
3. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
4. Words defined herein may be listed in a separate ordinance by a different definition. If this occurs, then the word shall be used and interpreted within each code in accordance with the specific definition contained therein.

Agricultural Activity - The occupation, business, or science of cultivating the land, producing crops, and raising livestock.

As-Built - Drawing or certification of conditions as they were actually constructed.

Best Management Practice (BMP) - Structural or nonstructural practice that is designed to minimize the impacts of changes in land use on surface and groundwater systems. Structural BMP refers to basins or facilities engineered for the purpose of reducing the pollutant load in stormwater runoff, such as bioretention, constructed stormwater wetlands, etc. Nonstructural BMP refers to land use or development practices that are determined to be effective in minimizing the impact on receiving stream systems, such as preservation of open space and stream buffers, disconnection of impervious surfaces, etc.

Bioretention Basin - Water quality BMP engineered to filter the water quality volume through an engineered planting bed consisting of a vegetated surface layer (vegetation, mulch, ground cover), planting soil, and sand bed (optional), and into the in-situ material; also called rain gardens.

Common Plan of Development – A contiguous construction project where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan. The “plan” is broadly defined as any announcement or piece of documentation or physical demarcation indicating that construction activities may occur on a specific plot; included in this definition are most subdivisions.

Constructed Stormwater Wetlands - Areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

Curve Number (CN) - A numerical representation of a given area's hydrologic soil group, plant cover, impervious cover, interception, and surface storage derived in accordance with Natural Resource Conservation Service methods. This number is used to convert rainfall depth into runoff volume. Sometimes referred to as a runoff CN.

Design Storm - A selected rainfall Hyetograph of specified amount, intensity, duration, and frequency that is used as a basis for design.

Detention - The temporary impoundment or holding of stormwater runoff.

Detention Basin - A stormwater management facility that temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via Infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and therefore are not considered in the facility's design. Since an extended detention basin impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Development - See "Land Development."

Diameter at Breast Height (DBH) - The standard method of expressing the diameter of the trunk of a standing tree.

EPA - U.S. Environmental Protection Agency.

Erosion - The wearing away of the land surface by running water, wind, ice, or other geological agents.

Accelerated Erosion - Erosion in excess of what is presumed or estimated to be naturally occurring levels and is a direct result of human activities.

Gully Erosion - Erosion process whereby water accumulates in narrow channels and removes the soil to depths ranging from a few inches to 1 or 2 feet to as much as 75 to 100 feet.

Rill Erosion - Erosion process in which numerous small channels only several inches deep are formed.

Sheet Erosion - Spattering of small soil particles caused by the impact of raindrops on wet soils. The loosened and spattered particles may subsequently be removed by surface runoff.

Erosion and Sedimentation Control Plan - A site-specific plan identifying BMP's or ways in which accelerated erosion and sediment pollution will be minimized.

Frequency (Design Storm Frequency) - The recurrence interval of storm events having the same duration and volume. The frequency of a specified design storm can be expressed either in terms of Exceedance probability or return period.

Exceedance Probability - The probability that an event having a specified volume and duration will be exceeded in one time period, usually assumed to be 1 year. If a storm has a 1% chance of occurring in any given year, then it has an Exceedance Probability of 0.01.

Return Period - The average length of time between events having the same volume and duration. If a storm has a 1% chance of occurring in any given year, then it has a Return Period of 100 years.

Homeowner's Association (HOA) or Business Owner's Association (BOA) - An incorporated nonprofit organization operating under a recorded land agreement through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expense for the organizations activities, such as, but not limited to maintaining drives, streets, roads, and other common property. Homeowner's Associations and the Uniform Common Interest Ownership Act of West Virginia are interchangeable and reversible terms. The most recent Uniform Common Interest Ownership Act of West Virginia shall prevail.

Impervious Cover - A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include but are not limited to roofs, buildings, streets, parking areas, managed turf, and any concrete, asphalt, or compacted gravel surface.

Infiltration - The downward entry of water into soil.

Karst Terrain - Regions that are characterized by formations underlain by carbonate rock and typified by the presence of limestone caverns and sinkholes.

Land Development - The development of one or more lots, tracts, or parcels of land by any means and for any purpose, but does not include easements, rights-of-way, or construction of private roads for extraction, harvesting, or transporting of natural resources. This definition includes projects that are part of a larger common plan of development or sale.

Land Development, Major - The development and/or subdivision of more than five Lots, tracts, or parcels or any nonresidential Land Development that disturbs more than 5,000 square feet. Also, any Development and/or subdivision that includes a new street shall be considered a Major Land Development.

Land Development, Minor - The development and/or subdivision that does not require the development of new infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas and result in the creation of five (5) lots or less, including the parent parcel or residue, from contiguously owned parcels of record.

Land Disturbance Activity - Any land change that may result in soil erosion from water or wind or the movement of sediments into state waters or onto lands in the State of West Virginia, including but not limited to clearing, grading, excavating, transporting, and filling of land.

Landscaping - The placement of vegetation in and around stormwater management BMPs.

Low Impact Development (LID) - Hydrologically functional site design, with pollution prevention measures to reduce impacts and compensate for development impacts on hydrology and water quality.

Major Site Plan - A plan that follows the major site development process and proposes one or more of the following:

- a. A new public or private street or dedication to public use of an existing street;
- b. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than 50,000 square feet or more of GFA on any site;

- except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- c. Apartment or multi-family development of ten or more dwelling units; or
- d. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Major Subdivision Plat - A plat that proposes subdivision of land, whether residential or non-residential, that requires the development of streets (public or private) or rights-of-way access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street.

Managed Turf - Any of various grasses (such as Kentucky bluegrass or perennial ryegrass) grown to form turf.

Minor Site Plan - A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure that proposes one or more of the following:

- a. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all structures located on the parcel total more than 5,000 and less than 50,000 square feet gross floor area (GFA) on any site shall:
 - Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
 - Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.
- b. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Section A of this definition does not apply to this provision;
- c. Apartment or multi-family development of nine or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Minor Subdivision Plat - A plat that will not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, that proposes subdivision of land into five or less lots including the parent parcel.

National Pollutant Discharge Elimination System (NPDES) - The national program for issuing, modifying, monitoring, and enforcing permits under Sections 307, 402, 318, and 405 of the Clean Water Act.

Nonpoint Source Pollution - Contaminants such as sediment, nitrogen and phosphorous, hydrocarbons, heavy metals, and toxins whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater Runoff.

Parcel - A portion of a subdivision or any other lot of land intended as a unit for transfer of ownership or for development or both. The word "parcel" includes the word "plot" or "lot."

Peak Discharge - The maximum rate of flow associated with a given rainfall event or channel.

Percolation Rate - The velocity at which water moves through saturated, granular material.

Post-development - Refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Predevelopment - Refers to the conditions that exist at the time that plans for the land development of a tract of land are approved by the plan approval authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted establishes the predevelopment conditions.

Professional Engineer - An engineer who is licensed within a specific jurisdiction to offer professional services directly to the public.

Redevelopment - Any construction, alteration, or improvement on existing development.

Retention - Permanent storage of stormwater.

Retention Basin - A stormwater management facility that includes a permanent impoundment, or normal pool of water, for the purpose of enhancing water quality and therefore is normally wet, even during non-rainfall periods. Storm runoff inflows may be temporarily stored above this permanent impoundment for the purpose of reducing flooding or stream channel erosion.

Riparian - Relating to or inhabiting the banks of a natural course of water.

Runoff - The portion of precipitation, snow melt, or irrigation water that runs off the land into surface waters.

Runoff Coefficient - The fraction of total rainfall that appears as runoff; represented as "C" in the rational method formula.

Runoff Reduction - The runoff reduction approach that seeks to maintain the same predevelopment runoff volume delivered to a body of water after a site is developed.

Sand Filter - A contained bed of sand that acts to filter the first flush of runoff. The runoff is then collected beneath the sand bed and conveyed to an adequate discharge point or infiltrated into the in-situ soils.

Silt Fence - A temporary linear sediment barrier of permeable fabric designed to intercept and slow the flow of sediment-laden sheet flow runoff.

Site - The parcel of land being developed, or a designated planning area in which a land development project is located.

Stormwater Control and Conveyance Plan - The component of the Stormwater Management Plan which contains the details of the stormwater management facilities, Best Management Practices, and Low-Impact Development procedures required to manage stormwater on a development or redevelopment project.

Stormwater Hotspot - An area where the land use or activities are considered to generate Runoff with concentrations of pollutants in excess of those typically found in stormwater (see Table 2).

Stormwater Management Facility - A device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to the quantity and quality, the period of release, or the velocity of flow.

Stormwater Management Plan - A plan containing 3 components, the Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Plan for the HOA or property owner to follow, which must be submitted with subdivision plat and/or site plans describing the processes and details for managing stormwater and its impact on the built and natural environment. The applicability of this plan is described in the Jefferson County Stormwater Management Ordinance.

Stormwater Pollution Prevention Plan (SWPPP) – The Erosion and Sediment Control Plan and the post-development plan submitted as part of the Site Registration Application form required in the NPDES General Permit.

Stream Buffers - The zones of variable width that are located along both sides of a stream and are designed to provide a protective natural area along a stream corridor.

Total Maximum Daily Load (TMDL) - A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources.

Water Quality Standards - State-adopted and EPA-approved ambient standards for water bodies. The standards prescribe the use of the water body and establish the water quality criteria that must be met to protect designated uses.

Watershed - A defined land area drained by a river, stream, or drainage way, or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

ATTACHMENTS

A. STORMWATER FACILITY INSPECTION REPORT

<u>Stormwater Facility Inspection Report</u>				
Address of facility:			Date of Inspection:	
Associated Business or Property Owner's Name:				
Company Conducting Inspection:				
Name of Inspector:				
	Condition			
	-Substandard- Requires replacement or significant repairs	-Fair- Minor structural maintenance required	-Satisfactory- Minor debris removal and/or weeding recommended	-Good- No action or considerations to be taken
Vegetation or filter media				
Fences or other safety devices				
Spillways, valves, or other control structures				
Embankments, slopes, and safety benches				
Reservoir or treatment areas				
Inlet and outlet channels or structures				
Underground drainage				
Forebay areas				
Sand Filters				
Swales and conveyance systems				
Permeable pavements				
Signage			NA	
Other				

Subdivision and Land Development Regulations

Jefferson County, West Virginia

**Adopted October 9, 2008
Amended January 12, 2012**

Style Definition: TOC 1: Right: 0.25", Tab
stops: 6.5", Right + 7.49", Right, Leader: ...

Amendment Reference

This document contains additions and amendments approved by the Jefferson County Commission on the following dates. These changes are noted throughout this document with the corresponding number given to the effective date on this page.

- This document was adopted October 9, 2008 and effective November 1, 2008.
- A comprehensive reorganization and related policy-neutral amendments were approved August 19, 2010 which are not individually noted throughout this document.
- (1) Amended by act of the County Commission, Effective April 28, 2011.
- (2) Amended by act of the County Commission, Effective November 3, 2011.
- (3) Amended by act of the County Commission, Effective January 12, 2012.

Table of Contents

Formatted: Tab stops: 6.44", Right

ARTICLE 20 JURISDICTION AND DEVELOPMENT TYPES 11

Division 20.100 Authority and Jurisdiction	11
Sec. 20.101 Purpose	11
Sec. 20.102 Applicability	11
Sec. 20.103 Private Restrictions	11
Sec. 20.104 Exceptions	11
Sec. 20.105 Vested Property Rights	12
Sec. 20.106 Adjustment of Lot Boundaries	13
Sec. 20.107 Conservation Easements	13
Division 20.200 Types of Development	13
Sec. 20.201 Minor Subdivisions	14
Sec. 20.202 Major Subdivision	15
Sec. 20.203 Minor Site Development ³	16
Sec. 20.204 Major Site Development	17
Division 20.300 General Review Standards	18
Sec. 20.301 Zoning Review	18
Sec. 20.302 Subdivision Plat General Review Standards	18
Sec. 20.303 Site Plan General Review Standards	21

ARTICLE 21 SUBDIVISION AND DEVELOPMENT DESIGN 24

Division 21.100 Subdivision Plat Components	24
Sec. 21.101 Blocks	24
Sec. 21.102 Streets	24
Sec. 21.103 Lots	25
Sec. 21.104 Lot Width and Frontage	26
Sec. 21.105 Requirements for Parkland	27
Division 21.200 Site Plan Components	29
Sec. 21.201 Access and Interconnection	29
Sec. 21.202 Internal Circulation	29
Sec. 21.203 Loading and Trash	30
Sec. 21.204 Pedestrian Circulation	30
Division 21.300 Modification of Development Standards	30
Sec. 21.301 Road Frontage	30
Sec. 21.302 Flag Lots	31
Sec. 21.303 Lot Shapes	32
Sec. 21.304 Building Pads	34
Sec. 21.305 Block Length	34
Sec. 21.306 Intersections	35
Division 21.400 Covenants and Deeds	35
Sec. 21.401 Private Restrictions and Easements	35
Sec. 21.402 Public Easements	35
Division 21.500 Mapping and Monuments	36

ARTICLE 22 INFRASTRUCTURE AND GRADING	38
Division 22.100 Purpose	38
Division 22.200 Streets	38
Sec. 22.201 Street Design Objectives	38
Sec. 22.202 Local Circulation Plans	38
Sec. 22.203 Classification of Streets and Highways	39
Sec. 22.204 Residential Streets	39
Sec. 22.205 Non-residential Streets	40
Sec. 22.206 Cul-de-Sacs	40
Sec. 22.207 Private Roads	40
Sec. 22.208 Sidewalks	41
Sec. 22.209 Street Lighting	42
Sec. 22.210 Street and Road Design Standards	42
Division 22.300 Potable Water; Sewer; Fire Hydrants	43
Division 22.400 Drainage	43
Sec. 22.401 Drainage Plan	43
Sec. 22.402 Water Quality	43
Sec. 22.403 Drainage System Design	43
Sec. 22.404 Surface Drainage Configurations	43
Sec. 22.405 Other Systems for Retention or Detention	43
Sec. 22.406 Drainage Design Standards	43
Division 22.500 Grading	44
Sec. 22.501 Site Grading	44
Sec. 22.502 Residential Site Grading	44
Sec. 22.503 Non-Residential Site Grading	44
Sec. 22.504 Protection of Resources	45
Sec. 22.505 Grading Design Standards	47
Division 22.600 Certification of Compliance with Flood and Subsidence Regulations	47
ARTICLE 23 ADMINISTRATIVE BODIES	49
Division 23.100 Purpose	49
Division 23.200 Administration	49
Sec. 23.201 County Commission	49
Sec. 23.202 Department of Planning	50
Sec. 23.203 County Agencies	51
Sec. 23.204 Other Agencies	51
Division 23.300 Planning Commission	51
ARTICLE 24 PROCEDURES AND ADMINISTRATION	53
Division 24.100 Processing of Applications	53
Sec. 24.101 Application and Approval Process	53
Sec. 24.102 Application Fees	54
Sec. 24.103 Pre-Proposal Conference or Review	54
Sec. 24.104 Minor Subdivision Plat Application – Determination	57

Sec. 24.105 Minor Site Plan Application – Determination	59
Sec. 24.106 Major Subdivision Concept Plan – Submission and Completeness Review	62
Sec. 24.107 Major Subdivision Concept Plan – Public Workshop	64
Sec. 24.108 Major Subdivision Concept Plan – Direction	65
Sec. 24.109 Major Subdivision Preliminary Plat – Application Submission and Completeness Review	65
Sec. 24.110 Major Subdivision Preliminary Plat – Public Hearing	68
Sec. 24.111 Major Subdivision Preliminary Plat – Approval	68
Sec. 24.112 Major Subdivision Final Plat – Application – Submission and Completeness – Review	69
Sec. 24.113 Major Subdivision Final Plat – Public Hearing	72
Sec. 24.114 Major Subdivision Final Plat – Approval	72
Sec. 24.115 Major Subdivision Final Plat – Recording	72
Sec. 24.116 Major Site Plan Concept Plan – Submission and Completeness Review	74
Sec. 24.117 Major Site Plan Concept Plan – Public Workshop	77
Sec. 24.118 Major Site Plan Concept Plan – Direction	77
Sec. 24.119 Major Site Plan Application – Submission and Completeness Review	78
Sec. 24.120 Major Site Plan Application – Public Hearing	80
Sec. 24.121 Major Site Plan Application – Approval	80
Division 24.200 Amendments	80
Sec. 24.201 Amendment and Modification of Site Plans	80
Sec. 24.202 Amendment, Modification and the Vacating of Subdivision Plats	82
Sec. 24.203 Reformation of Approved Site Plans or Subdivision Plats to Correct Clerical or Scrivener's Errors	83
Division 24.300 Waivers	84
Division 24.400 Appeals	85
Division 24.500 Surety	85
Sec. 24.501 Improvements Requiring Surety	85
Sec. 24.503 Amount of Surety	85
Sec. 24.504 Funding of Improvements	86
Sec. 24.505 Improvement Location Permit	86
ARTICLE 25 ENFORCEMENT AND PENALTIES	87
Division 25.100 Enforcement and Penalties	87
Sec. 25.101 Authority	87
Sec. 25.102 Procedure	87
Sec. 25.103 Penalties	87
ARTICLE 26 DEFINITIONS	1
Division 26.100 Word Usage and Abbreviations	1
Sec. 26.101 Word Usage	1
Division 26.200 Definitions of Terms	3
APPENDIX A – PLAN & PLAT STANDARDS	44
Division 1.0 Plan/Plat Requirements	44
Sec. 1.1 Sketch Plan	44
Sec. 1.2 Concept Plan	44

Sec. 1.3 Preliminary Plat or Site Plan	44
Sec. 1.4 Final Plat	50
Sec. 1.5 Recordation of Final Plats for Major Subdivisions	54
Sec. 1.6 Bonding	54

APPENDIX B — ENGINEERING STANDARDS 55

Division 1.0 General Engineering Requirements	55
Sec. 1.1 Minimum Engineering Requirements & Standards	55
Sec. 1.2 Surveys	55
Sec. 1.3 Construction Plans and Specifications	55
Sec. 1.4 Construction Practices	56
Division 2.0 Street & Parking Standards	56
Sec. 2.1 Purpose	56
Sec. 2.2 Streets	56
Sec. 2.3 Subdivision and Site Development Access Management	78
Sec. 2.4 Subdivision Road & Common Area Ownership & Maintenance	82
Sec. 2.5 Off Street Parking Standards	82
Sec. 2.6 Street and Parking Area Outside Lighting	83
Sec. 2.7 Speed Humps	84
Division 3.0 Utilities and Water & Sanitary Sewer Systems	84
Sec. 3.1 Water & Sanitary Sewer Systems	84
Sec. 3.2 Utilities	86
Division 4.0 Stormwater Management and Erosion & Sediment Control	86
Sec. 4.1 Erosion & Sediment Control	86
Sec. 4.2 Storm Drainage	90
Sec. 4.3 Stormwater Management	93
Sec. 4.4 Definitions	101
Division 5.0 Requirements for Townhouses	103
Section 5.1 Minimum Requirements and Standards	103
Section 5.2 Plat Plan Requirements	103
Section 5.3 Design and Construction Requirements	103
Division 6.0 Requirements for Condominium Subdivisions (Residential & Non Residential)	106
Section 6.1 Minimum Requirements and Standards	106
Section 6.2 Plan Plat Requirements	106
Section 6.3 Design and Construction Requirements	108
Section 6.4 Self Storage Condominium Subdivisions	111
Division 7.0 Mobile/Manufactured Home Parks & Campgrounds	111
Section 7.1 Minimum Requirements and Standards	111
Section 7.2 Mobile/Manufactured Home Park Requirements	111
Section 7.3 Campground Requirements	112
Division 8.0 Non Residential Subdivisions	113
Section 8.1 General	113
Division 9.0 Site Plan Requirements	114
Section 9.1 Minimum Requirements and Standards	114
Section 9.2 General Information Requirements	114
Section 9.3 Site Access	116

Section 9.4 Internal Vehicular Circulation and Parking	116
Section 9.5 Parking Area Entrance and Internal Driveway Paving	117
Section 9.6 Curbs, Gutters and Sidewalks	117
Section 9.8 Site Grading	117
Section 9.9 Utilities and Water and Sanitary Sewer Systems	118
Section 9.10 Storm Water Management	119
Section 9.12 Landscaping, Screening and Buffer Land Requirements	119
Section 9.13 Signage	120
Section 10.0 Site Plans for Communications Towers	120
Section 10.1 General	120
Section 10.2 Design and Construction Requirements	120

ARTICLE 20 JURISDICTION AND DEVELOPMENT TYPES 11

Division 20.100 Authority and Jurisdiction	11
Sec. 20.101 Purpose	11
Sec. 20.102 Applicability	11
Sec. 20.103 Private Restrictions	11
Sec. 20.104 Exceptions	11
Sec. 20.105 Vested Property Rights	12
Sec. 20.106 Adjustment of Lot Boundaries	13
Sec. 20.107 Conservation Easements	13
Division 20.200 Types of Development	13
Sec. 20.201 Minor Subdivisions	14
Sec. 20.202 Major Subdivision	15
Sec. 20.203 Minor Site Development	16
Sec. 20.204 Major Site Development	17
Division 20.300 General Review Standards	18
Sec. 20.301 Zoning Review	18
Sec. 20.302 Subdivision Plat General Review Standards	18
Sec. 20.303 Site Plan General Review Standards	21

ARTICLE 21 SUBDIVISION AND DEVELOPMENT DESIGN 24

Division 21.100 Subdivision Plat Components	24
Sec. 21.101 Blocks	24
Sec. 21.102 Streets	24
Sec. 21.103 Lots	25
Sec. 21.104 Lot Width and Frontage	26
Sec. 21.105 Requirements for Parkland	27
Division 21.200 Site Plan Components	29
Sec. 21.201 Access and Interconnection	29
Sec. 21.202 Internal Circulation	29
Sec. 21.203 Loading and Unload	30
Sec. 21.204 Pedestrian Circulation	30
Division 21.300 Modification of Development Standards	30
Sec. 21.301 Road Frontage	30
Sec. 21.302 Flag Lots	31
Sec. 21.303 Lot Shapes	32

Sec. 21.304 Building Pads	34
Sec. 21.305 Block Length	34
Sec. 21.306 Intersections	35
Division 21.400 Covenants and Deeds	35
Sec. 21.401 Private Restrictions and Easements	35
Sec. 21.402 Public Easements	35
Division 21.500 Mapping and Monuments	36
ARTICLE 22 INFRASTRUCTURE AND GRADING	38
Division 22.100 Purpose	38
Division 22.200 Streets	38
Sec. 22.201 Street Design Objectives	38
Sec. 22.202 Local Circulation Plans	38
Sec. 22.203 Classification of Streets and Highways	39
Sec. 22.204 Residential Streets	39
Sec. 22.205 Non-residential Streets	40
Sec. 22.206 Cul-de-Sacs	40
Sec. 22.207 Private Roads	40
Sec. 22.208 Sidewalks	41
Sec. 22.209 Street Lighting	42
Sec. 22.210 Street and Road Design Standards	42
Division 22.300 Potable Water; Sewer; Fire Hydrants	43
Division 22.400 Drainage	43
Sec. 22.401 Drainage Plan	43
Sec. 22.402 Water Quality	43
Sec. 22.403 Drainage System Design	43
Sec. 22.404 Surface Drainage Configurations	43
Sec. 22.405 Other Systems for Retention or Detention	43
Sec. 22.406 Drainage Design Standards	43
Division 22.500 Grading	44
All activities addressing grading issues and erosion control shall be described in the Erosion and Sediment Control Plan required as Part of the Stormwater Management Plan in the Jefferson County Stormwater Management Ordinance.	44
Sec. 22.501 Site Grading	44
Sec. 22.502 Residential Site Grading	44
Sec. 22.503 Non-Residential Site Grading	44
Sec. 22.504 Protection of Resources	45
Sec. 22.505 Grading Design Standards	47
Division 22.600 Certification of Compliance with Flood and Subsidence Regulations	47
ARTICLE 23 ADMINISTRATIVE BODIES	49
Division 23.100 Purpose	49
Division 23.200 Administration	49
Sec. 23.201 County Commission	49

Sec. 23.202 Department of Planning	50
Sec. 23.203 County Agencies	51
Sec. 23.204 Other Agencies	51
Division 23.300 Planning Commission	51
ARTICLE 24 PROCEDURES AND ADMINISTRATION	53
Division 24.100 Processing of Applications	53
Sec. 24.101 Application and Approval Process	53
Sec. 24.102 Application Fees	54
Sec. 24.103 Pre-Proposal Conference or Review	54
Sec. 24.104 Minor Subdivision Plat Application– Determination	57
Sec. 24.105 Minor Site Plan Application – Determination	59
Sec. 24.106 Major Subdivision Concept Plan - Submission and Completeness Review	62
Sec. 24.107 Major Subdivision Concept Plan - Public Workshop	64
Sec. 24.108 Major Subdivision Concept Plan - Direction	65
Sec. 24.109 Major Subdivision Preliminary Plat - Application Submission and Completeness Review	65
Sec. 24.110 Major Subdivision Preliminary Plat - Public Hearing	68
Sec. 24.111 Major Subdivision Preliminary Plat - Approval	68
Sec. 24.112 Major Subdivision Final Plat - Application - Submission and Completeness Review	69
Sec. 24.113 Major Subdivision Final Plat - Public Hearing	72
Sec. 24.114 Major Subdivision Final Plat - Approval	72
Sec. 24.115 Major Subdivision Final Plat - Recording	72
Sec. 24.116 Major Site Plan Concept Plan - Submission and Completeness Review	74
Sec. 24.117 Major Site Plan Concept Plan - Public Workshop	77
Sec. 24.118 Major Site Plan Concept Plan - Direction	77
Sec. 24.119 Major Site Plan Application - Submission and Completeness Review	78
Sec. 24.120 Major Site Plan Application - Public Hearing	80
Sec. 24.121 Major Site Plan Application - Approval	80
Division 24.200 Amendments	80
Sec. 24.201 Amendment and Modification of Site Plans	80
Sec. 24.202 Amendment Modification and the Vacating of Subdivision Plats	82
Sec. 24.203 Reformation of Approved Site Plans or Subdivision Plats to Correct Clerical or Scrivener's Errors	83
Division 24.300 Waivers	84
Division 24.400 Appeals	85
Division 24.500 Surety	85
Sec. 24.501 Improvements Requiring Surety	85
Sec. 24.503 Amount of Surety	85
Sec. 24.504 Funding of Improvements	86
Sec. 24.505 Improvement Location Permit	86
ARTICLE 25 ENFORCEMENT AND PENALTIES	87
Division 25.100 Enforcement and Penalties	87
Sec. 25.101 Authority	87
Sec. 25.102 Procedure	87
Sec. 25.103 Penalties	87

Division 26.100 Word Usage and Abbreviations	1
Sec. 26.101 Word Usage	1
Division 26.200 Definitions of Terms	2
APPENDIX A – PLAN & PLAT STANDARDS	44
Division 1.0 Plan/Plat Requirements	44
Sec. 1.1 Sketch Plan	44
Sec. 1.2 Concept Plan	44
Sec. 1.3 Preliminary Plat or Site Plan	44
Sec. 1.4 Final Plat	50
Sec. 1.5 Recordation of Final Plats for Major Subdivisions	54
Sec. 1.6 Bonding	54
APPENDIX B – ENGINEERING STANDARDS	55
Division 1.0 General Engineering Requirements	55
Sec. 1.1 Minimum Engineering Requirements & Standards	55
Sec. 1.2 Surveys	55
Sec. 1.3 Construction Plans and Specifications	55
Sec. 1.4 Construction Practices	56
Division 2.0 Street & Parking Standards	56
Sec. 2.1 Purpose	56
Sec. 2.2 Streets	56
Sec. 2.3 Subdivision and Site Development Access Management	78
Sec. 2.4 Subdivision Road & Common Area Ownership & Maintenance	82
Sec. 2.5 Off-Street Parking Standards	82
Sec. 2.6 Street and Parking Area - Outside Lighting	83
Sec. 2.7 Speed Humps	84
Division 3.0 Utilities and Water & Sanitary Sewer Systems	84
Sec. 3.1 Water & Sanitary Sewer Systems	84
Sec. 3.2 Utilities	86
Division 4.0 Stormwater Management and Erosion & Sediment Control	86
Division 5.0 Requirements for Townhouses	103
Section 5.1 Minimum Requirements and Standards	103
Section 5.2 Plat/Plan Requirements	103
Section 5.3 Design and Construction Requirements	103
Division 6.0 Requirements for Condominium Subdivisions (Residential & Non-Residential)	106
Section 6.1 Minimum Requirements and Standards	106
Section 6.2 Plan/Plat Requirements	106
Section 6.3 Design and Construction Requirements	108
Section 6.4 Self-Storage Condominium Subdivisions	111
Division 7.0 Mobile/Manufactured Home Parks & Campgrounds	111
Section 7.1 Minimum Requirements and Standards	111
Section 7.2 Mobile/Manufactured Home Park Requirements	111
Section 7.3 Campground Requirements	112

Article 20 Jurisdiction and Development Types

Formatted: Space Before: 0 pt

Division 20.100 Authority and Jurisdiction

- A. **Authority.** These Regulations are adopted pursuant to the authority granted by the Constitution and laws of West Virginia including, but not limited to, that contained in Chapter 8A, *Land Use Planning*, of the West Virginia Code.
- B. **Jurisdiction.** Except as provided herein, all subdivision of land, all re-subdivision of land, all site development, and all land clearing except for agricultural purposes, within the unincorporated area of the County shall meet the standards of these Regulations and other County ordinances that control use (see Zoning Ordinance).

Sec. 20.101 Purpose

The purpose of the subdivision and land development regulations is to facilitate the County Government's review of proposals for development of land either by subdivision plat or site plan, to ensure that proposed subdivision plats or site plans meet the standards of the Jefferson County Zoning Ordinance and satisfy the legal requirements of the State and County for the subdivision and development of land, and to promote efficient and attractive development in a manner that reduces off-site impacts. These regulations are also designed to assure proposed development is, or will be, adequately supported by infrastructure including roads, road access, sewer and/or water facilities, stormwater management facilities and private and public utilities. These regulations also establish a review and approval process for subdivision plats and site plans, provide guidance for the preparation of subdivision plats and site plans and inform citizens of the standards that must be met for approval.

Sec. 20.102 Applicability

- A. **General.** All subdivisions, site plans, lot mergers, vacating of streets, right-of-ways, easements of access or for utilities or drainage shall be subject to the provisions of these Regulations. No recordation of such documents with the County Clerk shall be permitted until such documents have been reviewed and approved in accordance with these Regulations.
- B. **Approval Required.** Before development of the land is commenced, subdivision plats and site plans must be approved by the Planning Commission, recorded, and surety posted for required improvements in accordance with these Regulations and the Comprehensive Plan.

Sec. 20.103 Private Restrictions

The provisions of this Division are not intended to replace any deed restriction, covenant, easement, or any other private agreement regarding a parcel of land. All such restrictions shall be enforced by the parties to the restriction. The County shall not enforce or become involved in the enforcement of such private restrictions, and, in the review of development proposals, the County will apply only its regulations to evaluate the proposal. All subdividers shall submit the proposed private restrictions to the County with or before submitting the final plat or site plan. Covenants shall be consistent with the requirements of the County Zoning Ordinance and these Subdivision Regulations.

Sec. 20.104 Exceptions

- ~~A.~~ **General.** There shall be no exception from these Regulations for activities that involve the creation of lots, revision of lot lines that affect other properties other than the otherwise exempted uses, the creation or abandonment of roads, the provision of access to exterior roads, the vacating of public road right-of-ways, or the creation or

A. abandonment of other easements, unless provided for in Section 20.104, *Conservation Easements*.

B. **Public Schools.** By Statute, public schools are exempt from these Regulations, but are encouraged to voluntarily conform.

C. **Public Utilities.** Public utilities and private utility firms, including wastewater treatment and water supply facilities, regulated by the West Virginia Public Services Commission, shall also be required to conform to the standards of these Regulations.

D. **Land Owned by Government Entities.** Land owned by the Federal Government, State Government, or municipal Government is exempt from the provisions of these Regulations. The County government has placed its own uses under the jurisdiction of these Regulations.

Sec. 20.105 Vested Property Rights

Commentary: Section 20.105 is based on §8A-5-12, Vested Property Right, of the West Virginia Code, without the damages language (which applies by force of state law).

A. **Vested Rights Defined.** A vested property right is a right to undertake and complete the site development. The right is established when the Community Impact Statement (CIS, under the Subdivision Ordinance) or the Concept Plan (under these Regulations) is approved by the Planning Commission and is only applicable under the terms and conditions of the approved CIS or Concept Plan. Application of vesting a minor plat or minor site plan shall occur after the first review comments have been returned to the applicant, at which point the application is considered approved with conditions.

B. **Forfeiture.** Failure to abide by the terms and conditions of the approved CIS and/or Concept Plan will result in forfeiture of the right.

C. Vesting Period.

- The vesting period for an approved preliminary plat or major site plan which creates the vested property right is five years from the approval of the plat or site plan by the Planning Commission.
- Without limiting the time when rights might otherwise vest, a landowner's rights vest in a land use or development plan and cannot be affected by a subsequent amendment to a zoning ordinance or action by the Planning Commission when the landowner
 - a. Obtains or is the beneficiary of a significant affirmative governmental act, which remains in effect allowing development of a specific project
 - b. Relies in good faith on the significant affirmative governmental act and
 - c. Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

D. Automatic Extension.

- All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to WV Code Section 8A-2-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2020, shall be extended until July 1, 2020, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other

Formatted: Outline numbered + Level: 1 +
Numbering Style: A, B, C, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Tab
after: 0.5" + Indent at: 0.5"

agreement or zoning action be terminated or ended by a certain date or within a certain number of years.

- ☐ Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January , shall remain valid until July , or such later date provided for by the terms of the Planning Commission or County Commission's local ordinance or for a longer period as agreed to by the Planning Commission or County Commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period. *Provided, that* the land development plan or plat has received at least preliminary approval by the Planning Commission or County Commission by arch .

Sec. 20.106 Adjustment of Lot Boundaries

All adjustments of boundary lines shall be subject to the requirements of this section. The adjustment of boundary lines or the consolidation of lots or portions of lots for the exclusive purpose of increasing land area or adjusting shape shall be approved, provided that access is not adversely affected, provided no new lot is created, and the remaining area of the lot from which the land is taken, satisfies requirements for minimum lot size in the zone district in which it is located. □ot boundary adjustments between non-conforming lots shall be exempt from the minimum lot size criteria unless the lot from which the land is taken is rendered unbuildable. Properties so merged must clearly state in the deed the following, unless otherwise approved by the Planning Director□

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

A plat shall be required to be recorded with the deed and shall clearly label the proposed merged land area.

Sec. 20.107 Conservation Easements

All easements created and approved by the Jefferson County Farmland Protection Board, or any other land viewshed, wildlife, water, or historic conservation agency or group, for the purpose of preservation shall process a deed with a corresponding exhibit detailing the boundary of the conservation area through the Departments of Planning and Zoning prior to recordation. The extinguishment and retention of any development rights shall be detailed in the deed and on the exhibit.

Division 20.200 Types of Development

Unless explicitly stated within the individual sections listed in this Division, all requirements of these Regulations apply to each of the types of development listed below. Appendix A and Appendix B are included as requirements. Each development type shall comply with the requirements of the zone district in which it is located and may be limited by that zone's restrictions. Any subdivision in the Rural District since October 1, 1988, shall designate maximum density calculations on every plat. (See *Zoning Ordinance*) Residue parcels from which development rights have been utilized prior to the effective date of these Regulations shall remain as residue parcels. Such parcels shall be limited to the number of development rights to which the parcel was entitled prior to the effective date of these Regulations.

included are developments for the purpose of extraction or harvesting of resources and for roads on agricultural land for the purpose of conducting the agricultural operation.

Sec. 20.201 Minor Subdivisions

~~Minor subdivisions~~ **Minor subdivisions** are those that do not require the development of new infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas and result in the creation of five (5) lots or less, including the parent parcel or residue, from contiguous, owned parcels of record. Such subdivisions are approved by the staff. Standards for approval of a minor subdivision shall be as established in this section. Further subdivision of a parent parcel beyond the maximum five (5) lots created via the minor process shall be classified as a major subdivision and processed accordingly.

Residential.

All minor residential subdivisions shall contain, but are not limited to, the following criteria:

- Lots and Residue Parcel.** A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
- Access.** In the Rural District, lots having a minimum road frontage of 100 feet may front on an existing road right-of-way having a width of 20 feet. Shared driveway access may be required. All other lots, regardless of the zoning district, shall have motor vehicle access to a road right-of-way via a 100-foot access easement which extends from the subdivided lots to the existing road right-of-way and the access easement serves no more than five (5) lots. Said access easement shall not be permitted along an existing property line.
- Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix C, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.
- Family Transfers.** When parent-to-child or child-to-parent transfers are provided for in a specific zone district, such transfer shall abide by the requirements and standards of minor residential subdivision provisions and the following criteria:
 - a. Identify the relationship between the grantor and grantee and
 - b. State in the deed:
 - The lot transferred is to be used for a single-family residence only as long as the lot is not further subdivided.
 - No further subdivision of the lot shall dissolve the single-family restriction and will place development of the lot under the current land development laws in effect at that time.
 - This lot cannot be transferred again for at least five (5) years, except as another parent-to-child or child-to-parent transfer of land.
 - No ~~transferal~~ **transferal** of this lot within the five (5) year period shall place this lot in violation of the Jefferson County Subdivision and Land Development Regulations.
 - c. As used in this subsection, the word "transfer" shall not include:

Formatted: Space Before: 6 pt

Formatted: Indent: Left: 0.75", Hanging: 0.42", Space Before: 6 pt

- Needs to trustees to secure a debt except that no foreclosure can be had thereunder except at public auction and this provision must appear in the deed of trust
 - Judicial sales or tax sales
 - Mortgages
 - Needs of partition under or pursuant to an order of court
 - Real estate transferred by will or intestacy
- d. □ parent or a child may receive only one such exempt lot within the county after July 1, 2000
- e. □ parents who are married are entitled to only one such parcel.

□. **Non-Residential.**

□ The re-subdividing of a lot located in an approved industrial parcel or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. □ When a non-residential development subdivision is provided for in the Rural district such development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. □ All minor non-residential subdivisions shall contain but are not limited to the following criteria

- **Lots.** □ minor non-residential subdivision divides the property into more than one lot.
- **Access.** □ All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 40 feet. □ Lots having direct access to a state road are not permitted to process as a minor except for those proposals utilizing the non-residential permitted uses in the Rural district.
- **Water/Well or Sewer/Septic.** □ Potable water and sewer shall be provided according to the requirements of Appendix C *Engineering Standards*. □ All submissions shall provide a plat approved by the Department of Health.

□ Herein the judgment of staff a residential or non-residential proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations the proposed subdivision shall be classified as a major subdivision. □ The reason for such a determination shall be provided to the applicant in writing. □ The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.202 Major Subdivision

□ Major subdivision whether residential or non-residential is an subdivision of land that requires the development of streets (public or private) or easements of access to the lots or common area and/or includes the creation of more than five lots that take access to an existing public street. (See definition of Major Subdivision.) □ A subdivision may be classified as major if in the judgment of staff a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. □ The reason for such a determination shall be provided to the applicant in writing. □ The determination may be appealed to the Planning Commission for consideration and classification.

Formatted: Space Before: 6 pt, After: 6 pt

Sec. 20.203 Minor Site Development³

Minor Site Developments are those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.

If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Minor site development proposes one or more of the following:

(1) Building(s) both new and additions to existing where all structures located on the parcel total less than 10,000 square feet gross floor area (10,000) on a site shall process administrative and building(s) both new and additions to existing where all structures located on the parcel total more than 10,000 and less than 20,000 square feet gross floor area (20,000) on a site shall:

- Process a concept plan with a public workshop and all remaining site plan review processes shall be administrative approved.
- In the event that an condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administrative such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
- Building(s) both new and additions to existing that exceed 20,000 square feet gross floor area at the time of this adoption adopted shall be permitted a one-time expansion up to 30,000 square feet gross floor area with a concept plan public workshop.

(2) Building(s) both new and additions to existing regardless of size when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Section 20.203 Sub-Section (1) does not apply to this provision.

(3) Apartment or multi-family development of nine or less dwelling units.

Minor Site Development requires Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance as identified in 20.203 and within this Section.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this section unless development/redevelopment activity at the site triggers stormwater management policies as described in the Jefferson County Stormwater Management Ordinance.

1. **No Site Plan or Stormwater Management Plan Required.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property when:

- 1. The footprint of the addition or the new structure is less than 1,000 square feet and
- 2. No additional parking is required per zoning ordinance standards and
- 3. The disturbed area is no more than 1,000 square feet.

2. **Limited Site Plan and Stormwater Management Plan Addressing Quantity Only Required.**

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

1. An addition to an existing structure, or, ancillary to an existing use; and
2. The footprint does not exceed 1600 square feet or 35% of the existing structure, whichever is smaller.

3. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.

□. **Full Site Plan Required.** Any development which does not meet all of the criteria for a limited or rural site plan shall meet all the requirements of these regulations and the appendices.

□. **For site plans located in the rural zone, Rural Site Plan Required Standards may be utilized.** A primary function of the Rural Agricultural Zoning district is to preserve the rural character of the County and the agricultural community. The definition of agricultural allows a number of types of non-residential farming operations to occur in the Rural District. This creates a need to define the manner in which these uses can be permitted in the Rural Agricultural Zone without negatively impacting the rural character area of the land on which it is proposed to be located. While these uses are defined as agricultural, they may have an impact on the farm uses and neighborhoods in which they are located. For this reason, all non-residential agricultural uses or principal permitted uses in the Rural Zone that require the construction of a structure other than a residence or other than a structure for private agricultural use not intended for public use shall require the submission of a Rural Site Plan Standards. Such Rural Site Plan Standards shall follow the submittal and review requirements of a minor site plan with the following exceptions to the submission. The following provisions apply to rural site plans only:

1. **Parking Areas.** Parking areas are not required to be asphalt or concrete paved but must have at least 6" of stone/gravel and be graded in a manner that ensures water will not pool on the primary parking area. No curbs and gutters will be required provided the development conforms to the requirement of Section 2.

If the development is of a size or nature that requires the provision of handicapped parking spaces, such spaces shall be paved and a paved surface accessing the front of the structure from the parking pad shall be required as detailed in Appendix B, Sec. 2.5(B), *Off Street Parking Standards*.

2. **Rural Storm Drainage and Management.** Development which is proposed in the Rural Agricultural Zoning district which wishes to take advantage of the Rural Site Plan Standards are required to utilize low impact development techniques to minimize the impact of impervious surfaces and retain the rural character of the area. These techniques are identified in Appendix B, Section 3.3, *Other Systems* the Jefferson County Stormwater Management Ordinance. Total square footage will be applied and calculated for Retention or Detention the non-residential structure(s) that will be open for public use.

3. Here, in the judgment of staff, a proposal does not meet the intent of the rural site plan provision or the intent of these regulations, the proposal shall be classified as a limited or full site plan. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.204 Major Site Development

Major site developments are those proposals that require the development of new infrastructure or the extension of off-tract infrastructure or where the proposal does not meet the definition of a minor site development. This covers the development of one or more parcels of land where there is no subdivision into separate lots. If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Excluded are developments for the purpose of extraction or harvesting of resources and

Formatted: Font: Not Italic

for roads on agricultural land for the purpose of conducting the agricultural operation. The subdivision or adjustments of lot lines are also excluded. A site development shall adhere to full site plan requirements in all proposals.

Division 20.300 General Review Standards

Two types of review occur when a subdivision plat or site plan is proposed, a zoning review and a review of the actual subdivision plat or site plan. Section 20.301 covers the zoning review. Sections 20.302 and 20.303 cover the subdivision plat and site plan review.

Sec. 20.301 Zoning Review

- A. **General.** A zoning review shall be conducted concurrently with the review of an application for a subdivision plat or site plan. A review shall be provided at each phase of the process. Subdivision plats or site plans that do not meet the zoning standards shall not be approved. Conversely, no subdivision plat shall be denied on the basis of zoning if the Zoning Administrator has decided (or the Board of Zoning Appeals has decided on appeal) that the proposed development complies with the Zoning Ordinance.
- B. **Responsibility.** The zoning review is a function of the department staff under provisions of the Zoning Ordinance. Any appeal of the department's decision shall be heard by the Board of Zoning Appeals.
- C. **Report to Planning Commission.** Staff shall submit a report to the Planning Commission along with the agenda for each meeting at which a subdivision plat or site plan is to be discussed. The report shall contain a final decision as to whether the subdivision plat or site plan meets the standards of the Zoning Ordinance.

Sec. 20.302 Subdivision Plat General Review Standards

- A. **General.** This section sets forth the design review criteria and the body charged with making the determination. Stormwater management plans may be required for inclusion based upon applicability standards defined in the Jefferson County Stormwater management Ordinance. In conducting a review, the staff shall make a report and recommendations on design, and the Planning Commission shall make a decision, based on the following:
 - 1. The staff shall advise whether the minimum standards are met.
 - 2. The Planning Commission may
 - a. Require adjustment to the lot and street layout to better achieve the level of protection by maintaining linked open space.
 - b. Adjust the location of the open space to protect areas of the resource that are most valuable or of highest quality. The location may also be adjusted to protect water quality by better buffering streams or water bodies.
- B. Determine if it is generally desirable that one on-site resource be protected at a greater level than another on-site resource due to the unique conditions of the property. The Planning Commission

may recommend the developer seek a waiver of the resource protection standards in order to provide greater protection for the identified on-site resource.

- . **Adjoining Properties.** The subdivision plat promotes the best design for the use of the property in relation to the development's function and nearby existing or-in-process developments.
 - 1. Staff shall advise whether the minimum bufferyard standards of the Zoning Ordinance are met.
 - 2. During the concept plan stage, the Planning Commission and/or staff may review:
 - a. The lot layout to see if an alternative layout would provide greater compatibility by increasing the distance of some portion of development from neighbors where feasible.
 - b. The distribution of plant material within a bufferyard, and whether an alternative distribution would better protect a specific area.
- . **Drainage.** The drainage shall be efficiently and unobtrusively integrated into the design and shall avoid off-site impacts. The standards for stormwater management ~~cover both quantity and quality for both surface flows and subsurface recharge~~ are described in the Jefferson County Stormwater Management Ordinance. The County Engineer shall be responsible for advising whether the plan and drainage facilities meet the required standards. The Planning Commission may seek to use natural surface drainage or encourage the use of low impact development techniques (see ~~Section 22.05, Other Systems for Retention or Detention~~ Jefferson County Stormwater Management Ordinance) wherever possible.
- . **Streets.** All street and circulation patterns shall provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic. Within the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential areas, local shopping, schools, and other areas. Road connections shall be made to existing subdivisions or stub streets to avoid external vehicle trips.
 - 1. The West Virginia Division of Highways (WVDOT) is responsible for all roads, except those intended to remain private and/or maintained by a Homeowner's Association. WVDOT shall determine the safety of the roads, access locations, and off-site improvements. Staff shall coordinate with the WVDOT to make all determinations of safety. Likewise, the capacity of the adjoining roads is a technical issue to be determined by WVDOT. At the approval of concept plans, the Planning Commission may require the developer to work with WVDOT to specifically address off-site or capacity issues or concerns.
 - 2. The Planning Commission and staff shall review the pattern of streets and blocks to advise if the design promotes pedestrian and bicycle movement, calms traffic in appropriate locations, and provides for connections to existing subdivisions or stub streets or accommodates future connections to future subdivisions to avoid unnecessary external vehicle trips.
 - 3. Connectivity is intended to ensure an adequate movement of traffic within superblocks, provide multiple means or routes of emergency access, and reduce loadings on arterial or collector roads that bound the superblock. The Planning Commission and staff shall work with the County Engineer with regard to the safety and desirability of connections between subdivisions and/or to existing stubs.

- □ here a superblock or area currently has no internal streets, the Planning Commission shall work with the developer and the staff to develop a sound approach to connectivity within the superblock being developed by recommending a superblock street pattern to guide future development.
- . **Utilities.** Provisions for adequate sewer and water.
 1. The determinations of adequacy or availability shall be made by the Planning Commission after consultation with appropriate agencies responsible for providing water and wastewater treatment for the area in which the proposed subdivision or development project is located.
 2. The Planning Commission may request that specific problems be considered and addressed by the agencies in the recommendations of the concept plan.
- H. **Public Improvement.** Facilitate the conformance of subdivision plats with the public improvement plans of the County, such as the proper provision of open space for recreation and other public facilities and the convenient and proper location of sites for public and community facilities and various land uses. This shall be the responsibility of staff.
- I. **Lots.** The subdivision plat shall provide for well-proportioned and oriented lots that relate properly to the roads and open space. An awkward and irrational pattern of lots and individual lot shapes and excessive number of panhandle lots shall be avoided (See Section 21.302, *Flag Lots*). The Planning Commission may require a different lotting pattern if they determine lot shapes or pattern of lots can be improved to support their future development.
- J. **Landscaping.** The subdivision landscaping layout shall promote the zoning classification's qualities and character and meet or exceed the landscaping standards of the Zoning Ordinance. Landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.
 1. The staff shall advise whether the zoning standards are met.
 2. The Planning Commission shall work to ensure that required landscaping is located to best achieve the screening, protection, and overall character to enhance the value of the property. It may authorize moving plant material around, but not require more plant material than required by zoning.
- K. **Density.** In reviewing a subdivision plat pursuant to A through I above, no requirement shall lower the density or floor area except as provided in 1 to 3 below. The review of subdivision plat is ministerial. There is no discretion to alter density downward if the plan meets all zoning standards. The preliminary or concept plan reviews are intended to encourage or require plan modifications that improve design. The Zoning Ordinance sets the maximum density and includes the environmental regulations to ensure that a site is not over-developed based on its unique conditions. The design review shall focus on revising the subdivision plat by ~~altering~~altering roads, lots, landscaping, or other plat elements, but not by ~~altering~~altering development intensity unless it exceeds zoning ordinance standards as indicated by the staff review.
 1. A subdivision plat may be denied based on density when it exceeds that permitted by the Zoning Ordinance as indicated by the staff report and the developer is unwilling to accept modifications to bring it into conformance.
 2. A denial is also possible where the Planning Commission determines that public or community sewer and/or water facilities are required and the agencies responsible for

water and sewer find that these services cannot be provided by the developer or another provider in accordance with acceptable standards.

3. The Planning Commission may impose conditions for a lower density when proffered by the developer.
- ☐ The Zoning Ordinance and these subdivision and land development regulations provide flexibility and incentives for good design as well as ways to waive specific standards in certain circumstances. The Planning Commission's role is to work with the developer to achieve the best plan for the property at the densities that are permitted by the Zoning Ordinance.

Sec. 20.303 Site Plan General Review Standards

The site plan process occurs on existing lot(s) with no public roads being built but where private drives, circulation, and parking will be needed. ☐tility systems that the County will rely on to serve the new development and drainage are also required. Site plans create an area where people will live and work. Site plan review involves the technical and engineering aspects of the proposed site plan in order to ensure that a safe and efficient neighborhood is created. The design of the site is also important to ensure that the site plan achieves the intended results. This section sets forth the design review criteria and the body charged with making the determination- Stormwater ☐anagement Plans may be required for inclusion based upon applicability standards defined in the Jefferson County Stormwater ☐anagement Ordinance. In conducting a review, the staff shall make a report and recommendations on design, and the Planning Commission shall make a decision, based on the following ☐

Formatted: Font color: Black

- A. **Natural Resources.** The site plan works with the natural conditions of the property so as to minimize destruction of the natural resources and maximize the value of the lots for the developer and eventual residents or users. The site plan protects the site's natural resources as required by the Zoning Ordinance.
 1. Staff shall advise whether the minimum standards are met.
 2. The Planning Commission shall review ☐
 - a. The lot and internal circulation layout to better achieve the level of protection by maintaining linked open space.
 - b. Adjust the location of the open space or landscaped surface area to protect areas of the resource that are most valuable or of highest quality. The location may also be adjusted to protect water quality by better buffering streams or water bodies.
 - c. If it is generally desirable that one on-site resource be protected at a greater level than another on-site resource due to the unique conditions of the property, the Planning Commission may recommend the developer seek a waiver of the resource protection standards in order to provide greater protection for the identified on-site resource.
- ☐. **Adjoining Properties.** The plan promotes the best design for the use of the property in relation to the development's function and nearby existing or in-process developments.
 1. Staff shall advise whether the minimum bufferyard standards of the Zoning Ordinance are met.
 2. ☐uring the concept plan stage, the Planning Commission may review as follows ☐

- a. The site plan to see if an alternative layout would provide greater compatibility by increasing the distance of a development from neighbors where feasible.
 - b. ☐ here an alternative distribution of plant material within a bufferyard would better protect a specific area.
- C. **Drainage.** The drainage shall be efficiently and unobtrusively integrated into the design and shall avoid off-site impacts. The standards for stormwater ~~management cover both quantity and quality for both surface flows and subsurface recharge~~ are described in the Jefferson County Stormwater ☐ anagement Ordinance.
 1. The County ☐ engineer shall be responsible for advising whether the ~~site plan and drainage facilities meet~~ Stormwater ☐ anagement Plan meets the required standards ~~described in the Jefferson County Stormwater ☐ anagement Ordinance~~.
 2. The Planning Commission may seek to use natural surface drainage or encourage the use of Low Impact ☐ evelopment (LI☐) techniques (see ~~Section 22.10☐ Other Systems for Detention or Retention~~ the Jefferson County Stormwater ☐ anagement Ordinance) wherever possible.
- ☐ **Internal Circulation.** All internal roads or parking lots create a circulation pattern which shall provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic.
 ☐ ithin the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential, local shopping, schools, and other areas. ☐ here adjoining developments have stubbed streets the connections shall be made, and the Planning Commission shall require them.
- ☐ **Utilities.** Adequate provisions are made for sewer and water.
 1. The determinations of adequacy shall be made by the Planning Commission after consultation with appropriate agencies responsible for providing water and wastewater treatment for the area in which the proposed subdivision or development project is located.
 2. The Planning Commission may request that specific problems be considered and addressed by the agencies in the recommendations of the concept plan.
- F. **Landscaping.** The site plan landscaping layout shall promote the zoning classification's qualities and character and meet or exceed the landscaping standards of the Zoning Ordinance.
 ~~Bufferyard~~ Bufferyard landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.
 1. The staff shall advise whether the zoning standards are met.
 2. The Planning Commission shall work to ensure that required landscaping is located to best achieve the screening, protection, and overall character to enhance the value of the property. It may authorize moving plant material around, but not require more plant material than required by zoning.
- ☐ **Intensity.** In reviewing a site plan pursuant to A through ☐ above, no requirement shall lower the permitted floor area except as provided in 1 to 3 below. The review of site plans is ministerial. There is no discretion to alter density or intensity of development downward if the plan meets all zoning standards. The concept plan reviews are intended to encourage or require site plan modifications that improve design. The Zoning Ordinance sets the maximum intensity and includes the environmental regulations to ensure that a site is not over-developed based on its unique conditions. The design review shall focus on revising the site plan by altering building

configuration, circulation and parking design, landscaping, or other site plan elements, but not by altering development intensity unless it exceeds Ordinance standards as indicated by the staff review.

1. A street extension planned in existing development runs through the property.
 2. A denial is also possible where the Planning Commission determines that public or community sewer and/or water facilities are required and the agencies responsible for water and sewer find that these services cannot be provided by the developer or another provider.
 3. The Planning Commission may impose conditions for a lower intensity when proffered by the developer.
- ☐ The Zoning Ordinance provides flexibility and incentives for good design and provides for ways to waive specific standards in certain circumstances. The Planning Commission's role is to work with the developer to achieve the best site plan for the property at the densities or intensity of uses that are permitted by the Zoning Ordinance.

Article 21 Subdivision and Development Design

Division 21.100 Subdivision Plat Components

Sec. 21.101 Blocks

- A. **Block Length.** The ~~blocks~~blocks shall not, in most instances, exceed six lots in length on one side of the street. For attached units, that shall not exceed 12 lots. The length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for ~~buildings~~buildings of the type proposed, zoning requirements, fire ~~access~~access, emergency service, and police protection. Blocks may be longer in rural subdivisions due to topographic constraints and/or the total number of lots in the subdivision does not exceed and the lots are over acre in land area each.
- B. **Block Width.** Blocks should be such width as will provide two tiers of lots, except where reverse frontage lots are located along an ~~arterial~~arterial or collector street or where such an arrangement is prevented by the size or other inherent site conditions of the property, as determined by the department.
- C. **Relations to Arterials and Collectors.** Where possible, blocks shall be laid out to have their short length ~~abutting~~abutting ~~arterials~~arterials, collectors, or the development's major road.
- D. **Nonresidential Blocks.** Blocks for commercial, industrial and other non-residential use areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, safe and convenient ~~access~~access to the street system shall be required. Space for off-street parking may also require similar ~~access~~access for employees and customers. Extension of streets and utilities shall be provided, as necessary.
- E. **Grid Layout.** A grid or other formal system is desirable, in which open spaces are integrated into the block design. Exceptions may be made for hillsides, green spaces along drainage or stream channels, or where other natural resources make a grid difficult or cost prohibitive. ~~Alleys~~Alleys are considered desirable where lot sizes are less than 10,000 square feet in area.

Sec. 21.102 Streets

Streets shall be laid out to create ~~blocks~~blocks or, in limited conditions, cul-de-sacs. Within any ~~superblocks~~superblock created by ~~arterials~~arterials or ~~collectors~~collectors, the objective is to provide an interconnected network of streets so that people may reach other locations within the superblock without having to access arterial or collector streets.

- A. **Access to Public Highways.** Any proposed subdivision that is not adjacent to a public highway shall be connected to a public highway by a right-of-way(s) and road(s) that meet the standards required for right-of-ways and roads within the proposed subdivision. This provision may require upgrading of right-of-ways and roads that are not owned by the subdivider and that were platted and recorded prior to the date the subdivider filed a subdivision application.
- B. **Connections to Stub Streets.** Where a stub street has been provided or the right-of-way is provided on an adjoining parcel or subdivision, the developer shall connect. The only exception to this shall be where commercial, industrial or other non-residential use takes access through a residential subdivision or development to a local street.
- C. **Access.** All subdivision plats that contain more than 30 lots shall have a minimum of two access points from existing roads. Where possible, spacing between points of access shall be a minimum of 300 feet. Where possible, all subdivisions shall connect so that developments are

not cul-de-sacs with only one access to an existing road. The use of cul-de-sacs shall be limited to places where natural resources, such as streams, hillsides, ~~floodplains~~floodplains, or ~~open space~~open space, make normal blocks inefficient, environmentally damaging, or prohibitively expensive.

1. Where the frontage on existing roads does not permit two entrances to be adequately spaced, the subdivision shall provide for connections to adjoining existing stub streets or to adjoining vacant parcels to all sides□
 - Where the connection is to an arterial or collector, and where access controls are in place to increase spacing, the second access may be skipped where a stub street on an adjoining property provides the access□or
 3. Where the single access is no more than one lot long before splitting into an internal system of connected streets, a street with a parkway may be used.
- . **Future Connections.** Where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. □ larger subdivisions, not all streets need to be extended. The skipping of block extensions shall not exceed three block lengths or result in no connection being made to an adjoining parcel.
- . **Street Pattern.** The design of the street system near intersections of collectors or ~~arterials~~arterials should be designed so as to discourage or make difficult short-cutting through a residential area.

Sec. 21.103 Lots

□ design standards for lots in subdivisions shall be as follows□

- A. **Required Frontage.** □ every lot shall have frontage along the right-of-way lines of a street, except as expressly permitted by Sections □ 1301, *Road Frontage*□□ 1.30□, *Flag Lots*□ and □ 1.303, *Lot Shapes*.
- B. **Double Frontage Lots.** □ double ~~frontage~~frontage residential lots should be avoided. □ is preferable only along ~~arterials~~arterials or collectors where the short end of blocks cannot be used because of the proximity to two intersecting arterials or ~~collectors~~collectors. □ is preferable to align ~~blocks~~blocks with perpendicular ~~local streets~~local streets so as to have side lot lines adjoining the main road. □ only where all the preferred orientations are impractical or where large ~~buffer yards~~buffer yards set the lots an adequate distance from the road may double frontages be considered for ~~approval~~approval. □ lots with double frontages shall be required to have driveway access from the internal or minor subdivision street, and the plat shall bear a notation disallowing ~~access~~access onto major roadways. □ residential lots fronting on collectors or arterials shall be prohibited unless served with ~~alleys~~alleys and off-street parking accessed from side streets.
- C. **Side Lot Lines.** Sidelines of a lot shall be set approximately at right angles or radial to street right-of-way lines□ rear lines shall be approximately parallel to ~~street lines~~street lines. □ different lot shapes may be permitted if necessary or desirable to relate ~~building~~building sites to the terrain or open space or if they provide better site utilization and building relationships.
- . **Access to existing roads.** □ in all districts where the subdivision for residential use is to occur, lots shall only have access via internal subdivision roads, except for ~~rural~~rural lots as provided in Sec. □ 0.□ 01, *Minor Subdivisions*. □ lots shall take access to stub streets with side lot lines paralleling the public road, rather than stripping the frontage. □ use of a frontage road to circumvent the intent of this provision shall be prohibited.

- **Lot Arrangement.** The arrangement of lots shall preserve and be sensitive to the natural features of the property. Alternative development options, such as cluster or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into floodplains and other natural resources.
- **Non-residential Lots.** □on-residential lots shall be designed to prevent any visually unattractive facility (such as loading platforms, material or refuse storage areas, mechanical equipment, and supply areas) from facing major streets or residential neighborhoods. Alley access or screening walls shall be utilized to shield visually unattractive facilities.
- **Driveway Access for Corner Lots.** Corner lots located at the intersection of major and minor streets shall have driveway access from the minor street, if possible. □riveways shall be located as far from the street intersection as practicable and shall not be permitted within the ~~sight distance triangle~~sight distance triangle.
- **Corner Lot Line Radius.** The corner of corner lots shall be designed and platted as a curve having a radius that is parallel to the radius of the adjacent street pavement and □or curb and gutter.
- **Minimum Lot Dimensions.** □efer to the □oning □rdinance for the specific zone district in which the parcel is located for all required minimum lot dimensions.

Sec. 21.104 Lot Width and Frontage

□ot widths shall meet the required minimums for the specific zone district in which the parcel is located that are measured at the setback lines. □rontage is measured along the street property line. The following guidelines govern lot configuration□

- A. **Frontage.** The minimum frontage shall be the minimum lot width for the □oning □istrict or □0 feet, whichever is less. □lag lots and lots on cul-de-sacs may be permitted to have a minimum frontage of □□feet based on design and engineering approval.
- B. **Lot Shape.** □n general, lots should be roughly rectangular.
 - 1. Where a grid street system exists, the lots should be as close to rectangular as practicable, with the narrow side fronting the local street, as feasible. The ratio between lot depth and lot width shall not exceed 3□. □ePTH to width ratios for corner lots will be based on which lot boundary is designated as the rear line. The frontage is opposite the rear line. The frontage opposite the rear line will be defined as width.
 - □n curvilinear street patterns, irregular lot shapes will result. The minimum lot width must be maintained between the front and rear yard setback lines□therefore, the lot width may not be narrower than the minimum at any point within the building envelope. The applicant may define *building* envelopes more restrictively than minimum yard setbacks on the *final plat*.
 - 3. Where lots exceed two acres, the need for rectilinear lot shapes decreases and, provided the provisions of □above are met, more irregular lots may be approved where it protects natural features or resources or where it makes the lotting more efficient.
 - Acute lot corners shall have angles of no less than sixty (□0) degrees. □ot corners of less than sixty (□0) degrees may be accepted by the County □ngineer for lots along road turnarounds.
- C. **Difficult Properties.** Where topography, natural resources, or property shape make normal lot configurations difficult, common drives, *panhandle lots*, or shared easements may be considered to provide access in those situations. They shall not be used simply to avoid more streets.

Sec. 21.105 Requirements for Parkland

This Section is designed to satisfy needs for park facilities in future neighborhoods.

- A. **Visual Access.** Visual access to parkland shall be encouraged from both lots and streets.
- B. **Greenways.** Parkland shall be designed to provide greenways along drainage corridors, streams, or in accordance with a County trail plan. The landscaping along corridors shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway and to the residents of the development.
- C. **Design.**
 - 1. Parkland shall be integrated into the development design to bring significant open space to the maximum number of properties. Small, odd, left-over open space areas shall be avoided. Landscaping may be required to enhance the value of such spaces where they cannot be avoided, and staff may require the concentration of required plant material. The reservation of land for park and recreation purposes shall be in a suitable, convenient location and shall be of a size, dimension, topography, and character conducive to use as a park, playground, playfield, or similar use.
 - 2. Land reserved for park and recreation purposes shall be reasonably level and dry and shall be maintained by the property owners' associations in a useable condition as part of an overall maintenance program for the subdivision. Land reserved for neighborhood park and recreation purposes shall be clearly identified on the final plat and shall be for the use and enjoyment of property owners within the subdivision. Land reserved for greenways and trails for public use shall be clearly identified on the final plat. The County Commission may accept donation of all or a portion of parkland, greenways, or trails for use by the public.
 - 3. Open spaces/parkland shall be designed to provide areas of focus within the development. In the Rural District, such spaces shall be minimal unless a Conditional Use Permit (CUP) has been obtained. In the Residential-Medium Density Industrial-Commercial and Residential Growth Districts, open spaces/parkland shall be provided in accordance with Table 21.10. Residential Land area is determined by adding the square footage of all proposed residential lots. Up to 10% of this requirement may be met with passive open space in the Residential-Medium Density Industrial-Commercial and Residential Growth Districts. Landscaping and hardscapes that include furniture for pedestrians shall be installed to enhance the usefulness of these areas.

Formatted: Indent: Left: 1"

Table 21.105 Parkland Requirements for R-LI-C & RG Districts and Development in the Rural District with an approved CUP	
Density in Units per Acre of Residential Land Area	% of Land to be Reserved for Open Space
Less than 2 units per acre	No land required
2-4	4%
4-6	7%
6 to 10	10%
10+	15%

D. **Overlapping Easements.** Easements over environmentally sensitive resources shall not have other easements over the land that would result in the disturbance of the land, with the following exceptions:

1. Pedestrian ~~access easements~~access easements may be permitted anywhere.
2. In order to provide appropriate services, utility and drainage easements may be permitted along any side and rear lot lines of adjoining lots designated for development but shall be minimized in open space areas.

Division 21.200 Site Plan Components

Sec. 21.201 Access and Interconnection

The provision of safe access to adjoining roads and interconnections between adjoining developments is important to a transportation system that works. Access to the State's roads is governed by § 33D-1, which is responsible for the review of the site plan for access to the adjoining road network. It is the purpose of these regulations to encourage connectivity between adjoining uses along arterial and collector roads to reduce the need for traffic to go onto major roads to reach nearby uses. The following governs the review of access and interconnection:

- . **Access.** The West Virginia Division of Highways § 33D-1 shall review all site plan applications and indicate whether it approves of the proposed access in terms of location and sight distances, acceleration and deceleration lanes, turn lanes, traffic signs and/or signals, and the capacity of the road to handle the proposed traffic.
- . **Interconnections.** The Department of Planning shall review the site plans to ensure that, where interconnections can be made or where adjoining properties have provided for interconnections, the site plan makes the connections. Site plans may be required to be modified to make the connections or to ensure that the interconnections between a number of properties are made in a manner that facilitates movements between sites. The County Departments of Planning, Planning Engineering shall review the layout and engineering of such linkages to ensure that they are feasible and safe.
- . **Strip Development.** Strip development with each use having its own access to State roads is undesirable. In consultation with § 33D-1, the Department and the Planning Commission may require connected parking areas or even a parallel access way connecting a number of parcels. The minimum access standards shall be adhered to. Should the first parcel to develop not be at the best location for access to an area, the County and § 33D-1 may issue a temporary curb cut permit that allows the entrance to be located there, provided that there are connections to the adjoining properties and the landowner signs an agreement giving the § 33D-1 permission to close the curb cut, at the landowner's expense, once the property has access to a better curb cut location.

Sec. 21.202 Internal Circulation

All site plans shall be reviewed for efficient internal circulation and safety. The Department report shall recommend any changes. The internal circulation shall be such that it provides for smooth transit across the site for interconnecting traffic. The site plan shall be changed if the circulation pattern does not meet these criteria. Connectivity both for automobiles and pedestrians is important. Since most site plans are small to moderate sized commercial uses, this is a critical element. The following elements shall be the focus:

- . **Connectivity.** The parking lots of small commercial developments shall be designed to be connected allowing movement through several parcels without returning to the major roads. For larger developments, an access road connecting multiple parcels shall be designed to promote easy traffic movement without difficult turns or disorienting drivers.
- . **Pedestrian Connectivity.** Sidewalks shall be provided along the road or if a pedestrian path system can work for whole blocks it may be pulled back from the road. Connectivity from non-residential areas to adjoining residential areas shall be provided wherever there are stubs in existing development or where logical pedestrian development could be provided to vacant residential property.

- . **Parking.** □ll site plans shall have a provision that permits cross parking with neighboring uses unless demonstrated to be detrimental to the use. □igns that indicate parking exclusively for customers of the use only are prohibited. □aff parking signs can be used.
- D. **Temporary Access.** □ here parcels need access but currently cannot obtain adequate separation of roads and drives, the □ounty shall permit access through a temporary connection. □hese properties shall have connections to adjoining properties so that when correct access spacing can be achieved, the temporary access can be closed and landscaped. □he closure shall be at the landowners cost.

Sec. 21.203 Loading and Trash

Loading and trash areas shall be located and designed for loading and trash collection to be done in an efficient manner that allows trucks easy movements for delivery or pickup. Trash areas shall be located and oriented so that they do not create a nuisance to adjoining owners or an unsightly view from public or private roads. Trash container areas shall be screened on three sides with the use of fencing and plant materials.

Sec. 21.204 Pedestrian Circulation

□ll proposed site plans shall provide a safe, efficient, and attractive pedestrian environment. □he criteria for this include:

- . **Access to Adjoining Property.** □he access to adjoining properties shall provide for continued pedestrian access to adjoining commercial properties. □ here the adjoining use is residential, the connections shall be to any street□ or stub street□sidewalk□.
- . **Crossings.** □rossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings. Landscaping shall not interfere with sight distances. □traffic calming measures shall be encouraged in any locations where pedestrian crossings are proposed.
- . **Outdoor Dining.** □hen restaurant sites are provided, the building should be designed to encourage outdoor dining.

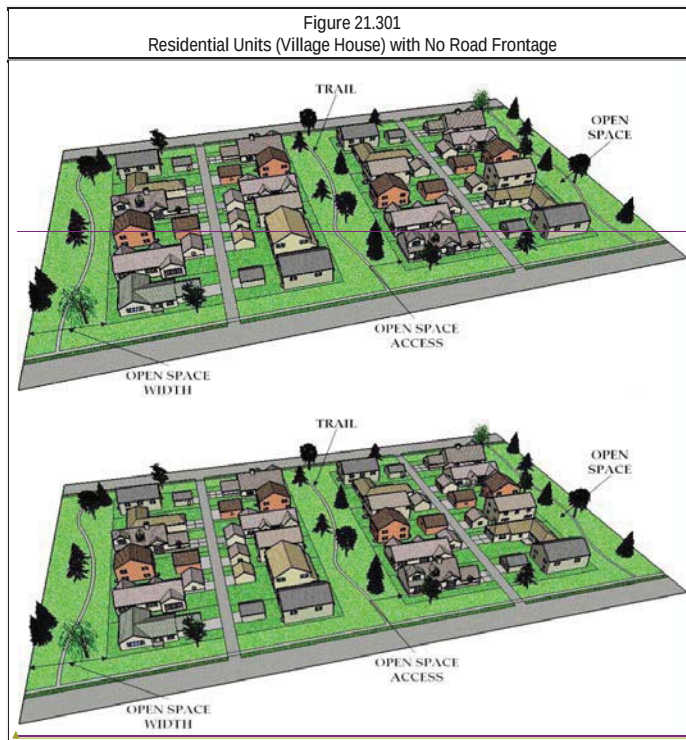
Division 21.300 Modification of Development Standards

Sec. 21.301 Road Frontage

□nder certain circumstances, townhouses or similar types of attached units are not required to front a street. □ll such units shall front an open space that meets the standards in □able 21.□01, *Standards for Specific Residential Units with No Road Frontage*. □he maximum distance such a unit may be away from a street depends on the distance between the lot and both the open space and an alley that provides the lots with on-site parking and emergency access. □he distance requirements in □able 21.301 shall be doubled if a road or emergency access alley is available at both ends of the open space. □igure 21.301 illustrates the various conditions.

Formatted: Normal

Maximum Distance from Street (ft.)	
Open Space Access	Alley and Open Space Access
60	100
75	150
100	180
120	200



Formatted Table

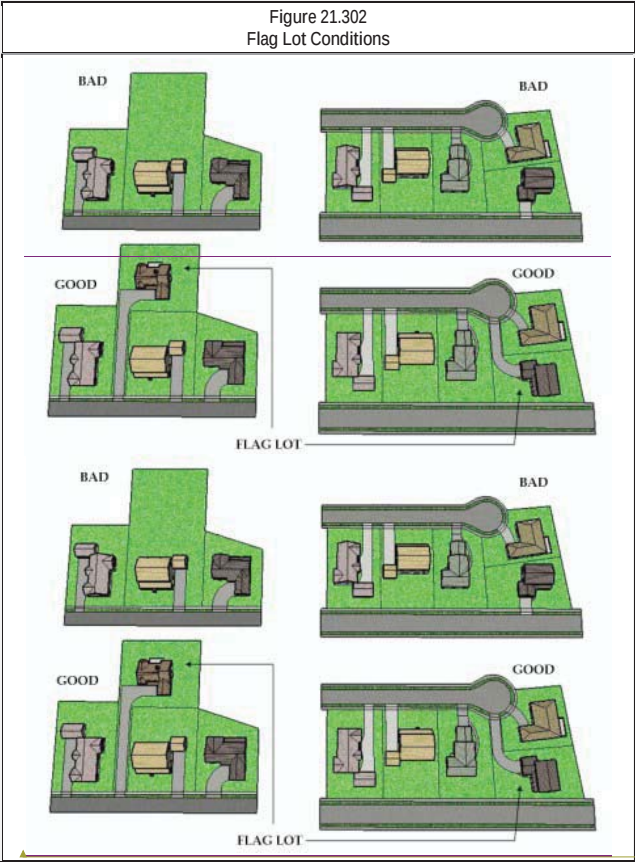
Formatted: Font: Arial Narrow, 9 pt

Sec. 21.302 Flag Lots

Flag lots are generally prohibited because they increase the number of curb cuts on *arterial* or collector streets. However, conditions may exist where flag lots are reasonable and acceptable. These conditions are set forth below and illustrated in Figure 21.302, *Flag Lot Conditions*. If permitted, all flag lots shall allow access for public safety vehicles and providers of public utilities or related public services.

- A. **Irregular Parent Tract, Cul-De-Sac Not Feasible.** If the property to be subdivided has very irregular boundaries and a narrow street and cul-de-sac are not feasible, a flag lot may be used to serve a single lot where lots are one acre or larger.

- B. **Resource Protection.** In a resource protection area, where lots are one acre or larger, a flag lot may be used to reduce resource destruction which would have occurred by extending the cul-de-sac further into the sensitive area.
- C. **Avoidance of Access to Arterial.** A flag lot shall be used to avoid lots taking access to *arterial* or collector streets, as long as the flag lot does not take access from the arterial or collector streets.
- D. **Minimum Access Width.** The "flagpole" or "panhandle" portion of the lot shall be a minimum of 24 feet in width.
- E. **Shared Access.** A combined curb cut for the flag lot and one or more lots may be required where the County believes such design will improve traffic safety.

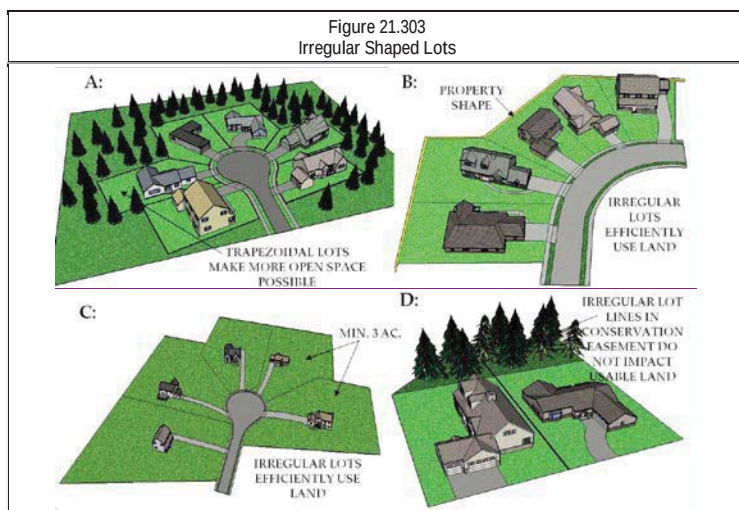


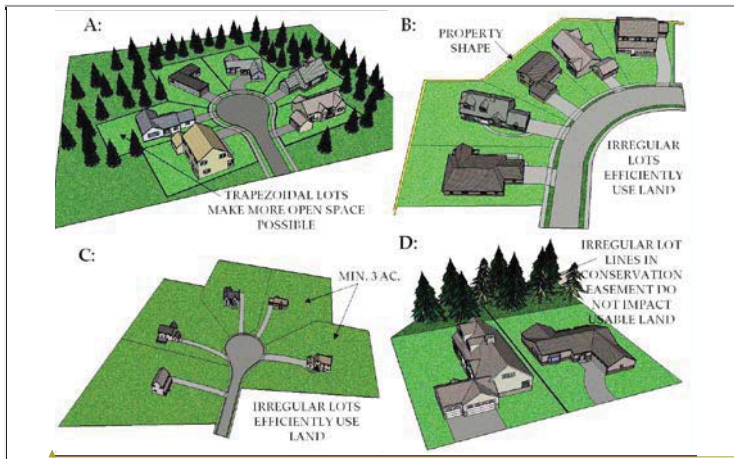
Sec. 21.303 Lot Shapes

Normally, lot shapes are rectangular or pie-shaped. This pattern works well in some cases; rectangular lots are important when lots are rather small since they provide a maximum building envelope. Pie-

shaped lots can be inefficient. The most important element is that the lot contains a building construction envelope adequate for conventional house design. Lot shapes may be irregular under the following circumstances (See Figure 21.303, *Irregular Shaped Lots*):

- A. **Open Space.** Where lots are surrounded by open space, those of approximately trapezoidal shape may be used to maximize the benefits of the open space and reduce road length. (Figure 21.303A)
- B. **Irregular Parent Tract.** Where the property has a shape that makes it difficult to locate lots efficiently, the applicant shall be able to use irregular lot shapes, rather than waste land. (Figure 21.303B)
- C. **Large Lots.** Where lots exceeding three acres are provided, the lot shape that provides efficient use of the land and minimum lot size may be used. (Figure 21.303C)
- D. **Open Space Subject to Deed Restrictions and Covenants.** Portions of lots subject to deed restrictions and covenants to protect open space may have irregular shapes since they cannot be used for construction. (Figure 21.303D)
- E. **Construction Envelope.** All lot sizes and shapes shall be reviewed to ensure that houses similar to those normally built in the district can be constructed with normal patios or decks within the building envelope.





Sec. 21.304 Building Pads

Where lots are greater than one acre in size and an applicant wants to locate buildings to create a more casual layout and eliminate buildings lining up along a street on the setback line, the preliminary plat shall propose building pads for each lot that are varied as to setbacks. The plan shall be approved if the following are met:

- A. **No Loss of Privacy.** There is no loss of privacy with homes being located closer to each other than would be the case if the district setbacks were followed, unless there is a landscaped buffer provided that doubles the opacity that would be provided by adherence to the minimum district standards.
- B. **Environmentally Sensitive Locations.** Pads are located to avoid impacts on resources or to provide a better view of protected resources or open space.
- C. **Landscaping.** Landscaping is increased to materially enhance the character over that provided by the minimum standards.
- D. **Neighboring Property.** Where side lot lines or rear lot lines abut an adjacent property of similar zoning, the minimum setbacks are maintained. Where the property line is an existing residential street, the building pads may be used provided the reduction in front yards is not greater than ten percent and additional street trees or front yard landscaping is used. The Planning Commission may require building pads to be altered if it finds that they are so abruptly varied as to alter the character of the street.

Sec. 21.305 Block Length

The maximum length of blocks is set to provide connectivity between adjoining parcels as they develop separately over time. There are conditions that can exist that warrant longer lengths. Such conditions should be addressed by requesting a waiver from these requirements.

Any request for a waiver of the lengths shall meet the criteria below. □ aximums shall not exceed those in A and B below, as measured on both sides of the street.

- A. **Criteria.** The following criteria shall be met in granting a waiver:

1. **Existing Stubs.** If the neighboring property has provided a stub to the subject property, the connection shall be made unless there is a high quality wetland that would have to be destroyed to make the connection.
 2. **Natural Resources.** A connection would result in protected resources being destroyed.
- B. **Blocks.** If a modification is made pursuant to the standards in A above, the blocks shall not exceed:
1. Nine lots in length on one side of the street for single family lots; and
 2. 18 lots in length on one side of the street for attached residential units.

Sec. 21.306 Intersections

Intersections may be permitted closer than the 300 foot centerline distances where:

- A. **Shallow Block Depth.** The depth of a block is less than these distances. An exception shall be granted unless a reasonable alternative street configuration exists which will provide the needed separation; or
- B. **Topography.** Topographic, natural resource, or ownership problems make providing the separation impractical or undesirable; or
- C. **Safety.** A narrower distance may be permitted where the Planning Commission finds the shorter distance results in safer conditions based on sight distances.

Division 21.400 Covenants and Deeds

Covenants shall be provided by the land owner to cover the operation and maintenance of a subdivision or site development. If there are associations, the covenants shall either contain all the needed rules for the association or reference a document that does. If lots or condominium ownership is contemplated, deeds for each property are required. The County shall review these documents to ensure they do not conflict with County laws. If the covenants or deeds do not conflict with County laws they should be approved. The County in no way waives its rights to enforce violations of law later learned of or determined to exist. County approval in no way indicates County assistance in enforcing these covenants, which the County will not do. Covenants and deed restrictions shall also serve as a means of limiting further development of lands set aside as open space to satisfy the cluster and planned development requirements or standards identified in the zoning ordinance.

Sec. 21.401 Private Restrictions and Easements

Design, signage, use, management, maintenance, and cost sharing may be prescribed or limited by private covenants, conditions, or restrictions, provided that such restrictions are not in violation of County law. For any subdivision or development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted. A note to this effect shall be placed on the plat or plan.

Sec. 21.402 Public Easements

General. All easements for all public (water, sewer, stormwater management or storm drainage facilities) or public service type facilities (telephone, electric, gas, cable) that serve the subdivision or site development shall be set forth on the plat or in the deed. Such easements shall be located in street right-of-ways, *alleys*, or side or rear yards as determined by the County in accordance with the particular plans and layout of the utility or other service providing company. All easements shall provide for

access without notification to the property owner for the maintenance, repair, or other work needed in the easement or to the facility in the easement. The following standards shall apply to easements:

- A. **Utility Easements.** A utility easement shall be a minimum of ~~42~~ 10 feet wide or a width acceptable to grantor and grantee. Easements that fall on shared side or rear lot lines, unless specifically authorized by the County, shall be of equal dimensions on both lots involved. Where attached housing types are involved and yards are enclosed or very narrow, easements shall be in front or rear yards.
- B. **Stormwater.** All stormwater facilities shall be located on open space land, on easements on the lots, or on public rights of way. Easements shall run in favor of the homeowner's association, business owner's association and any of the public service providers using the easement. Drainage easements shall be provided on all lots to ensure that stormwater channels remain clear of development. Where attached housing types are involved and yards are enclosed or very narrow, drainage easements shall be placed on lots to convey *surface water* to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate. Easements shall be designed for a 10 year storm event and in no case shall be less than 10 feet wide.
- C. **Open Space Deed Restrictions and Covenants.** Deed restrictions and covenants shall preserve open space, protect natural resources, and protect land held in common or used for recreation and/or open space. All areas subject to deed restrictions or covenants shall be restricted from further residential development and shall run in favor of all lot owners in the development or the homeowner's association.
- D. **Encroachments, Structures and Landscaping.** No permanent encroachments, structures, fences or landscaping shall be allowed to be located within any easement area. The homeowner's association, business owner's association and any of the public service providers shall have the right to remove any encroachment, structures, landscaping, fencing or any other improvements placed upon such public easements.
- ☐ **Maintenance Access Easements.** These easements shall be a minimum 10 feet wide and are primarily intended to provide access to public utilities or drainage areas that need to be maintained regularly. They are not intended to be used as access to a lot or parcel. The exception to this would be to avoid landlocking a parcel that has no other means of access. Should the homeowner's association, business owner's association, any of the public service providers or other agency with facilities in the easement need to do work in an easement, an attempt shall be made to notify the resident and owner, if feasible. If time allows, the landowner shall be permitted to remove any structure or planting. However, since the work may involve an emergency, the homeowner's association, business owner's association, any of the public service providers or other contractor may do the work, including removal or destruction of structures or landscaping. The only obligation the contractors have is to restore the ground cover if that has been disturbed in the process of the work. Any other costs shall be borne by the landowner.

Division 21.500 Mapping and Monuments

All preliminary plats shall identify the following:

- A. The location of monuments and markers according to type and whether found, set, or to be set. A key to all symbols referencing such markers shall be provided.
- B. The location of benchmarks used in the survey, if available.

- C. The location and description of permanent concrete control monuments acceptable to the County Engineer. (The Engineer shall be provided with a plan of projected permanent concrete monumentation. Where possible, permanent concrete monuments shall be intervisible; at least 10 feet apart; away from future roadwork; and, at least 2 per section or block.)
- D. Lot boundary lines with distances. Lot boundaries shall be established by a network of traverse control having a relative error of closure of 1:1000 or better.
 - A number to identify each lot.
- F. Tic marks in State Plane Coordinate System, NAD83.
 - If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified in D above.
 - When the standards for mapping and monuments contained in this Division conflict with the standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.

Article 22 Infrastructure and Grading

Division 22.100 Purpose

The purpose of this Article is to ensure:

- A. The adequate provision of infrastructure, including streets, potable water, sewer, and fire protection to serve development;
- B. ☐ ell-designed and well-connected streets and sidewalks;
- C. Adequate lighting of public and private streets;
- D. Adequate and well-designed drainage and stormwater treatment systems to serve new development; and
- ☐ The protection of environmental resources during site preparation for development, as well as during and after development.

Division 22.200 Streets

Sec. 22.201 Street Design Objectives

New streets shall be designed to achieve the following objectives:

- A. **Integration.** Integrate into the existing street pattern so as to address the area's future circulation needs, as well as County-wide traffic patterns;
- B. **Safety.** Provide a safe and convenient layout and design;
- C. **Character.** ☐ atch and enhance the community character of the respective district(s); and
- D. **Natural features.** ☐ espect natural resources, topography, and drainage features.

Sec. 22.202 Local Circulation Plans

- A. **General.** To enhance connectivity within superblocks, to provide a choice of travel routes, to reduce traffic conflicts and vehicle miles traveled, and to promote coordination among property owners with respect to the ultimate development and alignment of collector and minor streets, the County shall develop a ☐ocal Circulation Plan when development occurs in an area for which plans for local circulation have not yet been developed. The area that is subject to the plan shall be bounded on all sides by arterial or collector streets (a ☐superblock☐), waterways, stream systems or other similar boundaries.
- B. **Content.** The ☐ocal Circulation Plan shall identify desired collectors or streets within a ~~superblock~~superblock, areas for marginal access or reverse frontage roads, and preferred intersection locations. The ☐ocal Circulation Plan shall be based on policies of the Comprehensive Plan, property maps, zoning, and topographic and alignment information. At such time as the Comprehensive Plan and transportation system plan may be revised or updated, the ☐ocal Circulation Plan shall be based on, and consistent with, such plans.
- C. **Criteria.** The following criteria shall be used in developing the ☐ocal Circulation Plan:
 - 1. Collector streets shall serve only the superblock and not provide alternative or cut-through routes for regional or County-wide traffic. ☐ here superblocks are too large, new collector alignments may be designated. ☐ here new collectors are designated, they shall be extensions of existing collectors or be designed to be extended through several superblocks.

- . **Natural Areas.** In areas where resource protection is necessary or desired, narrower right-of-ways may be approved and drainage accomplished in a manner that provides for the minimum width, while accommodating the stormwater movement. The County Engineer or a designee shall assist in developing a cross-section that minimizes environmental impact.

Sec. 22.205 Non-residential Streets.

The standards contained in Appendix B, Section 2.2, *Streets*, shall govern all non-residential street construction.

Sec. 22.206 Cul-de-Sacs

- A. **General.** Cul-de-sac streets shall be carefully managed to ensure they are not over-used. Connectivity is preferred.
- B. **Where permitted.** Cul-de-sac streets may be used if:
 - 1. Natural resources, such as topography, floodplains, open space, or stream systems make standard blocks inefficient;
 - 2. Cul-de-sac streets serve no more than 2□lots or are no more than 800 feet in length, whichever results in a shorter street segment; and
 - 3. The pedestrian circulation system provides for direct, non-vehicular access between cul-de-sac ends where:
 - a. Two lots or fewer are situated between them; and
 - b. The distance between them, measured along street centerlines, is more than □□0 feet.
- C. **Dimensional standards.** All cul-de-sacs shall be designed to permit vehicles to turn around without backing, except as may be provided for in Appendix B, Section 2.2, *Streets*. Cul-de-sac standards are listed in Appendix B, *Engineering Standards*, Table 2.2-1, *Roadway Design Standards*.

Sec. 22.207 Private Roads

Private roads shall be permitted in accordance with this Section.

- A. **Private Roads.** Private roads may be developed if all of the following are demonstrated:
 - 1. A homeowner's association is created that will be responsible for the ownership and maintenance of the road.
 - 2. The plat and all lot plans in the subdivision contain a note that indicates that the County shall not take ownership or be responsible for maintenance of private roads.
- B. **Gated Communities.** No gated communities shall be permitted.

Sec. 22.208 Sidewalks

- A. **Location of sidewalks.** Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District when residential density in the proposed development is less than ~~three~~ (3) units per acre and ~~or~~ when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential ~~development, subdivisions and or site plans.~~ Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. Sidewalks shall also be installed in pedestrian easements as may be required by the Planning Commission.
- B. **Modification of sidewalk requirements.** Sidewalk requirements may be altered or waived if a pedestrian circulation plan that provides equal or greater pedestrian circulation is submitted to and approved by the Planning Commission. These trade-offs may be permitted:
1. In developments located in the Residential-Light Industrial-Commercial (R-LI-C), Village (V) and Residential Growth (RG) Districts where lots are greater than one-quarter (1/4) acre in land area to allow off-street trails in lieu of sidewalks, thereby meeting the needs of walkers and cyclists; or
 2. In order to implement the County's Parks and Recreation Master Plan, as set out in subsection D., below.
- C. **Completion of sidewalk networks within the subdivision or site development.**
1. In general, sidewalks shall be constructed concurrent with street construction, with special provisions to protect their condition and integrity during the process of building construction. However, this requirement may be waived at the discretion of the Planning Commission if reasonable assurances are provided that:
 - a. Sidewalk segments across individual lots will be constructed after buildings are constructed on the individual lots, but before they are occupied; and
 - b. The timing and phasing of development will result in the completion of the sidewalks on each street segment prior to release of any required construction bond amount for such improvement. Sidewalks shall be installed along street corridors on a priority basis in areas where they are not currently available.
- D. **Trails and bikeways.**
1. On-street bikeways and off-street bicycling and jogging trails shall be developed in accordance with the County's Parks and Recreation Master Plan to link major attractions and destinations throughout the community, including neighborhoods, parks, schools, churches, public libraries, community centers, major employment centers, and shopping areas.
 2. Stream corridors present opportunities for future off-street bicycle and pedestrian trails to connect with existing or new sidewalks and as means of extending the County's trail system and shall be considered for trail system development in all subdivisions where such opportunities are presented.
 3. In all major subdivisions, a dedicated detached trail or bikeway shall be provided along the public right-of-way for the entire width of the property. This trail or bikeway would be required to be constructed once the County trail plan is established.

Sec. 22.209 Street Lighting

The developer of any subdivision shall be required to install street lighting when lots are less than 10,000 square feet according to the following standards:

- A. **Underground Wires.** Street lighting shall be via underground distribution.
- B. **Residential Streets.** The placement of street lighting fixtures on residential streets shall be at 100 to 200 foot intervals unless:
 - 1. The roadway length is less than 200 feet, but more than 100 feet, in which case a street light will be provided at the end of the street; or
 - 2. The roadway length is less than 100 feet, a street light is placed at the intersection, no natural features interfere with the light, and no street light will be placed at the end of the roadway.
- C. **Nonresidential Streets.** The placement of street lighting along non-residential streets shall be in accordance with the latest revision of the Illuminating Engineering Society's American National Standard for Roadway Lighting.
- D. **Intersections.** A street light shall be provided at all street intersections.
- E. **Maximum Pole Height.**
 - 1. Residential Streets: 15 feet.
 - 2. Thoroughfares: 30 feet, unless the spillover from the fixture will cause *glare* in a residential area, in which case the maximum height shall be 25 feet.
- F. **Illumination Standards.** Street illumination shall satisfy the requirements of the zoning ordinance.
- G. **Other Designs.** A developer or Homeowner's Association (HOA) may request non-standard street lighting within a development provided:
 - 1. Street light fixture types and locations are approved by the Planning Commission;
 - 2. Regardless of the nature and type of street lighting constructed, the developer and/or HOA is solely responsible for all installation, operating and maintenance costs associated with non-standard street lights.
 - 3. The developer and/or HOA will be solely responsible for any costs associated with removal of non-standard street lights and any costs associated with installing standard street lights if the lighting is converted in the future.
 - 4. The developer includes all responsibilities of the HOA pertaining to street lighting in the development covenants. The developer shall inform all purchasers of property in the development of these same responsibilities.
 - 5. Non-standard lighting shall not be used on thoroughfares.
 - 6. Developers of private streets shall be required to install private street lighting in accordance with this subsection.

Sec. 22.210 Street and Road Design Standards

When the standards for streets and roads contained in Division 22.200, *Streets*, conflict with the engineering standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.

Division 22.300 Potable Water; Sewer; Fire Hydrants

- A. **Potable water and Sewer.** Potable water service shall be provided according to the requirements of Appendix B, *Engineering Standards*.
- B. **Fire Hydrants.** If public water service is provided, then fire hydrants shall be provided at each street intersection in accordance with all West Virginia Department of Environmental Protection, Bureau for Public Health regulations Appendix B, *Engineering Standards*.
- C. **Dry Hydrants.** Here installed shall meet ISO standards as established by the Jefferson County Office of Emergency Services.

Division 22.400 Drainage

Sec. 22.401 Drainage Plan

- A. **General.** As a part of all site plans and preliminary plats, a drainage plan shall be prepared. These shall be part of the engineering drawings for the plat or plan.
- B. **Roof Drain Discharge Points.** For all non-residential sites, the building structure roof drain discharge points shall be located so as to avoid icing of walkways, driveways, and building entrances. The location of roof drain discharge points shall be shown or noted on the preliminary plat and or site plan, as applicable.

Sec. 22.402 Water Quality

Water quality management measures shall be incorporated in all subdivision plats and site plans. Design and construction shall be performed in accordance with [Appendix B, Section 3B, Quality Control the Jefferson County Stormwater Management Ordinance](#). An applicant shall also apply for a construction stormwater NPD/S permit from the West Virginia Department of Environmental Protection (DEP).

Sec. 22.403 Drainage System Design

Drainage system measures shall be incorporated in all subdivision plats and site plans. Design and construction shall be performed in accordance with [Appendix B, Section 2, Storm Drainage the Jefferson County Stormwater Management Ordinance](#).

Sec. 22.404 Surface Drainage Configurations

Drainage swale grading and drainage swale details shall be provided on the preliminary plat and/or site plan, as applicable, in accordance with [Appendix B, Section 2, Storm Drainage the Jefferson County Stormwater Management Ordinance](#).

Sec. 22.405 Other Systems for Retention or Detention

Low Impact Development (LID) techniques can be used to minimize the impact of impervious surfaces by reducing connected impervious surfaces to a minimum, thereby reducing the area and cost of mitigation techniques. These techniques are identified in [Appendix B, Section 3.D, Other Systems for Retention or Detention the Jefferson County Stormwater Management Ordinance](#). Use of these techniques is encouraged and preferred to traditional stormwater management measures when feasible and approved by Jefferson County.

Sec. 22.406 Drainage Design Standards

When the standards for drainage design contained in Division 22.00, *Drainage*, conflict with the engineering standards in [Appendix B, Engineering Standards](#), the provisions of Appendix B the West

Virginia Stormwater Management and Design Guidance Manual as referenced in the Jefferson County Stormwater Management Ordinance, the provisions of the best Virginia Stormwater Management and Design Guidance Manual shall prevail.

Formatted: Font color: Auto

Division 22.500 Grading

All activities addressing grading issues and erosion control shall be described in the Erosion and Sediment Control Plan required as Part of the Stormwater Management Plan in the Jefferson County Stormwater Management Ordinance.

Sec. 22.501 Site Grading

A. **Protect Streams.** Site grading shall be done in such a manner that the appropriate erosion control devices and techniques are used to protect water quality.

Formatted: Normal, Space Before: 6 pt, After: 6 pt, Outline numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

A.B. **Prevent Erosion.** The proper precautions shall be taken to minimize erosion of disturbed soil. Sediment control will be site specific and can include vehicle tracking controls; sod buffer strips around the lower perimeter of the land disturbance; sediment barriers, filters, dikes, traps, or sediment basins; or a combination of any or all of these measures.

Formatted: Font color: Black

B.C. **Minimize Exposure.** During the preliminary stages of development each site shall develop a plan to minimize soil exposure. If soils are exposed the proper seeding shall be placed down in the allotted time recommended by Appendix B, Section 1, under the Erosion and Sediment Control Plan as required in the Jefferson County Stormwater Management Ordinance.

Formatted: Font: Not Italic

Formatted: Font: Not Italic

C.D. **Protect Aquifer.** All precautions shall be taken in the prevention of aquifer contamination. Proper erosion precautions shall be in place as well as consideration of other possible forms of aquifer contamination.

D. **Extension of Time Limits.** Time may be extended as deemed necessary by the County Engineer in the event that adverse conditions prevent compliance with the stated time limitations for the completion of permanent or temporary structures.

Sec. 22.502 Residential Site Grading

The development of residential areas shall follow these considerations and recommendations on limiting the loss of natural areas (i.e., trees, native or indigenous grasses, and other vegetation).

- A. **Mass Grading.** Every step shall be taken to limit or avoid mass grading. Smaller graded areas help in reducing run-off, water quality impacts, and loss of natural areas.
- B. **Mass Cut-and-Fill.** Cut-and-fill slopes shall be designed and constructed to minimize erosion. This requires consideration of the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes that are found to be eroding excessively will require additional slope stabilization until the problem is corrected.

Sec. 22.503 Non-Residential Site Grading

Cut-and-fill slopes shall be designed and constructed to minimize erosion. This requires consideration of the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes that are found to be eroding excessively will require additional slope stabilization until the problem is corrected. The following guidelines shall assist site planners and plan reviewers in developing an adequate design.

- A. **Soil Surface.** Rough soil surfaces are preferred over smooth surfaces on slopes.

- B. **Temporary slope** diversion dikes can be constructed at the top of long steep slopes, or hill slopes that have an upslope tributary drainage area over five (5) acres. Diversion dikes or terraces may also be used to reduce slope length within the disturbed area.
- C. **Channels.** Concentrated stormwater shall not be allowed to flow down cut or fill slopes unless contained within an adequately-sized temporary channel diversion, a permanent channel, or a temporary slope drain.
- D. **Seepage Planes.** Wherever a slope face crosses a water seepage plane that endangers the stability of the slope, adequate drainage shall be provided.

Sec. 22.504 Protection of Resources

The protection of natural resources shall comply with all environmental protection requirements in the Zoning Ordinance and these Regulations. Before construction begins, these areas shall be protected from siltation. Staff shall inspect the proposed means of protection prior to permitting the construction to proceed.

A. Hillside Development.

1. **General.** This section applies to all lands east of the Shenandoah River and all lands in natural conditions within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek.

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

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

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

- a. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.
- b. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas left in a natural condition. Use of the cluster concept.
- c. Consider narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized.
- d. Consider roadside parking bays.
- e. Design and construct roads that are parallel to contour lines; preferably design and construct roads on ridges and in valleys to minimize cuts and fill. Use retaining walls where possible to minimize cuts and fill.

- f. Consider lot layouts which minimize on-site (on-lot) grading and earthwork for access, parking and building construction.
- g. Design, engineer and construct entrances to individual lots before lots are sold.
- h. Select building sites and areas for the construction of septic system drainfields before lots are sold.
- i. Include provisions within deeds of sale that require property owners to protect the hillside, woodland, etc. from destruction.

In the event a parcel subject to the provisions of this section has been cleared of trees or otherwise had its natural terrain altered beyond the percentages permitted in Table 22.50, 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.

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

Table 22.504 Retention of Land in Hillside Development	
Weighted Average Slope of Land Percent	Percentage of Land To Be Maintained in a Natural Condition
Less 10	No land required
10 - 14.99	25%
15 - 19.99	40%
20 - 24.99	55%
25 - 29.99	70%
30 - 34.99	85%
35 - 39.99	100%

Formatted Table

The weighted average slope shall be determined using the grid cell method or other method as approved by the County Engineer. 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.

B. **Riparian Buffer.** A riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. If wetlands or hillsides abut or are within the riparian buffer in 1 to 100 feet below, then they shall be included even when the distance exceeds the buffer in 1 to 100 feet below. The buffer width is as follows:

1. Lakes and Ponds - 5 feet.
2. Intermittent Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch watersheds).
3. Potomac River and Shenandoah Rivers - 100 feet (unless a greater standard is required by the Zoning Ordinance)
4. Opequon Creek and Perennial Streams - 100 feet.
5. Wetlands, Marl - 5 feet.
6. Wetlands, Armed - 10 feet.
7. Wetlands - 50 feet.
8. Hillsides 15 to 25 percent - to the top of the slope where it falls below 15 percent or 100 feet, whichever is less.
9. Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 100 feet, whichever is less.

This buffer may overlap the Hillside Development protection standards. -Where conflicts with the Jefferson County Stormwater Management Ordinance exist, the requirements of this section shall take precedence.

Sec. 22.505 Grading Design Standards

When the standards for grading design contained in Division 22.500, *Grading*, conflict with the engineering standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.

Division 22.600 Certification of Compliance with Flood and Subsidence Regulations

Staff shall verify that the proposed subdivision plat or site plan complies with the Jefferson County Floodplain management ordinance.

Formatted: Space Before: 0 pt

Article 23 Administrative Bodies

Division 23.100 Purpose

The purpose of this Article is to define the role of boards and agencies involved in the subdivision plat and site plan approval process. Participants include the County Commission, Planning Commission, Department staff, WVDOH, and other agencies responsible for the provision of public services.

Division 23.200 Administration

- A. **Discretion.** The administration of these Subdivision and Land Development Regulations provides for discretion only where specifically authorized. While West Virginia law requires a public hearing for land use proposals, there is no discretion in the review and approval process outside of the requirements of the Zoning Ordinance or the Subdivision and Land Development Regulations. A proposed plat or plan that meets the ordinance and regulatory standards must be approved. Only when there are specific findings that the application does not meet the standards of the ordinance or the regulations, is denial possible.
- B. **Relationship to Zoning Ordinance.** Both subdivision and site development approval are the points at which two separate regulations must be enforced: the Zoning Ordinance and the Subdivision and Land Development Regulations. As a result, different agencies have responsibilities to review the subdivision or site development at the same time.
- C. **Administration.** This Division specifically identifies the administrative bodies that are charged with making a determination of compliance. It is possible to improve the design of a development during the review process, and that is an important factor in the quality of the County's community character. Concerns about quality are addressed by conditional approvals, not denial.

Sec. 23.201 County Commission

The County Commission is responsible for setting in place a means of administering these Subdivision and Land Development Regulations and ensuring enforcement of the County's Zoning Ordinance. As such it has the following powers and duties:

- A. **Adoption and Amendment.** As specified in Chapter 8A of the West Virginia Code, the County Commission has sole responsibility for the adoption and amendment of the subdivision and site development regulations. It is advised in these matters by staff and the Planning Commission.
- B. **Appointment of the Planning Commission.** In accordance with W.Va. Code §8A-2-1, the County Commission shall appoint members of the Planning Commission.
- C. **Planning Staff.** In order to administer and enforce these Regulations, the County Commission shall fund and hire staff, which shall also serve as the staff of the Planning Commission.
- D. **Removal of Planning Commission Members.** Members of the Planning Commission may be removed in accordance with Chapter 6, Article 6 of the West Virginia Code, or in accordance with any procedures which may have been established by the County Commission pursuant to W.Va. Code §8A-2-5(k).

Sec. 23.202 Department of Planning

The Departments of Planning, Zoning and Engineering are the County's lead in ensuring that all regulations are met in the review of subdivision plats and site plans. They are specifically charged with the following review responsibilities:

- A. **Zoning Compliance.** The Department shall review all plat or site plan applications for zoning compliance. They shall provide the Planning Commission with a written opinion as to whether the plat or site plan complies with the Zoning Ordinance. If the staff determines that waivers are appropriate, staff shall recommend approval of these waivers to the Planning Commission.
- B. **Subdivision and Site Development.** The Department of Planning staff shall be responsible for the following:
 - 1. Reviewing and approving applications for minor subdivisions.
 - 2. Reviewing and approving applications for minor site plans.
 - ☐ Conducting pre-application and pre-proposal conferences or reviews with developers.
 - ☐ Conducting submission review in accordance with Section 20100, *Major Subdivision Concept Plan - Completeness Review*, and Section 20111, *Major Subdivision Preliminary Plat - Completeness Review*. The Planning Commission must vote on this, but the Department shall ensure that applications are complete before sending them to the Planning Commission. A developer may request it be submitted to the Planning Commission even if the Department determines that it is an incomplete application.
 - 5. Make professional recommendations on the adequacy of submitted major subdivision plats and major site plans including all design, engineering, and landscape elements.
 - 6. Ensure written communication to the applicant of the status of the project.
 - ☐ Collect input from all other agencies involved in the review process.
 - 8. Ensure public notice is provided by appropriate means for all forms of action that require notice.
- C. **Staff Report.** The Department shall provide a staff report to the Planning Commission. Such report, shall accompany concept plans, preliminary plats, final plats and major site plan submissions. The report shall indicate one of the following:
 - 1. **Approval.** If the plat or plan meets all requirements of applicable County ordinances or codes, the staff report shall recommend approval.
 - 2. **Denial.** If the plat or plan fails to meet the requirements of any applicable County ordinance or code, the staff report shall recommend denial except as provided in below:
 - ☐ **Approval with Conditions.** The Department may recommend approval with conditions if there are easily changed elements of the plat or plan or minor nonconformities that can be corrected.
 - ☐ **Hold.** The Department may hold the application for up for 5 days for additional information necessary to make a determination.
- D. **Annual Report.** At least annually, the Planning Commission shall report to the County Commission any area where it believes the Subdivision and Land Development Regulations or the Zoning Ordinance could be improved to facilitate quality development in the county or eliminate a problem area to provide for quality development in the County. This is an advisory report.

Sec. 23.203 County Agencies

The following Jefferson County agencies are involved or may be involved in the subdivision and site development review process.

- A. **On-Site Water Supply and Sanitary Waste Disposal.** The Jefferson County Health Department and West Virginia Department of Health shall be responsible for the review of any on-site water supply or sanitary waste disposal for the proposed development.
- B. **Centralized Water Supply/Distribution and Sewage Collection/Treatment.** The Jefferson County Public Service District, West Virginia Health Department, and WVDHP shall be responsible for the review and approval for any centralized sewer and water supply intended to serve the proposed development.
- C. **Jefferson County Historical Landmarks Commission.** This body shall submit a report and findings on whether historical resources exist on the site of the proposed subdivision of site development. If there are, they shall submit findings on whether the proposal meets the requirement of zoning with respect to such structures or places.
- D. **Jefferson County Parks and Recreation Department.** This body shall determine the adequacy of park, recreation, and trail facilities intended to serve a proposed residential development.
- ☐ **Jefferson County Addressing/GIS Office.** This body shall verify adequacy of proposed addresses, road names and names of subdivisions in accordance with Jefferson County § 1-1 Addressing Ordinance.
- ☐ **Jefferson County Engineering Department.** This body shall review and either approve or deny the Stormwater Management Plan relating to stormwater management.

Sec. 23.204 Other Agencies

The following are the responsibilities of other agencies:

- A. **West Virginia Division of Highways (WVDOH).** WVDOH is responsible for reviewing the site access to public roads.
- B. **Jefferson County Schools.** The Board of Education should determine the adequacy of school facilities intended to serve a proposed residential development.
- C. **Emergency Services.** Fire, police, and EMS providers should determine the adequacy of emergency response and ~~life-saving~~lifesaving services provided to their respective service area if potentially affected by a proposed subdivision or development project.
- D. **U.S. Postal Service.** The U.S. Postal Service shall determine which zip code wholly contains the new subdivision and acknowledge which postal delivery mechanism is approved when affected by a proposed subdivision or development project.

Division 23.300 Planning Commission

The County Planning Commission shall be the agency overseeing the review of subdivisions and site development. This is a function that grants limited authority for the approval. The duties are identified in W.Va. Code §8A-2-11 and the Planning Commission By-Laws.

|



The review and approval process of subdivision plats and site developments plans is different for major and minor subdivisions and major and minor site developments.

Formatted: Indent: Left: 0"

Division 24.100 Processing of Applications

Sec. 24.101 Application and Approval Process

Formatted: Indent: Left: 0"

The review processes for subdivisions and site plans are shown in:

Formatted: Space After: 12 pt

Figure 24.101, *Minor Subdivision Approval Process*,

Figure 24.105, *Minor Site Plan Approval Process*,

Figure 24.106A, *Major Subdivision Approval Process (Part 1)*,

Figure 24.106B, *Major Subdivision Approval Process (Part 2)*,

Figure 24.116A, *Major Site Plan Approval Process (Part 1)*,

Figure 24.116B, *Major Site Plan Approval Process (Part 2)*.

Sec. 24.102 Application Fees

Fees shall be charged for applications pursuant to these Regulations as provided in a Schedule of Fees established by the County Commission, which may be revised from time to time. Such fees shall be proportioned to the cost of processing, reviewing and verifying, and approving proposed subdivision plans or site plans for development.

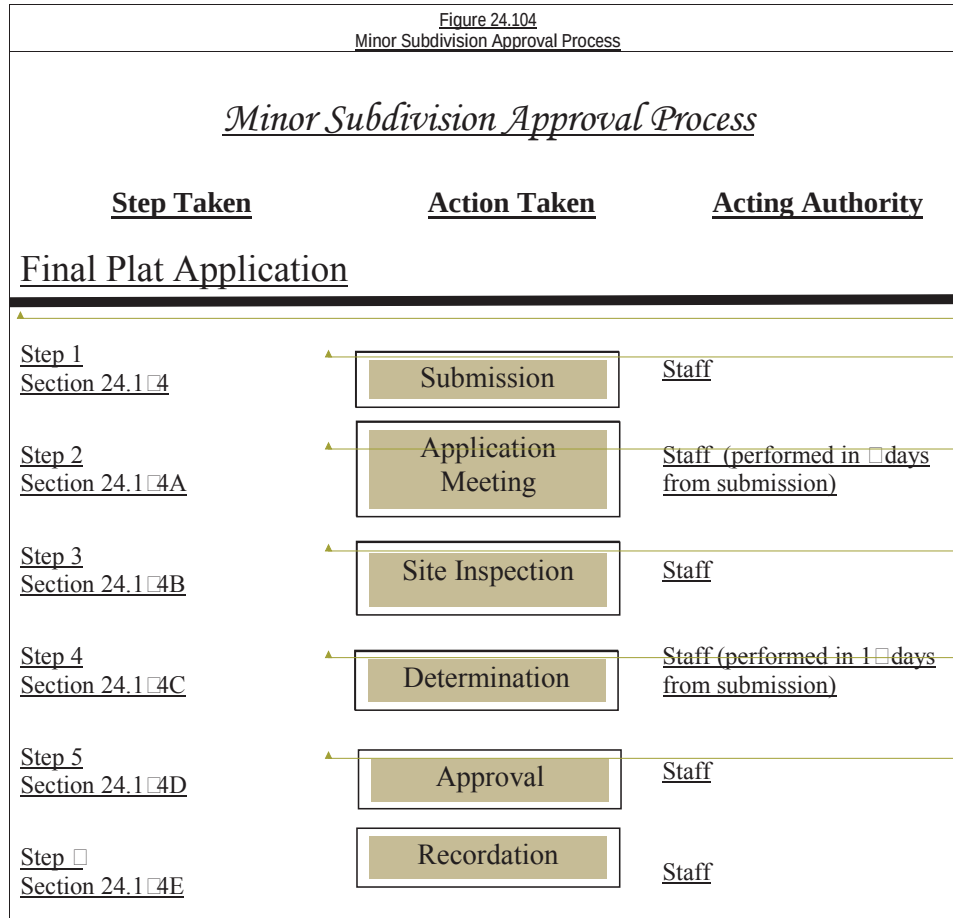
Sec. 24.103 Pre-Proposal Conference or Review

For all major subdivisions and site developments, a pre-proposal conference (PPC) is optional, but highly recommended. A PPC is an informal meeting where the applicant can talk to County staff, ask questions, and get direction on preparing the plat or plan in accordance with County regulations.

- A. **Submission.** A brief form that identifies the property, describes the proposal and a sketch plan are required. If there is a preliminary concept plan, it is strongly recommended that it also be submitted at this time as this will allow discussion at a more detailed level. Applicants who wish to have a pre-proposal review of a proposed Minor Subdivision and who submit the brief form with an eligibility checklist and sketch plan, shall waive the PPC unless specifically requested.
- B. **Scheduling.** Staff shall schedule the PPC and hold it within fifteen days from receipt of the form and sketch plan submittal.
- C. **Discussion Items.**
 - 1. Concept plans and ideas regarding land use, street and lot arrangements, and tentative lot sizes.
 - 2. Tentative proposals regarding water supply, sewage disposal, surface drainage, highway access and street improvements, and public recreational facilities.
 - 3. Presentation of tentative density calculations based on the zoning district in which it will be located.
 - 4. Identification of potential environmental constraints and tentative mitigation measures, as required in the Zoning Ordinance and these Regulations.
 - 5. Anticipated timing of proposed subdivision or development project.
- D. **Conference.** The conference shall involve an informal presentation by the applicant as to the proposal. Department staff will respond to this and make any recommendations or comments that are possible with the level of detail that is submitted. Concept plan application forms will be provided by staff. A question and answer period on the submittal will follow to best inform the applicant of the process and requirements of the application.
- E. **Conference Memorandum or Review Checklist.** Within ten days, after the PPC is held, the Department shall prepare a memorandum that identifies the proposal and indicates any specific guidance given to the developer. It shall be sent to the applicant and Planning Commission. After review of any minor subdivision which utilizes the eligibility checklist, the checklist shall be returned to the applicant with a stamp of approval or disapproval. Said approval shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the approval of an eligibility checklist, then meeting the amended zoning requirements, if adopted, shall be a condition of the approval.

- F. **Effect.** The PPC is an informational meeting and has no effect other than information being echanged. Staff approval of an eligibility checklist permits the applicant to proceed to Final Plat submission.

Figure 24.104
Minor Subdivision Approval Process



Formatted: Font: 18 pt, Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

(For minor subdivision criteria see the definition, Subdivision, Minor and Sec. 20.201, Minor Subdivisions.)

Sec. 24.104 Minor Subdivision Plat Application– Determination

General. An applicant for a minor subdivision plat shall be subject to the procedures of this Section upon submittal of a final plat application and the corresponding fees to the Planning Commission. All minor subdivision plats shall follow the final plat standards in Appendix A, *Plan & Plat Standards*.

- A. **Application Meeting.** Within seven days after the submission of the final plat, the applicant and the staff shall meet to discuss the proposed subdivision and the criteria used to classify the proposal as minor. The applicant may choose to waive this meeting but shall do so upon submission.
- B. **Site Inspection.** The staff shall make a site inspection of the proposed subdivision.
- C. **Determination.** Within ten days after the submission of the subdivision final plat, the staff shall notify the applicant in writing that the proposed subdivision has or has not been classified as a minor subdivision.
- D. **Approval.** Within ten days after the subdivision has been classified a minor subdivision, the staff shall approve, approve with conditions, or deny the plat. If the plat has been approved with conditions, the applicant shall be notified in writing of the conditions. The plat shall not be considered approved until all conditions are met and documented by staff.
- E. **Recordation.** The applicant shall have 60 days after approval to file and record the final plat, together with any deed restrictions/covenants as may be required, in accordance with W.Va. Code §39-1-13. The approval shall become void if it is not filed within the 60 day period. The following documents shall be submitted to the Department of Planning:
 - 1. One (1) ~~mylar~~ **Mylar** copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
 - 2. Three (3) paper copies of the Final Plat;
 - 3. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS requirements; and
 - 4. One (1) digital copy of any deed restrictions/covenants in a form suitable to the Department.

Figure 24.105
Minor Site Plan Approval Process

Minor Site Plan Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
<u>Site Plan Application</u>		
Step 1 <u>Section 24.105A</u>	Submission	<u>Staff</u>
Step 2 <u>Section 24.105B</u>	Application Meeting	<u>Staff (performed in 7 days from submission)</u>
Step 3 <u>Section 24.105C</u>	Site Inspection	<u>Staff</u>
Step 4 <u>Section 24.105E</u>	Determination	<u>Staff (performed in 10 days from submission)</u>
Step 5 <u>Section 24.105F</u>	Approval	<u>Staff</u>

Formatted: Font: 18 pt, Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

(For minor site plan criteria see the definition, Site Plan, Minor and Sec. 20.201, Minor Subdivisions.)

Sec. 24.105 Minor Site Plan Application – Determination

- A. **General.** An applicant for a minor site plan, who does not schedule a pre-proposal conference, shall be subject to the procedures of this Section upon submittal of a copy of a site plan application and the corresponding fees to the Planning Commission. All minor site plans shall follow the site plan standards in Appendix A, *Plan & Plat Standards*.
- B. **Application Meeting.** Within seven days after the submission of the site plan, the applicant and the staff shall meet to discuss the proposed site plan and the criteria used to classify the proposal as minor. The applicant may choose to waive this meeting but shall do so upon submission.
- C. **Site Inspection.** The staff shall make a site inspection of the site plan.
- D. **Determination.** Within ten days after the submission of the site plan, the staff shall notify the applicant in writing that the proposed site plan has or has not been classified a minor site development.
- E. **Approval.** Within ten days after the site plan has been classified as minor site plan, the staff shall approve, approve with conditions, or deny the site plan.

(For minor site plan criteria see the definition, Site Plan, Minor and Sec. 20.201, Minor Subdivisions.)

Figure 24.106A
Major Subdivision Approval Process (Part 1)

Major Subdivision Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
<u>Pre-Proposal Conference</u> ☐ optional ☐		

Formatted: Font: 18 pt, Underline

Step ☐
Section ☐ ☐ ☐ ☐ A

Formatted: Underline

Submission

Step 2
Sections 24.103B, C & D

Formatted: Underline

Conference

Staff Conference within
15 days from submission

Step 3
Section 24.103E

Formatted: Underline

Memorandum

Staff Memo within 10 days

Concept Plan

Formatted: Underline

Step 1
Section 24.106

Submission &
Completeness
Review

Staff

Formatted: Underline

Step 2
Section 24.107

Public Workshop

Planning Commission

Formatted: Underline

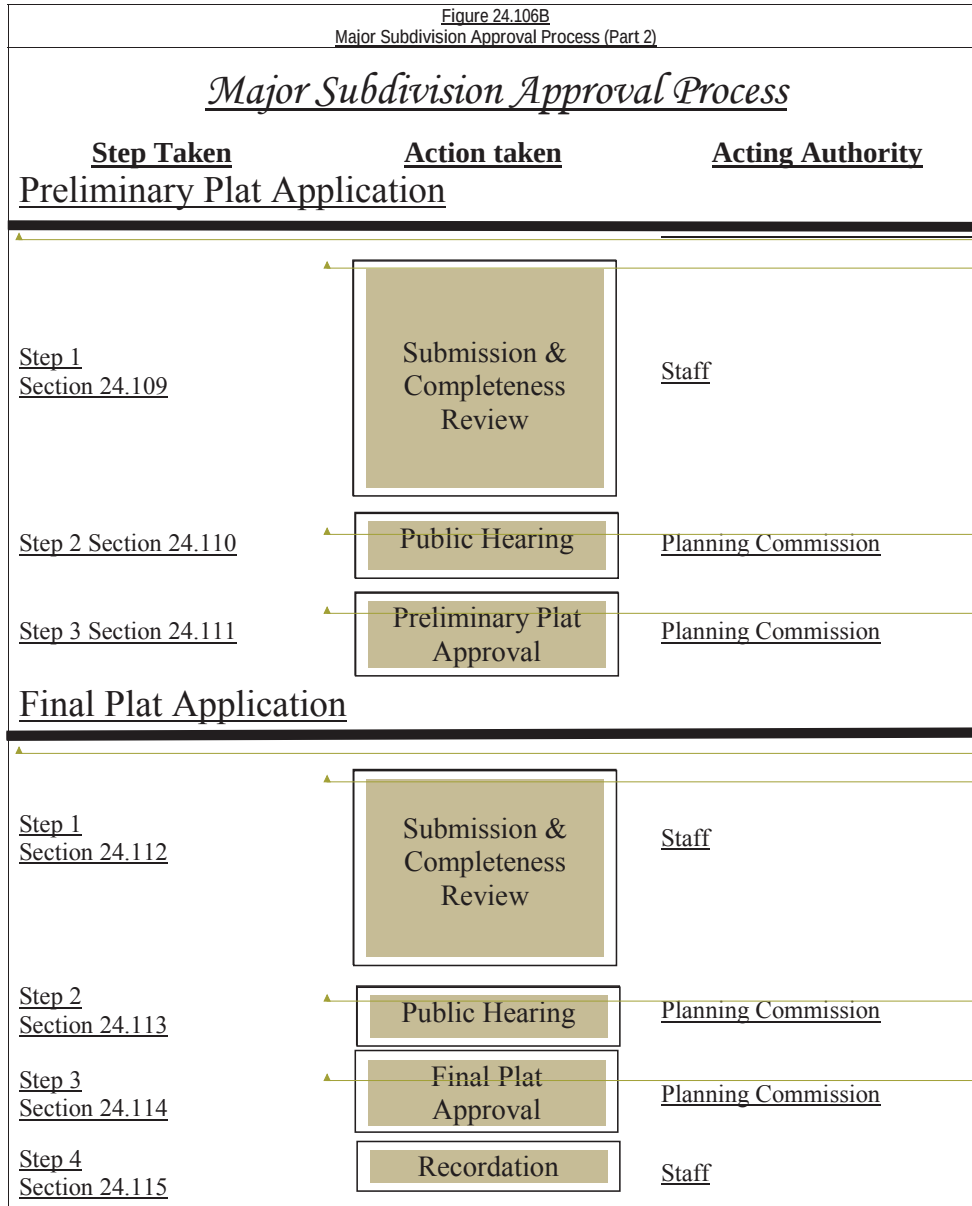
Step 3
Section 24.108

Concept Plan
Direction

Planning Commission

(For major subdivision criteria see the definition, Subdivision, Major and Sec. 20.202, Major Subdivisions.)

Figure 24.106B
Major Subdivision Approval Process (Part 2)



Formatted: Font: 18 pt, Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: 18 pt, Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Sec. 24.106 Major Subdivision Concept Plan - Submission and Completeness Review

The submission of a concept plan is a required step for major subdivisions. The department shall have 45 days to complete the sufficiency and completeness review. At the time of submission the Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public works shop. Within the 45 days the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient it shall be returned to the applicant. In order to keep on the proposed schedule the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting all reviewing material including outside agency reviews shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission works shop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the planning department. It shall be accompanied by the fee for a concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A Plan & Plat Standards. Show or note if all features are addressed.
 3. **Zoning Information.** This shall include
 - a. Determination of the zoning district in which the proposed subdivision or development project is situated.
 - b. Density calculations.
 - c. Site resource map.
 4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed commentary zoning and development option selected if the development is residential.
 5. **Traffic Impact Data.** This shall include
 - a. Average daily trip figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table

USE	PEAK HOUR	AVERAGE DAILY
Single family	0.0	0.0 per d.u.
Detached	0.0	0.0 per d.u.
Downhouse	0.0	0.0 per d.u.
Mobile Home	0.0	5.0 per d.u.

Formatted: No underline

Formatted Table

Formatted: No underline

Formatted: Left

Formatted: No underline

Formatted: Left

Formatted: No underline

Formatted: Left

Formatted: No underline

Formatted: Left

- c. Nearest key intersection that will serve the proposed project. A key intersection is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
- d. Highway Problem Areas according to the current Comprehensive Plan that falls within a one-mile radius of the project.
- e. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current FHWA Traffic Engineering Directive, a traffic study will be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of placing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining proposed improvements shall be received with the first submission of the preliminary plat.

- **Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 10 days after review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide a copy of the letter sent to outside agencies to the Department of Planning and Zoning within 10 days of the submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.
- **Adjoining Property.** The applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. The adjoining and Homeowner's Associations shall be notified by staff of the date of the workshop.
- **Other Data.** Any other data or information the applicant believes will assist in the review.

9. **Other Reviews.** Any other staff or agency reviews of the plans.

- C. **Review Content.** The Department and agency reviews shall address the areas indicated in the following below and any other areas of concern to the agencies.

D. **Department.** The Department review shall include the following:

1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.
2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.

E. **WVDOH.** When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.

F. **Traffic Impact.** The review shall indicate whether a traffic impact study will be required based on analysis required in 24.106.B.5.e.

G. **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.

H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plat should be denied.

I. **Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.

J. **Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in the local newspaper one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. 24.107 Major Subdivision Concept Plan - Public Workshop

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and inputs on the proposed concept plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

A. **Plan Presentation.** The developer shall make a short presentation of the plan.

B. **Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.

- C. **Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the preliminary plat and report such transportation or engineering matters.

Sec. 24.108 Major Subdivision Concept Plan - Direction

After the close of the public workshop or at any public meeting within 14 days thereafter, the Planning Commission shall provide direction on the concept plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment—however the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.

- A. **Direction.** The Planning Commission shall direct the preparation of a preliminary plat subject to conditions to be addressed in the preliminary plat application. The purpose of this review is to guide the developer so that when the preliminary plat application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a preliminary plat (Section 24.10□). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, and then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.109 Major Subdivision Preliminary Plat - Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.

Formatted: Left

B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.

1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
- ☐ **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Preliminary Engineering Plans.** A preliminary engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.
5. **Preliminary Landscape Plans.** A preliminary landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
6. **Transportation Impact Study.** Where applicable, analysis, commentary, drawings, or other material specifically addressing conditions in the concept direction. This shall include comments or material from WVDOT regarding the impact study and any responses from the developer's engineers.
- ☐ **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals.
- ☐ **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers.
- ☐ **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** A Phase I archaeological study is required. A historic resources impact study shall also be included.
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
12. **Stormwater Management Plan.** A Stormwater ☐ anagement Plan, as described in the Jefferson County Stormwater ☐ anagement Ordinance, must be submitted as part

of the preliminary plat to be reviewed by the Jefferson County Engineering Department.

~~12-1~~ ☐ **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.

~~14~~ ☐ **Names.** ☐ame of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.

~~14-15~~ **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.

~~15-16~~ **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.

C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.

D. **Department of Planning.** The Department review shall include the following:

1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform ~~with~~to Zoning and Subdivision Ordinance standards.
2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.

E. **WVDOH.** When appropriate, the WVDOH review shall determine whether the on-site conditions of the preliminary plat are acceptable to the Department, including sight distances, access location, turning or by-pass lanes, road configuration, road alignment and road drainage. A review of the traffic study shall be conducted and any problems or concerns with the study methodology or findings identified. WVDOH shall identify any off-site improvements that shall be required of the developer. A list of concerns to be addressed on the final plat shall be provided.

F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.

G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.

H. **Approval.** If the preliminary plat is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same ☐ otherwise, the Planning Commission shall find it complete and accept it.

- I. **Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.110 , *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.110 Major Subdivision Preliminary Plat - Public Hearing

Within 45 days of accepting an application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed preliminary subdivision plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing. The scope of this public hearing shall be limited to whether the application meets the requirements of these Regulations and the Zoning Ordinance.

Sec. 24.111 Major Subdivision Preliminary Plat - Approval

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning Commission shall (1) approve the application, (2) approve the application with conditions, (□) deny the application, or (4) hold the application up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold. Additional legal advertisement is not required.

- A. **Approval.** The Planning Commission shall review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. In making the decision, the following rules apply:
 1. **Zoning.** The preliminary plat application must be denied on zoning grounds if the staff's decision is that the proposed project does not comply with the Zoning Ordinance. If staff indicates it can meet zoning with a specific condition, these conditions shall be required by the Planning Commission. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
 2. **Impact Fees.** The County has adopted impact fee requirements that apply to parks and recreation, schools, law enforcement, fire protection, and emergency services. All fees are collected from individual landowners or builders in conjunction with the building permit process. For this reason, the preliminary plat application cannot be denied on the grounds of adverse impact on these services.
 - **Roads.** The Planning Commission shall have the jurisdiction over any developer or subdivider to require the installation of such improvements as are deemed proper within or adjacent to the subdivision to assure safe access to and from the public highway, and maintain an adequate flow of traffic on the public highway. Improvements required may include the installation of traffic signs and signals, constructing left or right turn lanes, acceleration and deceleration lanes, or reconstructing public roads to eliminate vertical or horizontal curves. Such improvements shall be acceptable to and approved by the West

Virginia Division of Highways, provided a denial of such approval shall supersede Planning Commission authority under this provision. The roads impacted by a development are State roads under the jurisdiction of WVDOH. The Planning Commission shall not substitute its judgment of the safety or performance of roads for that of WVDOH unless there is compelling professional evidence that WVDOH has erred in its determination of impact.

4. **Sewer and Water Systems.** All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the Jefferson County Public Service District (JCPSD), and/or the City of Charles Town or private utilities, depending on the service area within which they are proposed. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.
 5. **On-Site Water Supplies and Sanitary Waste Disposal.** The Jefferson County Health Department shall make a determination regarding the feasibility of on-site wells and septic tanks (or other means of on-site disposal), where applicable.
 6. **Engineering and Landscaping.** The plan being reviewed consists of substantial sediment and erosion control, stormwater management and sewer or water system engineering, landscaping, and site development plan. There will be adjustments in additional work that needs to be done for final engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and Engineering Department may attach conditions to ensure that specific issues are addressed.
 - ☐ **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.
- B. **Conditions.** It is anticipated that there will be conditions for slight site adjustments and many conditions from the planning department and agencies on engineering and landscaping that must be met in the preparation of the final plat, final engineering, and final landscaping. In addition, there will be conditions on surety, payment of impact fees, and any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.
- C. **Effect.** The approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

Sec. 24.112 Major Subdivision Final Plat - Application - Submission and Completeness — Review

The submission of a final plat application is a required step for all subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, the final

Formatted: Left

plat shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the completeness public hearing. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission meeting.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department of Planning. It shall be accompanied by the fee for final plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 - 1. **Final Plat.** The final plat shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 - 2. **Density Calculation and Site Resource Map.** This map shall have the final plat superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 - ☐ **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 - 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 - 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
 - 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the preliminary plat approval. WVDOH approvals shall be secured prior to final approval.
 - ☐ **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plats, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
 - ☐ **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system, and its location on the site shall be indicated.
 - ☐ **Special Engineering.** If the site is in or partially in areas designated as high vulnerability areas, preliminary geotechnical engineering assessment may be required. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations shall be complied with and require final engineering approval. All natural resources which have specific resource protection standards in the Zoning

Ordinance or these Regulations, shall be complied with, and require final engineering approval.

10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.

11. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Jefferson County Engineering Department.

~~11.12.~~ **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.50 *Amount of Surety*

~~12.1~~ **Other Agencies.** Required agency sign offs that the final plat is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County Planning Department, and other review agencies certifying that the application is consistent with approved preliminary plat and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.

~~12.14.~~ **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.

C. **Endorsements on Final Plats.** The following certificates shall be placed on all final plats:

1. **Surveyor.** Certificate of accuracy and mapping by professional licensed surveyor signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, and corporations, and lenders with financial security interests.

D. **Additional Information.** The Department shall:

1. Review and approve all matters under its jurisdiction.
 2. Issue a zoning compliance letter.
- ☐ Certify that all proffers have been satisfied.

E. **Approval.** If the final plat is found by the Planning Commission to be incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same. Otherwise, the Planning Commission shall find it complete and accept it.

F. **Effect.** After staff concludes the completeness review, staff shall place the final plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.11 *Major Subdivision Final Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.113 Major Subdivision Final Plat - Public Hearing

Within 45 days of accepting the application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed final plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing.

- A. **Subjects Covered.** The scope of this public hearing shall be limited to whether the final plat application meets the requirements of these Regulations and the Zoning Ordinance.
- B. **Hearing Procedure.** The hearing shall be conducted in accordance with the Bylaws of the Jefferson County Planning Commission.

Sec. 24.114 Major Subdivision Final Plat - Approval

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up to 45 days for additional information.

- A. **Approval.** If the final plat application is consistent with the preliminary plat application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.112 (B)(12), the Planning Commission shall approve the subdivision application.
- B. **Denial.** Denial can only be done on the following basis:
 - 1. The plat (plan, plat, final engineering, or final landscaping) is inconsistent with the approved preliminary plat or conditions of said approval.
 - 2. Failure to provide surety.
- C. **Plat Signing.** The Planning Commission President shall authorize the signing of the plat.
- D. **Effect and Vesting.** The approval of the final plat application and signing of the plat makes the document recordable.

Sec. 24.115 Major Subdivision Final Plat - Recording

The applicant shall have 180 days after approval to file and record the final plat for lots to be recorded, together with any deed restrictions as may be required, in accordance with W.Va. Code §39-1-13. The approval shall become void if it is not recorded within the 180 day period. The following documents shall be submitted to the Department of Planning:

- A. One (1) ~~mylar~~ Mylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
- B. Three (3) paper copies of the Final Plat;
- C. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS Office-requirements; and
- D. One (1) digital and one (1) paper copy of any deed restrictions/covenants in a form suitable to the Department.

Figure 24.116A
Major Site Plan Approval Process (Part 1)

Major Site Plan Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
Pre-Proposal Conference (Optional)		
Step 1 Section 10A	Submission	
Step 2 Sections 10B C D	Conference	Staff Conference within 1 days from submission
Step 3 Section 103	Memorandum	Staff Memo within days
Concept Plan		
Step 1 Section 11	Submission and Completeness Review	Staff
Step 2 Section 11	Public Workshop	Planning Commission
Step 3 Section 118	Concept Plan Direction	Planning Commission

(For major site plan criteria see the definition, Site Plan, Major and Sec. 20.204, Major Site Development.)

Formatted: Font: 18 pt, Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: 18 pt, Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Figure 24.116B
Major Site Plan Approval Procedure (Part 2)

<i>Major Site Plan Approval Process</i>		
Step Taken	Action taken	Acting Authority
Site Plan Application		
Step 1 Section 24.119	Submission & Completeness Review	Staff
Step 2 Section 24.120	Public Hearing	Planning Commission
Step 3 Section 24.121	Site Plan Approval	Planning Commission

Formatted: Font: 18 pt

Sec. 24.116 Major Site Plan Concept Plan - Submission and Completeness Review

The submission of a concept plan is a required step for major site plans. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the planning department. It shall be accompanied by the fee for concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.
 3. **Zoning Information.** This shall include:

- a. Determination of the zoning district in which the proposed site plan project is situated.
 - b. Density calculations.
 - c. Site resource map. (See definition)
 - d. Use designations for all adjoining and confronting parcels.
4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multifamily residential.
5. **Traffic Impact Data.** This shall include:
- a. ADT figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table:

USE	PEAK HOUR	AVERAGE DAILY
Townhouse	0.□	□0 per d.u.
Mobile Home	0.□	5.0 per d.u.
Light Industrial	1.2	5.5 per 1000 s.f.
Industrial Park	0.□□	□0 per 1000 s.f.
Warehousing	1.□3	4.□per 1000 s.f.
Mini warehousing	0.2□	2.□per 1000 s.f.
Office	2.□2	1□□per 1000 s.f.
Small Shopping Center	15.51	11□0 per 1000 s.f.
Convenience Market	54.□0	□25□000 leasable s.f.

- c. Nearest key intersection that will serve the proposed project. A key intersection is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. Highway Problem Areas according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. If a use is not listed in the table above, the most current edition of the Institute of Transportation Engineers Trip Generation Manual or Handbook shall be referenced to determine appropriate trip generation figures.
- In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOT Traffic Engineering Directive, a traffic study will be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the site plan.

Formatted: No underline

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted Table

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

Formatted: Left, Position: Horizontal: Center, Relative to: Page

Formatted: Position: Horizontal: Center, Relative to: Page

- ☐ **Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than ☐ days after the review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Departments of Planning and Zoning with ☐ days of submission of Concept Plan. If any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.
- ☐ **Other Data.** Any other data or information the applicant believes will assist in the review.
- ☐ **Other Reviews.** Any other staff or agency reviews of the plans.
- 10. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners ☐ addresses adjoining the subject property. The adjoining and Homeowner's Associations shall be notified by staff of the date of the workshop.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in D through ☐ below and any other areas of concern to the agencies.
- D. **Department.** The Department review shall include the following:
 1. Whether the density, use, and plan meet the requirements of the Zoning ☐ rdinance and any other ☐ ning issues that can be identified at the concept plan submission. (☐ andscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other ☐ ning issues the developer shall address in a site plan submittal.
 2. Staff opinion as to whether the plan meets the site plan criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- ☐ **WVDOH.** W ☐ D ☐ H shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If W ☐ D ☐ H determines that a traffic study needs to include more area than required by these Regulations or the Zoning ☐ rdinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- F. **Traffic Impact.** The review shall indicate whether a traffic impact study will be required based on analysis required in 24.11 ☐ B.5.e.
- ☐ **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.
- H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.
- I. **Approval.** ☐ nless there are reviews indicating that the development cannot conform to the Zoning ☐ rdinance, be serviced by public services, or provide its own utilities, or other factors

that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.

- **Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in a local newspaper of general circulation in the area one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. 24.117 Major Site Plan Concept Plan - Public Workshop

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and inputs on the proposed concept plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

- A. **Plan Presentation.** The developer shall make a short presentation of the plan.
- B. **Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.
- C. **Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the site plan and report such transportation or engineering matters.

Sec. 24.118 Major Site Plan Concept Plan - Direction

After the close of the public workshop, the Planning Commission shall, during their regular meeting or at a specific public meeting within 14 days, provide direction on the concept plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment□ however the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.

- A. **Direction.** The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the Zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions, unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a site plan (Section 24.11□ *Major Site Plan Application – Submission and Completeness Review*). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any Zoning changes have been presented in a public hearing prior to the decision on

the concept plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.119 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. The Department shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department of Planning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 - 1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 - 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 - 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 - 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 - 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
 - ☐ **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be resubmitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
 - ☐ **Water and Sewer Services.** This shall include a declaration of Public Service District approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
 - ☐ **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.

- **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.

10. Open Space. Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.

10.11. Stormwater Management Plan. A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Jefferson County Engineering Department.

11.12. Surety. Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*

12.13. Other Agencies. Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County 911 Addressing Department, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.

13.14. Names. Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.

14.15. Additional Information. The Department shall:

1. Review and approve all matters under its jurisdiction.
2. Issue a zoning compliance letter.
3. Certify that all proffers have been satisfied.

C. Signature Blocks on Site Plans. The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff .** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. Approval. If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. Effect. Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule

a public hearing within 45 days and in accordance with Section 24.12. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.120 Major Site Plan Application - Public Hearing

Within 45 days of accepting the application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed site plan. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing.

- A. **Subjects Covered.** The scope of this public hearing shall be limited to whether the site plan application meets the requirements of these Regulations and the Zoning Ordinance.
- B. **Hearing Procedure.** The hearing shall be conducted in accordance with the bylaws of the Jefferson County Planning Commission.

Sec. 24.121 Major Site Plan Application - Approval

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up to 45 days for additional information.

- A. **Approval.** If the site plan application is consistent with the concept plan application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.11 (12), *Other Agencies*, the Planning Commission shall approve the site-plan application.
- B. **Denial.** Denial can only be done on the following basis:
 - 1. The plan (plan, final engineering, or final landscaping) is inconsistent with the approved concept plan or conditions of said approval.
 - 2. Failure to provide surety.
- C. **Site Plan Signing.** The Planning Commission President shall authorize the signing of the plan.
- D. **Effect and Vesting.** The approval and signing of the site plan allows the applicant to provide surety, if necessary, and begin construction.

Division 24.200 Amendments

Sec. 24.201 Amendment and Modification of Site Plans

- A. **General.** Site plans shall be amended or modified in the same manner as they were originally approved.
- B. **Substantial Compliance ~~With~~ Previous Approval.** The Zoning Administrator shall approve an application to modify a site plan where it is demonstrated that the proposed modification or elimination will result in substantial compliance with the approved site plan, as demonstrated by all of the following:
 - 1. Development density and intensity have not materially changed, in that:
 - a. the number of buildings is not increased by more than 5 percent;

- b. the number of stories is the same or fewer;
 - c. the height of the building(s) is the same or less;
 - d. the number of units is the same or fewer;
 - e. the lot coverage and floor area ratios are the same or less;
 - f. the number of bedrooms and corresponding parking spaces may be increased or decreased by as much as 5 percent, based on the entire plan, provided the plan complies with all other requirements of these Regulations and the Zoning Ordinance; and
 - g. density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.
2. Design has not materially changed, in that:
- a. the roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
 - b. the parking area is in the same general location and configuration;
 - c. the building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development, attached single family development, townhouse and cluster development may also be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either
 - i. the underlying zoning district regulations, or
 - ii. any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;
 - d. the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
 - e. the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
 - f. elevations and renderings of buildings, if originally provided, have substantially similar architectural expressions as those shown on the approved plans;
 - g. recreational facilities, if shown on approved plans, either remain the same or are converted from one recreational use to another;
 - h. if recreational facilities were not shown in the approved plans, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
 - i. if a variance for signage has been granted, the proposed sign(s) are no greater in size and are placed in the same general location on the site as originally approved.

An entrance sign location may be moved the same proportional distance as a relocated entrance drive;

- j. the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Zoning Ordinance that were not previously approved at public hearing, or of expanding the scope of existing variances such that they would differ to a greater degree from the strict application of the Zoning Ordinance;
- 3. Additional outparcels may be added where:
 - a. there is no increase in the project's total floor area ratio or lot coverage;
 - b. there is no reduction in the total amount of landscaped open space; and
 - c. addition of the outparcel does not result in noncompliance with any other provision of these Regulations or the Zoning Ordinance on any other portion of the subject property.
 - 4. Reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of the Zoning Ordinance.

Sec. 24.202 Amendment, Modification, and the Vacating of Subdivision Plats

A. **Amendment.** The Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

- 1. All of the property that is affected by the amendment is under the ownership of the applicant;
- 2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
- 3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

□. **Minor Modification.** The Zoning Administrator may authorize minor modifications to a plat if no lots have been sold as follows.

- 1. Design has not materially changed, in that:
 - a. the roadway patterns, including ingress-egress points, are not moved more than five feet (centerline) from their indicated location on the original plat, and are no closer to the rear or interior side property lines than shown on the original plat;
 - b. parking areas are in the same general location and configuration;
 - c. the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
 - d. the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
 - e. recreational facilities, if shown on the plat, either remain the same or are converted from one recreational use to another;

- f. if recreational facilities were not shown in the approved plat, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
- g. the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Zoning Ordinance that were not previously approved at public hearing, or of expanding the scope of existing variances such that they would differ to a greater degree from the strict application of the Zoning Ordinance;

2. If lots have been sold, the minor modification process shall only be used for the relocation of septic reserve locations on individual lots.

C. **Vacating All or Part of Plat.** The Planning Commission may vacate a subdivision plat either in whole or in part if it is demonstrated that:

- 1. The persons making application for vacating a property own the fee simple title to the whole tract, or the entirety of that part of the tract covered by the plat which is sought to be vacated;
- 2. Vacating the property will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
- 3. All easement holders whose easements are indicated only on the plat (and not by separate recorded instrument) provide written consent to the vacating of the property.

Sec. 24.203 Reformation of Approved Site Plans or Subdivision Plats to Correct Clerical or Scrivener's Errors

A. **Reformation by Application.** The Zoning Administrator shall approve an application to reform a clerical or scrivener's error in a subdivision plat or site plan approval, including an error in an application or notice, which error causes the approval to not accurately reflect the approving body's intent, and where it is demonstrated that all of the following requirements are met:

- 1. the reformation does not include a change of judgment, policy, or prior intent of the approving body;
- 2. prior to the conclusion of the public hearing at which the approval for which reformation is sought was taken (if a public hearing was required), the current applicant either did not know of the error, or knew of the error and made it known to the adopting board;
- 3. the reformation is essential to ensure that the approved subdivision plat or site plan reflects the intent of the approving body;
- 4. the record, including but not limited to the staff recommendation, minutes, and motion, evidences the clear intent of the approving body;
- 5. the substance of the decision of the approving body was evident at the time of the approval, and there was no intent to deceive the public or the approving body on the part of the current applicant at any time;
- ☐ failure to approve the reformation would lead to an unjust result;
- ☐ the error in the prior approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and

- any errors related to public notice did not affect the legal sufficiency of the required notice.
- **Reformation by Zoning Administrator.** Notwithstanding the foregoing provisions, the Zoning Administrator, within 30 days of the approval of a subdivision plat or site plan, may reform a clerical or scrivener's error without public notice, if:
 1. the error is not related to public notice, and
 2. the error causes the approval as written to inaccurately reflect the clear decision of the approving body.
- C. **Relation Back.** A reformed approval shall relate back to the original approval and the effective date of the corrected language shall be deemed to be the same as the effective date of the previous approval.

Division 24.300 Waivers

□ aivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria: (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature; (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents; (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and (4) that the waiver if granted will result in a project of better quality and/or character. No process or procedural waivers shall be granted.

- A. **Applicant.** An application for a waiver may be made by anyone with a financial interest in a property. The owner is responsible for providing all information and justification for the waiver request.
- **Application.** An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:
 1. Plat or plan of the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications.
 2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these Regulations, and any known prior uses;
 3. A description of the specific portions of these Regulations for which relief is being sought;
 4. A narrative describing how the proposed waiver will improve the public benefits.; and
 5. An accurate list of all properties and owners' addresses adjoining the subject property.
- C. **Public Notice.** The applicant shall post the property fourteen (14) days prior to the scheduled meeting. The adjoining property owners shall be noticed by staff via mailed letter fourteen (14) days prior to the scheduled meeting.

- D. **Action.** The Planning Commission shall make a decision within 30 days of the receipt of the request for waiver.
- E. **Conditions of Approval.** In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with these Regulations.
- All waivers and/or conditions of approval associated with the waiver shall be documented on all subsequent plats or plans.

Division 24.400 Appeals

An appeal of a decision of the Planning Commission or staff regarding subdivision or site development decisions shall be taken directly to Circuit Court of Jefferson County, West Virginia, pursuant to § 20-2-1a, Code § 20A-5-1 and § 20A-1, et seq.

Division 24.500 Surety

All major subdivisions and all site developments shall be required to provide security that meets the approval of the Department, agencies responsible for accepting the improvements, and in accordance with the County Commission Bonding Policy. Surety is a financial guarantee that the improvements proposed in the subdivision or site development are made as planned if, for some reason, the developer fails to make the required improvements.

Sec. 24.501 Improvements Requiring Surety

- A. **Requirement.** Each of the following elements or systems requires surety:
1. Clearing, Grading, and Site Preparation.
 2. Stormwater Facilities.
 3. Water and Sewer Utilities or facilities.
 4. Streets, Sidewalks, Parking, Curbs, Street Drainage, and Lighting.
 5. Landscaping and Recreation Facilities.
- Other Utilities.
- . **Exception.** Utilities that install their own infrastructure (such as telephone, electric, gas, and cable companies) will not require surety.

Sec. 24.503 Amount of Surety

- A. **Cost Estimates.** The developer shall submit cost estimates from the project engineer for the cost of such installation.
- . **Review and Approval.** The County planning department and engineers shall review the cost estimates and make upward adjustments if they find the cost estimates below those the County is currently experiencing.
- C. **Amount.** The surety shall be in the amount of 115 percent of the approved estimate. This covers inflation, the cost of inspecting, and rebidding if the developer defaults and the County has to take over construction or construction supervision.

Sec. 24.504 Funding of Improvements

A. **On-Site Infrastructure.** All on-site infrastructure shall be provided by the developer.

- ☐ **Off-Site Infrastructure.** Generally, off-site infrastructure that is necessitated by the development shall be funded by applicable impact fees or proffers (if proffers are made). The County may also approve developer construction of off-site infrastructure.

Sec. 24.505 Improvement Location Permit

An improvement location permit and/or building permit is required prior to the erection, relocation, or alteration of a building or structure, prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use, and prior to any land altering activity in a flood prone area.



Formatted: Space Before: 0 pt

Division 25.100 Enforcement and Penalties

Sec. 25.101 Authority

The planning commission, governing body, ordinance compliance officer, or any authorized employee or agent may enforce these Regulations in the manner provided for in this section and by applicable law, including but not limited to § .a. Code §A-3 and § .a. Code §A-11, *et seq.*

Sec. 25.102 Procedure

1. Upon learning of a potential violation of these Regulations, the ordinance compliance officer or staff shall investigate to determine whether a violation has occurred.
2. When it appears after investigation that a violation of these Regulations has occurred, the ordinance compliance officer or staff shall notify the violator by means of a written violation notice. The violation notice shall specify the nature of the violation and request that the violation cease within fifteen (15) days from the date appearing on the notice. Failure to terminate the violation within this time period shall be cause for the planning commission, governing body, ordinance compliance officer, or other authorized employee or agent to:
 - a. Seek an injunction in the Circuit Court of Jefferson County to restrain the violator from continuing the violation, including but not limited to requests for the removal of structures or land uses from the property involved; and
 - b. Seek a misdemeanor conviction in magistrate court or circuit court.

Sec. 25.103 Penalties

Any person who violates any provision of these Regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars nor more than five hundred dollars. Each day during which any violation of these Regulations occurs shall constitute a separate offense.

Division 26.100 Word Usage and Abbreviations

Sec. 26.101 Word Usage

This Division's provisions and rules shall be observed and applied when interpreting these Regulations, except when the context clearly requires otherwise. Words used or defined in one tense or form shall include other tenses or forms.

- A. Words in the singular number shall include the plural number. Words in the plural number shall include the singular number.
- B. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.
- F. The word "Attorney" shall mean the Office of the Prosecuting Attorney of Jefferson County or any individual attorney therein.
- G. The phrase "Board of Zoning Appeals" shall mean the Board of Zoning Appeals of Jefferson County. It may be abbreviated BZA.
- H. The phrase "Comprehensive Plan" shall mean the Comprehensive Plan of Jefferson County. It includes all adopted maps, charts, and explanatory materials and subsequent amendments.
- I. The word "Commissioners" shall mean the Jefferson County, County Commission.
- J. The word "County" shall mean Jefferson County, West Virginia.
- K. The word "Department" shall mean the Jefferson County Department of Planning.
- L. The phrase "Landmarks Commission" shall mean the Jefferson County Historic Landmarks Commission.
- M. The word "Owner" shall mean or include the person holding title to the property, lessees, occupant, or person in charge of the property for management or construction.
- N. The phrase "Planning Commission" shall mean the Jefferson County Planning Commission.
- O. The phrase "County Clerk" shall mean the Jefferson County Office of County Clerk.
- P. The phrase "Professional Engineer" shall mean an engineer licensed in the State of West Virginia.

Formatted: Normal, Space Before: 6 pt, After: 6 pt

Formatted: Right: 1", Top: 1"

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0.5", Hanging: 0.5", Tab stops: Not at 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.5", Tab stops: Not at 0.5"

Formatted: Indent: Left: -1.63"

- Q. The word “staff” shall mean the Jefferson County Planning, Zoning or Engineering Departments, Zoning Administrator, and such other employees or consultants designated by the County Commission.
- R. The word “State” shall mean the State of West Virginia.
- S. The phrase “Department of Health” or “Health Department” shall mean the Jefferson County Health Department. Sec. 26. 2 Abbreviations

The following abbreviations are used in these Regulations

AASHTO	American Association of State Highway and Transportation Officials
ac.	Acre
DBH	diameter at breast height for a tree
du or dus	dwelling unit
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
ft.	feet
C/G	concrete and gravel
GD	gross density
GIS	Geographic Information Systems
LSR	landscape surface ratio
max.	maximum
min.	minimum
na.	not applicable
ND	net density
OSR	open space ratio
sf.	square feet
S.F.	single family
SPCS	State Plane Coordinate System
SWM	~~storm water~~ stormwater management
USGS	United States Geological Survey

Formatted: Indent: First line: 0"

Formatted: Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

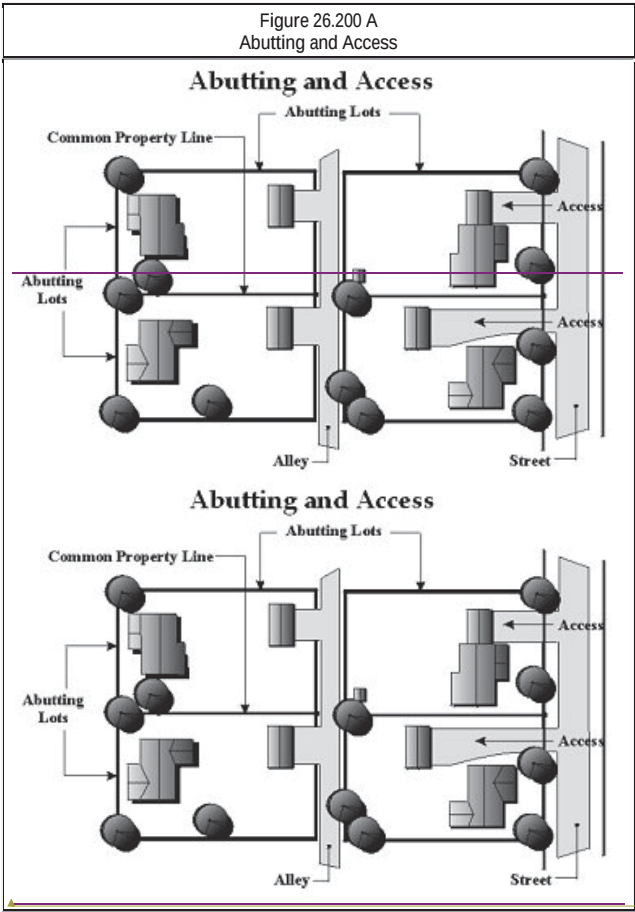
Formatted: Font: Palatino Linotype, 8 pt

Division 26.200 Definitions of Terms

The following definitions describe the meaning of the terms used in these Regulations. Appendices may contain additional definitions which are specific to the particular appendix in which they are located.

A

Abutting. Two lots sharing the same or common property lines, including lots separated by an ~~alley~~ alley.



Access Easement. That portion of a lot used for ingress/egress to an ~~abutting~~ abutting lot and shown on a final plat by a recorded easement declaration. In no case shall a street right-of-way be construed to mean an easement.

Access. An area designated as a way for vehicles to enter or leave a property or lot to a public or private street or alley-alley. Access is intended to permit residents to bring their vehicles onto the property to allow customers or tenants to park and to provide for public access in emergencies. See Figure 26.200 B1 Abutting and Access.

Adequate Infrastructure. This includes water sewer roads parks and recreation emergency services and stormwater facilities. To be adequate they shall meet all construction requirements of these regulations and the County. In addition the County shall require that there is adequate capacity where the connection is made to the system and in mains interceptors or other off-site facilities including treatment facilities and storage facilities.

Administrator. Refers to the Planner or Zoning Administrator designated by the County Commission who shall enforce and interpret the provisions of these regulations.

Agency. The governmental entity department office or administrative unit responsible for carrying out regulations.

Alley. See Street, Service-Street, Service.

Appeal. A way to obtain review of a decision determination order or act of staff or the Planning Commission pursuant to the terms of these regulations.

Applicant. A person firm or governmental agency that executes the necessary forms to obtain approval or a permit for any zoning subdivision site development building land disturbance or other activity regulated by these regulations.

Application. The completed form or forms and all accompanying documents exhibits and fees required of an applicant by the applicable department board or commission of the county for development review approval or permitting purposes.

Approval. Approval shall mean final action granting an application given by the appropriate administrative body specified in Article 11, *Administrative Bodies*, as having final approval responsibility.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Arterial Street. See Street, Arterial.

B

Base Flood. The flood having a one percent chance of being equal to or exceeded in any given year.

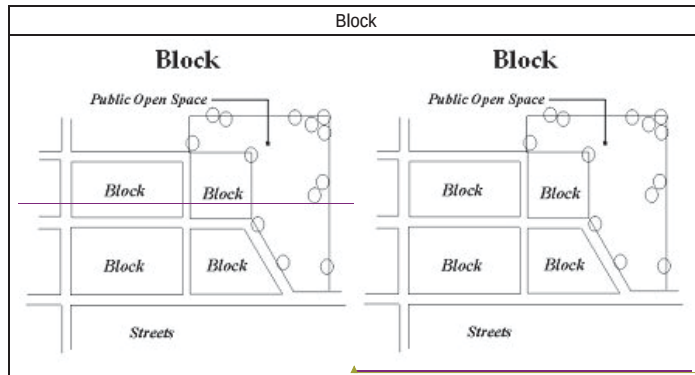
Base Flood Elevation. The elevation in Mean Sea Level of the Base Flood.

Best Management Practices. That combination of conservation measures, structures, vegetation, or management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or waterways and water bodies.

Block. An area of land surrounded on all sides by streets or other transportation right-of-ways or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots.

Figure 26.200 B1

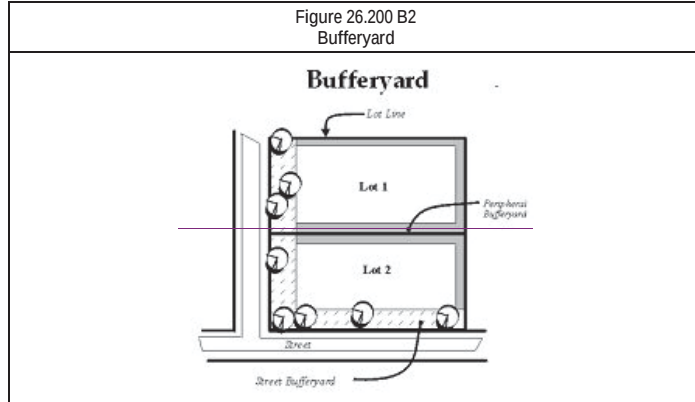
Formatted: Indent: Left: 0"



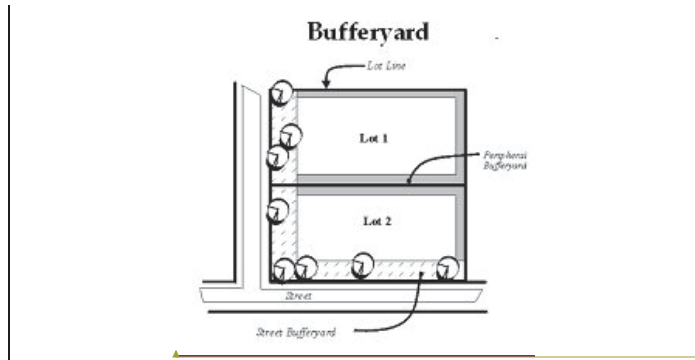
Formatted: Font: Arial Narrow, 9 pt

Buffer. A designated area between two uses or zoning districts deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise mitigate such incompatibility by some combination of construction design, vegetative plantings, fences, and/or maintenance practices which shall be permanently maintained.

Bufferyard. A strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict. Bufferyards include street bufferyards that protect the use from road related nuisances or that screen undesirable uses.

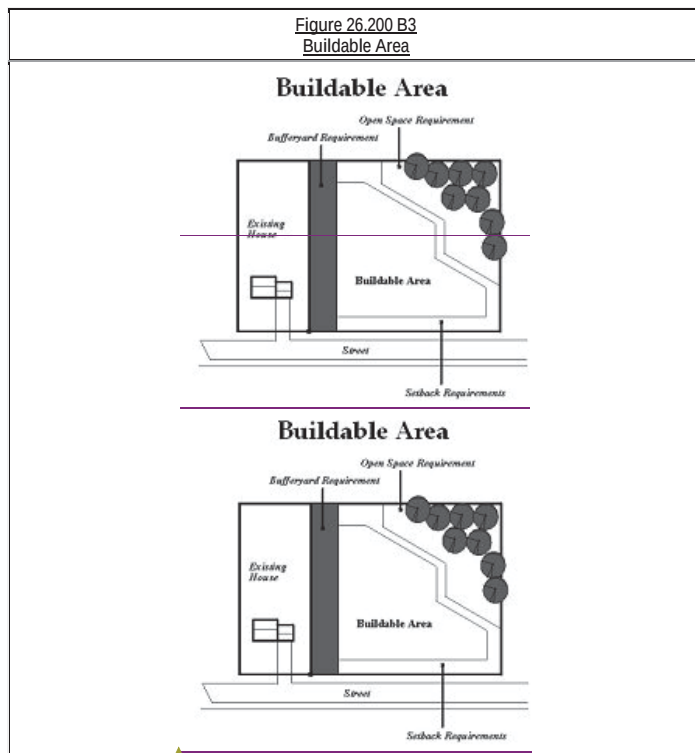


Formatted: Indent: Left: -1.63"



Formatted: Font: Arial Narrow, 9 pt

Buildable Area. The space remaining on a lot after the minimum open space or landscape surface requirements, bufferyards, and setbacks have been met. See *Net Buildable Site Area*.



Formatted: Font: Arial Narrow, 9 pt,

Building. A structure built on a lot or parcel of land, having a roof, and intended to shelter people, animals, property, or business activity. Any structure used or intended to be used for supporting or sheltering any use or occupancy. The word "building" shall be construed as if followed by the words "or part or parts thereof and all equipment therein."

Business Owner's Association (BOA). See *Homeowner's Association (HOA)*.

C

Calendar Day. Consecutive days including Saturday, Sunday, and holidays. See *Days*.

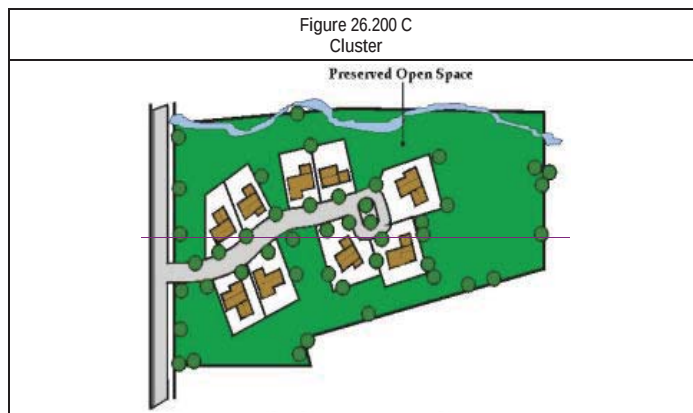
Centralized Sewer System. A sanitary sewage collection and treatment system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal system serving a community and owned and/or operated and maintained by a Public or Private Utility.

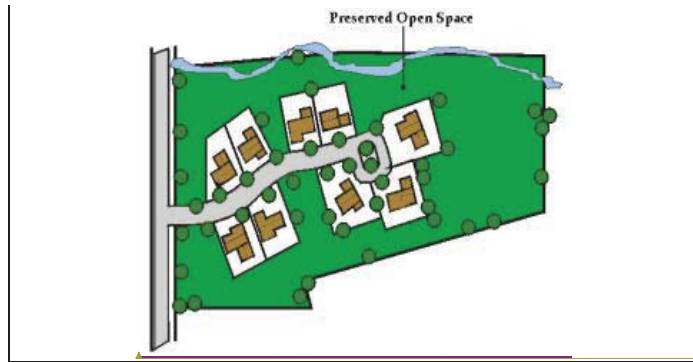
Certificate of Occupancy. A statement signed by the Building Official setting forth that a building, structure, or use legally complies with the Zoning Ordinance and the applicable Building Codes and that the building, structure, or use may be used for the purposes stated therein.

Child. Any person who is a natural or legally defined offspring of the owner of a parcel of land.

Clean Fill. A non-decomposable, environmentally inert solid such as rock, soil, or gravel.

Cluster. A development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural or built resources. See Figure 26.200 C, *Cluster*.





Formatted: Font: Arial Narrow, 9 pt

Collector Street. See *Street, Collector*.

Collector, Residential. See *Street, Residential Collector*.

Formatted: Indent: First line: 0"

Commencement of Construction. Commencement of construction means that a building permit or other written permit required to be issued by the Building Official has been issued and work has commenced under such permit. This is recognizable upon an inspection of the property and which work is of a nature and character that reflects a good faith intention to continue the work until completion, such as the clearing of right-of-ways, rough-grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

Community Sewer System. A sanitary sewage collection and treatment system in which sewage is carried from individual lots, by a system of pipes to a central treatment and disposal system generally serving a neighborhood and owned and/or operated and maintained by a Public or Private Utility as defined above.

Completeness Review. The completeness review determines not only whether the applicant has submitted all required information, but also includes the technical review of the material to determine whether the plan and infrastructure is properly designed and will function adequately. A submission requires roads, sewer, water, and zoning information that only a thorough review by agencies responsible for these items can determine whether the information is present and correct. The drawing, engineering and otherwise, must work when built in the field on the conditions of the site. Agency reports on the plan are part of the required application to the Planning Commission. The developer's submission and agency review are essential to provide a complete application that can be reviewed by the Planning Commission and citizens.

Comprehensive Plan. A plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing body's jurisdiction. (*Source Chapter 8A of the West Virginia Code.*)

Conservation. The planned management of a natural feature to prevent its exploitation, destruction, or neglect.

Conservation Area. An area designated on the site-plan, preliminary or final plat intended to preserve and protect natural resources or a public or private land use that preserves an area in a natural condition.

Conservation Easement. A conservation easement is a recorded document that restricts the use of land to uses that are compatible with environmental conservation, historic preservation, or open space preservation. Conservation easements do not involve transfer of fee simple title to the property to be conserved.

Construct or Construction. The erection of a new building, structure, or object upon a site.

Constructed Wetland. A low-lying area, artificially created by dredging, damming, or berming of earth for the retention of water and the establishment of a hydrophytic vegetative community.

Contiguous. Lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous. *(Source: Chapter 8A of the West Virginia Code)*

Covenant or Restrictive Covenant. A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding upon subsequent owners of the property.

D

Days. Monday through Friday, excluding holidays and any days on which the County offices are closed.

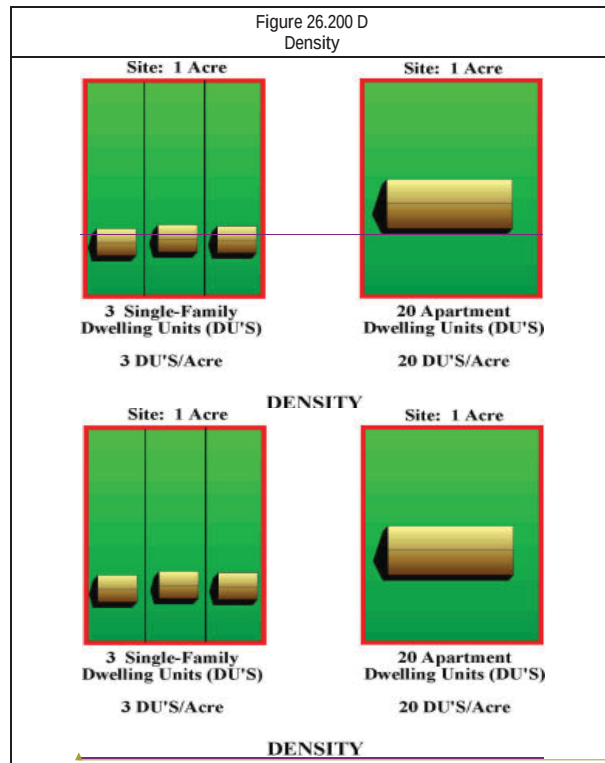
Dedication. The transfer of private property to public or common ownership, such as a Homeowner's Association, for a public purpose. The transfer may be in fee simple interest or less than fee simple interest, including easements. Dedication requires the acceptance of the interest to be complete.

Deed Restriction. A restriction placed within a deed that controls the use of the property. Deed restrictions travel with the deed, and therefore with the property, and cannot generally be removed by new owners.

Density. The average number of dwelling units allowed on an acre of land. It may also measure the families, housing units, or rental rooms. For example, the figure below shows two types of land uses on an acre of land. The first shows a density of three homes per acre. The second shows a density of two apartment units per acre.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: -1.63"



Formatted: Font: Arial Narrow, 9 pt

Department. See Section 26.101, *Word Usage*.

Design Storm Frequencies. Time interval in years at which a storm occurrence has a chance to exceed or equal the storm of specific duration and intensity used in design of drainage facilities.

Detention/Retention Basin. A natural or man-made structure designed as a temporary holding basin for water. Water may be detained to minimize flooding downstream or retained to increase aquifer recharge.

Developer. A person seeking to build or develop as defined in these Regulations.

Development. Construction of a new building or other structures on a lot, the relocation of an existing building on another lot, or the use of open land for a new use. In addition, it also means any man-made change to improved or unimproved real estate, including, but not limited to, parking, fences, pools, signs, temporary uses, clearing of land, dredging, filling, grading, paving, or excavation.

Disposal Field. A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Drainage. The process by which surface water (usually from rainfall) moves across the land surface. See Division 22.400, *Drainage*.

Formatted: Indent: Left: 0"

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 0"

Drainage Areas. The delineated areas that currently contribute or are proposed to contribute runoff to a specific location or point.

Drainage Facility. Any system of artificially constructed drains, including open channels and separate stormwater sewers, used to convey stormwater, surface water, or groundwater, either continuously or intermittently, to natural water courses.

Drip-line. A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

Driveway. A private ~~accessway~~access way, primarily for vehicles, leading from a street to a parking or loading area.

E

Earthen Berm. A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise or to control the direction of surface water flow.

Easements. Any portion of a parcel, subject to an agreement between the property owner and another party, which grants the other party the right to make limited use of that portion of the property for a specified purpose. See ~~Conservation Easement~~Conservation Easement.

Elevation Certificate. A FEMA form to be completed by a professional engineer or surveyor to document the elevation of the lowest floor, including basement, of all new and substantially improved structures.

Eligibility Checklist. A form created by the department to assist applicants in determining if they are eligible for the minor subdivision process.

Endorsement. The signature of the Director of Planning and Zoning appended to the final plat to signify approval thereof.

Engineer, Professional. An individual technically and legally qualified to practice the profession of civil engineering and who is registered to do so in the State of West Virginia.

Environmental Report. Any study, report, or application required by these Regulations, such as critical natural areas, floodplains, riparian buffers, hillsides, water resource protection areas, and wetlands.

Environmentally Sensitive Area or Resource. Any land area containing (as an example) one, or more, of the following: (1) hillsides; (2) floodplain; (3) soils having high water tables; (4) highly erodible soils; (5) lands incapable of meeting minimum percolation standards; (6) former landfill or industrial waste areas; (7) stream corridors; (8) aquifer recharge or discharge areas; (9) wetlands; (10) scenic view corridors; (11) architectural areas of significant consequence or historic sites, districts, structures or trails; (12) mature stands of trees or vegetation; or any other area possessing environmental characteristics similar to those listed herein.

Ephemeral Stream. A channel that holds water only during or immediately after periods of precipitation. See also *Intermittent Stream*.

Erosion. The wearing away of soil or rock fragments by water, rain, wind, or earth gravity.

Essential Access. An access that must cross a resource restricted area, such as a wetland or hillside, to reach an area of the site that is otherwise buildable and would result in damage to the restricted resource.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: -1.63"

Expressway. A limited access highway designed to carry regional traffic. All intersections shall be grade separated.

F

Filling. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials. Biodegradable materials and other materials subject to decomposition or significant settling (such as garbage and other organic matter) shall not be considered filling.

Flag Lot. See *Panhandle Lot* or Section 21.302, *Flag Lots*.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland and tidal waters.
- . The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles and *water surface elevation* of the base flood, as well as the Flood Boundary-Floodway Map.

Flood Proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood Protection Elevation. An elevation established or defined in the Jefferson County Floodplain Management Ordinance.

Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain. A relatively flat or low-lying land area adjoining a river, stream, or *watercourse* which is subject to periodic partial or complete inundation. It includes:

- A. Those areas identified by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) as being subject to periodic inundation by a 100-year storm, including the floodway, flood fringe and areas for which no base flood elevations area available as depicted in the FEMA Flood Insurance Rate Maps for Jefferson County.
- . Those lands where a detailed study has not been performed, but where a 100-year flood boundary has been approximated. All land subject to inundation by the 100-year flood shall be considered floodplain. The actual elevation shall be established after consideration of any flood elevation, flood line, or floodway data available from federal, state, local, or other sources. The approximate floodplain appears on flood

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0"

Formatted: Tab stops: Not at 0.69"

insurance rate maps and flood boundary and floodway maps, where it may appear as Zone A.

Floodplain Administrator. A person accredited by the Board and assigned by the County to administer and implement laws and regulations relating to the management of the floodplains.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see *Flood or Flooding*).

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations. The zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

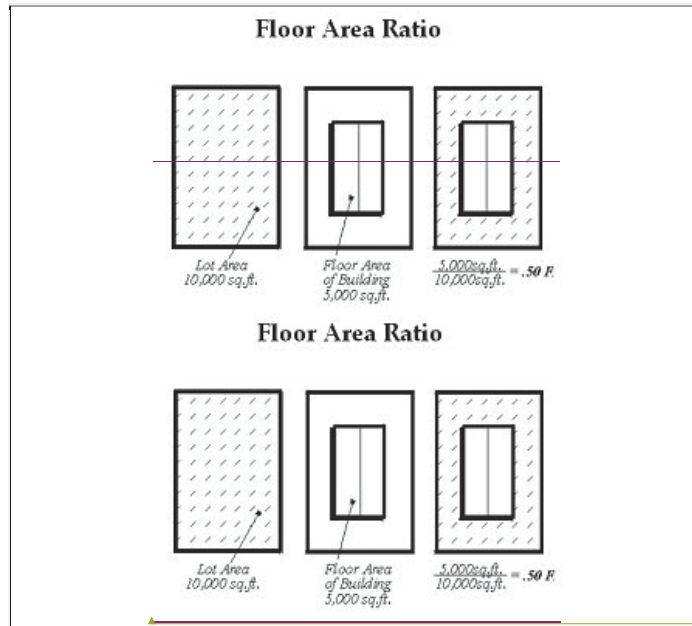
Floodproofing Certificate. A FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed, nonresidential building has been constructed in accordance with FIP requirements.

Floodway. The portion of the floodplain where water velocities are high and the majority of the discharge the waters of the 100-year flood occurs as delineated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

Floodway (Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the *water surface elevation* more than a designated height.

Floor Area Ratio (FAR). A measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low *building* covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded.

Figure 26.200 F
Floor Area Ratio



Formatted: Font: Arial Narrow, 9 pt, Font color: Red

Freeboard. Vertical elevation between 100-year flood elevation level and the top of bank or grade.

Formatted: Indent: Left: 0"

Frontage. The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

G

Formatted: Indent: First line: 0"

Geographic Information System (GIS). A computer mapping system that collects, stores, manipulates, analyzes, and displays digital geographic data.

Formatted: Indent: Left: 0"

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

Grade. The natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

Grading. The excavating, filling (including hydraulic fill), or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

Gross Area. The total land and water surface area contained within the boundaries of a lot or tract.

Gross Floor Area (GFA). The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

- A. The horizontal square footage is measured from the outside face of all exterior walls.
- B. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures shall

be included as □□A wherever at least seven feet are provided between the finished floor and the ceiling.

- C. □□o deduction shall apply for horizontal areas void of actual floor space (for example, elevator shafts and stairwells). The protected upper floors of open atriums and foyers shall not be included.

Groundwater. A portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

H

Highly Vulnerable Area. An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and □□ource Water □□rotection Areas makes the aquifer and groundwater highly vulnerable to contamination.

Highway. Any road thoroughfare, street, ~~boulevard~~boulevard, lane, court, railway, right-of-way, or easement used for, or laid out and intended for, public passage of vehicles or persons.

Hillside. Land that has an average percent of slope equal to or exceeding 10 percent.

Historic District. A geographically definable area, designated as historic on a national, state or local register, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

Historic Resource. A site, structure, area, or district possessing historic importance as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.

Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on a national, state or local register, or individually listed on a local inventory of historic places. (Source: Chapter 8A of the West Virginia Code).

Historic Structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Homeowner's Association (HOA) or Business Owner's Association (BOA). An incorporated nonprofit organization operating under a recorded land agreement through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expense for the organization's activities, such as, but not limited to maintaining drives, streets, roads, and other common property. Homeowner's Associations and the Uniform Common Interest Ownership Act of West Virginia are interchangeable and reversible terms. The most recent Uniform Common Interest Ownership Act of West Virginia shall prevail.

Hydric Soils. Soils which, in their natural, undrained state, are wet frequently enough at or near the surface to periodically produce anaerobic conditions, thereby influencing plant species composition and/or growth.

Formatted: Indent: Left: 0"

Hydrophytic Vegetation. Those plants which are adapted to life in saturated soil conditions.

I

Impervious Surfaces. Areas that do not allow significant amounts of water to penetrate.

Impervious Surface Ratio (ISR). The proportion of a development that is impervious surface. It is determined by dividing the area in impervious surface by the base site area.

Improvement Location Permit. A permit which is required prior to the erection or relocation of a building or structure; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and, prior to any land altering activity in a flood prone area.

Individual Sewer System. A wastewater system that only serves the lot on which the sewage is generated, with the effluent disposed on that lot.

Infiltration. The passage or movement of water through the soil profile.

Formatted: Indent: First line: 0"

Infrastructure. Facilities and services needed to sustain industrial, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, stormwater systems, streets and roads, communications, and emergency or public facilities such as fire stations, parks, and similar facilities.

Formatted: Indent: Left: 0"

Intensity. A measure of the degree of perceived level of activity as it applies to parking needs, traffic patterns, visual magnitude, or altered character on a particular parcel of land. Intensity as used in these Regulations is typically measured by the number of square feet of development or Floor Area Ratio per acre by land use type with respect to non-residential land uses.

Intermittent Stream. A well-defined channel with banks and a bed within which concentrated water flows only part of the year and is dry other parts. See also *Ephemeral Stream*.

K

Karst Feature. Karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Karst features include sinkholes, fissures enlarged by dissolution, and caves. Karst features may be open or filled and may have standing water or stream flow. There may be one feature alone or in groups, usually trending in linear groups along fractures or fissures.

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 0"

L

Land Development. See *Major Site Plan* or *Minor Site Plan*.

Formatted: Indent: First line: 0"

Formatted: Font color: Custom Color(19,28,111)

Land Grading. See [Grading-Grading](#).

Land, Improved. Vacant land that has been provided with power, water, sewage, streets and sidewalks, and other infrastructure.

Landowner. The holder of legal title to the land as recorded by the County Recorder.

Landscape Architect. An individual registered by the State to practice the profession of landscape architecture.

Landscape Plan. A plan associated with a subdivision, site development, or parking facility plan indicating the placement of trees, shrubs, groundcover, and affiliated structures and improvements including specifications, species, quantities, and installation as prepared by an West Virginia registered Landscape Architect.

Landscaping. The design and installation of plant material such as lawns, groundcover, trees, bushes, etc., in formal, informal, or natural arrangements.

Level of Service (LOS). A measure of traffic on a roadway segment or intersection being used during peak hours, as determined by the most current version of Report 20 of the Highway Capacity Manual, prepared by the National Research Council of the Transportation Research Board. Level of service is expressed on a scale of A to F with A indicating the best level of service and F indicating the worst. The definitions of levels of service A through F shall be those contained in the references cited in this definition.

Local Residential Access Street. A street that provides access to individual residential lots.

Local Street. See *Street, Local*.

Lot. A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area. The area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way.

Lot Line. A line, including property line or a lease line, dividing one lot from another or from a street or other public place. There are basically four types of lot lines -- front, rear, side, and street.

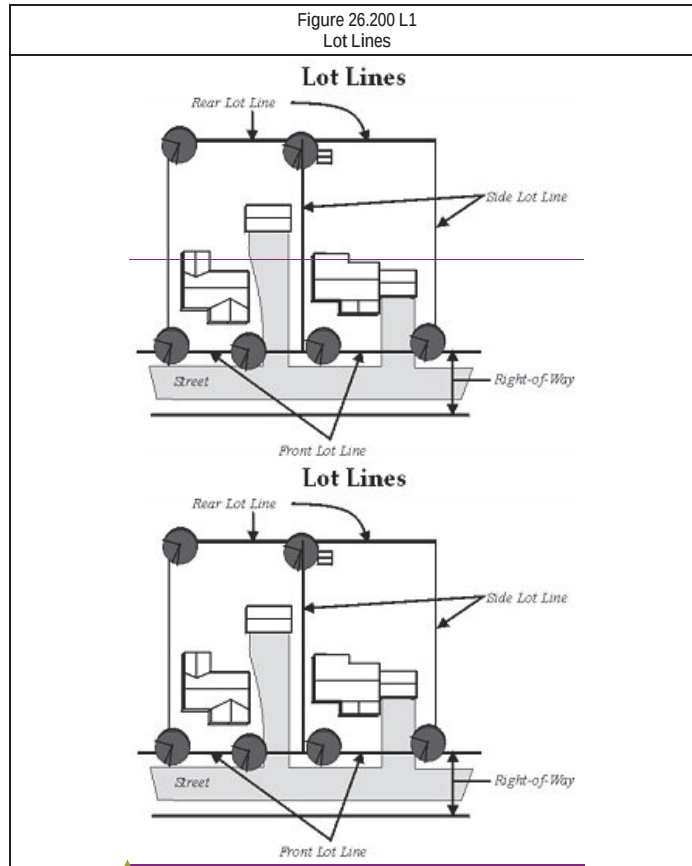
- A. **Front lot line.** The street lot line from which the unit takes access; or, where more than one street yard could safely provide this access, the street serving the smallest traffic volume.
- B. **Rear lot line.** The lot line opposite the front lot line.
- C. **Side lot line.** The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street, or rear lot line.
- D. **Street lot line.** Any lot line that is also a street right-of-way line.

Formatted: Indent: Left: 0"

Formatted: Indent: First line: 0"

Formatted: Indent: Left: -1.63"

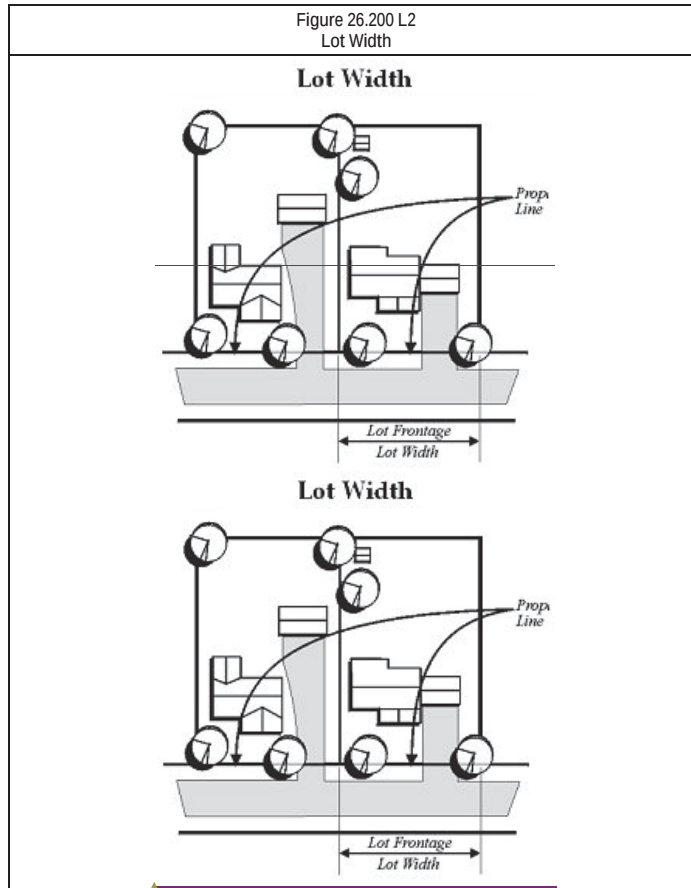
Figure 26.200 L1
Lot Lines



Formatted: Font: Arial Narrow, 9 pt

Lot, Panhandle. See ~~Panhandle Lot~~Panhandle Lot.

Lot Width. The distance across the lot (side lot line to side lot line) at the minimum front setback line or at the midpoint of the buildable area, whichever is less. Lot width is also the measure of frontage for lots (see ~~Frontage~~Frontage).



Formatted: Font: Arial Narrow, 9 pt

M

Maintenance Guarantee. A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to these Regulations or to maintain same.

Major Change. A change to the plan that increases density or floor area, decreases open space, *bufferyards*, or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the effective date of these Regulations, any proposed use not contained in the original advertisement shall be considered a major change.

Major Site Plan³. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 0"

Formatted: Indent: Left: -1.63"

- . Building[s] both new and additions to existing, where all structures located on the parcel are equal to or total more than □□□ square feet or more of □FA on any site;
 - except building[s] both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- . Apartment or multi-family development of ten or more dwelling units; or
- . A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Major Subdivision Plat. A plat that proposes subdivision of land, whether residential or non-residential, that requires the development of streets (public or private) or rights-of-way access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street.

Manufactured Home. Housing built in a factory according to the federal manufactured home construction and safety standards effective June □□, □□□□ (Source: W.Va. Code §8A-1-2(r))

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Eodetic Vertical Datum of □□□□, or other datum to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

Mean Surface Water Elevation. The observed limit of dry weather flow elevation in a ~~waterecourse~~waterecourse or mean high water level in tidal areas.

Minimize. To reduce to the smallest amount possible using *Best Management Practices*. Minimize shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement to minimize shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

Minor Change. A change to the plan that does not increase density or floor area, does not decrease open space, bufferyards, or parking, or does not ~~alter~~alter the alignment or layout of streets by more than five feet.

Minor Site Plan^{1&3}. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building[s] both new and additions to existing, where all structures located on the parcel total less than □□□ square feet gross floor area (□FA) on any site shall process administratively, and building[s] both new and additions to existing, where all structures

Formatted: Indent: Left: 0"

located on the parcel total more than 1,000 and less than 10,000 square feet gross floor area (GFA) on any site shall:

- Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition is placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition is placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
 - Building is both new and additions to existing that exceed 10,000 square feet gross floor area at the time of this adoption, adopted 10,000 square feet shall be permitted a one-time expansion up to 15,000 square feet gross floor area with a concept plan public workshop.
- . Building is both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Subsection A of this definition does not apply to this provision.
- . Apartment or multi-family development of nine or less dwelling units.

Minor site plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition. □

Minor Subdivision Plat. A plat that will not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, that proposes subdivision of land into five or less lots including the parent parcel.

Mitigation. Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

Moderately Vulnerable Area. An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and Source Water Protection Areas makes the aquifer and groundwater moderately vulnerable to contamination. This area contains a lower intensity of the conditions found in a highly vulnerable area.

Monument. A stone or concrete boundary marker, as required by these Regulations, intended to fix the physical location of property lines.

N

National Geodetic Vertical Datum (NGVD). Elevations referenced to mean sea level datum of the 1988 or 1989 National Geodetic Survey.

Natural Areas. Natural areas are areas of private lots or public land that have been created, recreated, restored, or preserved with locally indigenous plant species and are being maintained through the

Formatted: Indent: Left: 0"

Formatted: Indent: Left: -1.63"

encouragement of locally indigenous plant species and elimination of noxious weeds as determined by the West Virginia Code.

New Construction. For the purpose of determining insurance rates, structures for which the *start of construction* commenced on or after the effective date of an initial FIRM or after December 31, 2019, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming Structure. A *building*, structure, or parts thereof lawfully existing at the time these Regulations or a subsequent amendment to these Regulations became effective which does not conform to the dimensional requirements of the district in which it is located.

Nonconforming Lot. A lot, legally established prior to the effective date of these Regulations, which does not meet the standards of the district in which it is located. This can involve minimum area, buildable area, or dimensional requirements of the lot.

Nonconforming Use. A use of land or use of a *building* or structure lawfully existing at the time these Regulations or a subsequent amendment to these Regulations became effective which does not conform to the use requirements of the district in which it is located.

Non-delineated Floodplain. An area subject to a 100-year flood, adjacent to a watercourse that is identified by a blue line on the current United States Geological Survey 7.5-minute topographic maps of the County or in the detailed maps of the Jefferson County Soil Survey for which FEMA has not delineated a floodplain.

North American Datum 1983 (NAD83). The County's GIS data is mapped and stored according to this horizontal datum.

O

Occupancy. The use of land, buildings, or structures.

Open Space. Land and area to be left undeveloped as part of a natural resource preservation, recreation, *buffer yards*, or other open space provision of these Regulations. Open space excludes areas in lots, street right-of-ways, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Jefferson County.

Open Space Ratio. The proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected and/or preserved in the total land area in that resource.

Ornamental Planting Areas. Ornamental planting areas of private lots or public lands that are used for the growing of herbaceous or woody plantings for ornamental purposes. Determination of plant species

Formatted: Indent: Left: 0"

that may be considered ornamental is to be made by a landscape architect. Ornamental planting areas shall be free of weeds.

Outfall Points. □ specific location, as defined by local topography, where stormwater runoff exits a specific land area.

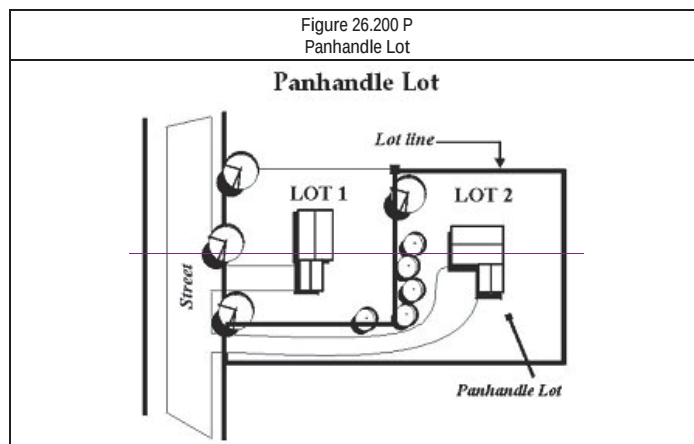
Outflow Hydrograph. □raphical representation of the runoff rate versus time for flow exiting a stormwater management facility.

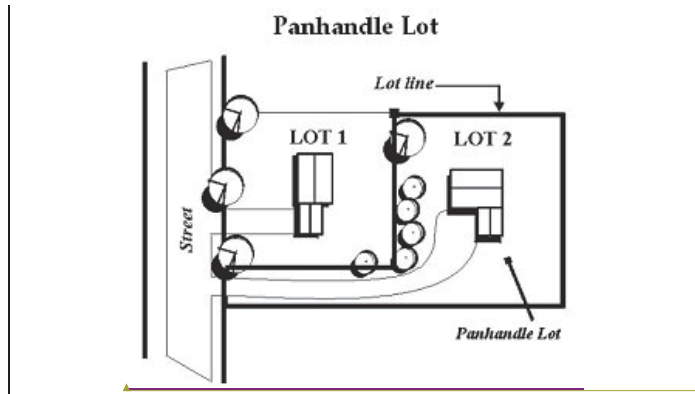
Outparcel. □ lot used for drainage, detention, agriculture, or open space, with distinct boundaries, which shall not be used for residential or nonresidential uses, that is created in the process of subdivision.

Owner. □ee ~~Landowner~~ Landowner.

P

Panhandle Lot. □ tract of land having insufficient lot width along a road or at the minimum setback line to meet □oning requirements, but with sufficient area to meet all lot requirements further back on the lot. □ometimes referred to as a *flag lot*.





Formatted: Font: Arial Narrow, 9 pt

Parcel. See *Lot*.

Formatted: Indent: First line: 0"

Parent. Any person who is a natural or legally defined parent of the owner of a parcel of land.

Park or Parkland. An area open to the general public and reserved for recreational, educational, or scenic purposes.

Formatted: Indent: Left: 0"

Paved Area. See *Impervious Surfaces*.

Percolation Tests. See *Soil Borings and Percolation Tests*.

Perennial Stream. A channel with banks and a bed within which concentrated water flows year-round but may stop flowing during prolonged drought.

Performance Guarantee. See *Surety*.

Permit. Documents issued by the County or State allowing a person to begin an activity provided for in these Regulations or other codes, ordinances, and regulatory provisions adopted by the County Commission.

Pervious. A description of a surface that presents an opportunity for precipitation to infiltrate into the ground.

Petition. A request for text amendment or a map amendment made by a property owner, a subject property owner, or by a group of property owners acting as a private citizens' group.

Plan, Concept. An informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or site development.

Planning Commission. See Division 23.300, *Planning Commission*.

Plans, Construction. The engineering drawings showing the construction details and the types of material for the physical structures and facilities (excluding dwelling units) and infrastructure to be installed in conjunction with the development of the project.

Plat. A document, prepared by a professional surveyor or licensed professional engineer, which delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

Plat, Final. A complete subdivision plat for recordation, including all required supplementary data, which defines property lines, proposed streets and other improvements, and easements or a plan of private streets to be dedicated to public use.

Plat, Preliminary. A subdivision plat that includes the construction plans (as defined above) and all required supplementary data, showing the approximate proposed street and lot or site layout, or a plan of existing private streets to be dedicated to public use. A preliminary plat is required to be approved by the Planning Commission after a public hearing, but precedes the processing of a final plat.

Plot. See ~~Lot~~-Lot.

Primary Access. The manner in which a property takes access to the public street system, ordinarily by a drive that intersects the street. Where there are several possible accesses, the one located or configured to have the most traffic is the primary access.

Private Utility. A privately owned entity regulated by West Virginia Public Service Commission and West Virginia Department of Environmental Protection, providing utility service to the general public (e.g.: water, wastewater, gas, electric, telephone, solid waste and cable).

Proffer. A voluntary offer in writing, which may be made by the owner or contract purchaser, of reasonable conditions in support of an application for rezoning, subdivision or land development approval, made prior to a public hearing before the governing body or planning commission, in addition to the regulations provided for the zoning district or requirements for subdivision or development, provided that (1) the rezoning or subdivision itself gives rise to the need for the conditions;

(2) the conditions have a reasonable relation to the rezoning or impacts associated with the proposed subdivision or development; (3) all conditions are in conformity with the Jefferson County Comprehensive Plan.

Reasonable conditions may include the payment of cash for, any off-site road improvement or any off-site transportation improvement that is consistent with the comprehensive plan and/or incorporated into the capital improvements program, provided that nothing herein shall prevent a locality from accepting proffered conditions which are not normally included in a capital improvement program. For purposes of this section, "road improvement" includes construction of new roads or improvement or expansion of existing roads as required by applicable construction standards of the West Virginia Division of Highways to meet increased demand attributable to new development. For purposes of this section, "transportation improvement" means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this title. Such improvements shall include, without limitation, public mass transit systems, public highways, and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.

Property Line. See ~~Lot Line~~-Lot Line.

Property Owner. A person or persons having an ownership interest in real property located within the geographic boundaries of Jefferson County, West Virginia.

Public Improvement. Any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths, storm sewers, stormwater management facilities, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, and public utility and energy services.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: -1.63"

Public Sewer System. A wastewater system serving two or more units that share common sewer lines and disposal facilities and owned and/or operated and maintained by a Public or Private utility as defined above.

Public Utility. A publicly owned or privately owned entity regulated by West Virginia Public Service Commission and West Virginia Department of Environmental Protection, providing utility service to the general public (e.g.: water, wastewater, gas, electric, telephone, solid waste and cable).

Public Water Supply Well. A well from which the water is used to serve a community water system.

R

Rational Method. An engineering method of predicting peak runoff rates.

Rear Yard. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

Remedy a Violation.

A. To take action to correct a violation. This could entail stopping or discontinuing an illegal use, tearing down or altering a structure, or seeking a variation or other action to make the use legal.

□. □ring the violating structure or other development into compliance with state or local floodplain management regulations or move the use or demolish the structure.

Required Street Yard. The street yard required by these Regulations that lies between the street and the setback line from any street - front, side, or rear.

Reserved Land(s). □ands generally set aside as farmlands to remain undeveloped unless and until such time as they may be rezoned.

Reserve Strip. A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

Residential Collector Street. See *Street, Residential Collector*.

Resource. A natural area or physical feature that is protected.

Restoration. The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area, including surface water and groundwater.

Retaining Wall. A structure which holds an earthen embankment in place.

Reverse Frontage Lot. A lot extending between and having frontage on two generally parallel streets.

Right-of-Way. An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system. □n no case shall a right-of-way be construed to mean an easement.

Riparian Buffer. A transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. □ is measured from the top of the bank of the stream, or the wetland boundary. □f wetlands or hillsides abut or are within the riparian buffer in A to D below,

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 0"

then they shall be included even when the distance exceeds the buffer in A to D below. The buffer width is as follows:

- A. Lakes and Ponds - 100 feet.
- B. Ephemeral Streams with stream channels - 100 feet (150 feet when located in the Elk Run and Elk Ranch watersheds).
- C. Potomac River and Shenandoah Rivers - 300 feet (unless a greater standard is required by the zoning ordinance).
- D. Shenandoah Creek and Perennial Streams - 100 feet.
- E. Wetlands, Natural - 100 feet.
- F. Wetlands, Farmed - 100 feet.
- G. Wetlands - 100 feet.
- H. Hillsides 1 to 2 percent - to the top of the slope where it falls below 1 percent or 100 feet, whichever is less.
- I. Hillsides 2 percent or more - to the top of the slope where it falls below 1 percent or 100 feet, whichever is less.

Road, Arterial. See *Street, Arterial*.

Road, Collector. See *Street, Collector*.

Road, Major Collector. See *Major Collector Street*.

Road, Minor Collector. See *Minor Collector Street*.

Roadway. The portion of a highway including the cartway and shoulders within a *right-of-way*.

Runoff. That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on the land surface.

S

Sanitary Sewage. Any liquid discharge from a structure or animal containment area, except roof drains.

Sanitary Sewage Disposal, Community. A sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, On-lot. A system in which sanitary sewage and wastewater is collected from a single use or dwelling unit, by a system of pipes, and carried to a *septic tank* and tile disposal field located within the boundaries of an individual lot or any other system approved by the West Virginia Health Department as an on lot system.

Sanitary Sewage Disposal, Public. A system in which sanitary sewage and wastewater is collected from multiple uses or dwelling units, by a system of pipes, and carried to a central disposal facility, generally serving a region.

Sanitary Sewer Line. A sanitary sewer collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal plant, or to other pipes that run to a central treatment and disposal plant.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: -1.63"

Sanitary Sewer System. A central treatment and disposal plant and related systems and pipes including, but not limited to, sanitary sewer lines.

Scale. A measure of intensity that relates to the size of the use.

A. **Uses.** Scale indicates traffic volumes associated with the use and, for some uses, the distance people will travel to the use. Location of uses may be regulated by their scale.

B. **Design.** Design standards for nonresidential uses are related to scale.

SCS Method. A method of estimating runoff and peak discharges in a *watershed*, including Technical Release 44 and Technical Release 40, promulgated by the U.S. Department of Agriculture.

Sediment. Soils or other surface materials transported and/or deposited by the action of wind, water, ice, or gravity as a product of erosion.

Sediment and Stormwater Management Erosion Control Plan. A plan for the control of soil erosion, and sedimentation, stormwater quantity, and water quality impacts resulting from any land disturbing activity—to be included as part of the Stormwater Management Plan.

Formatted: Indent: Left: 0"

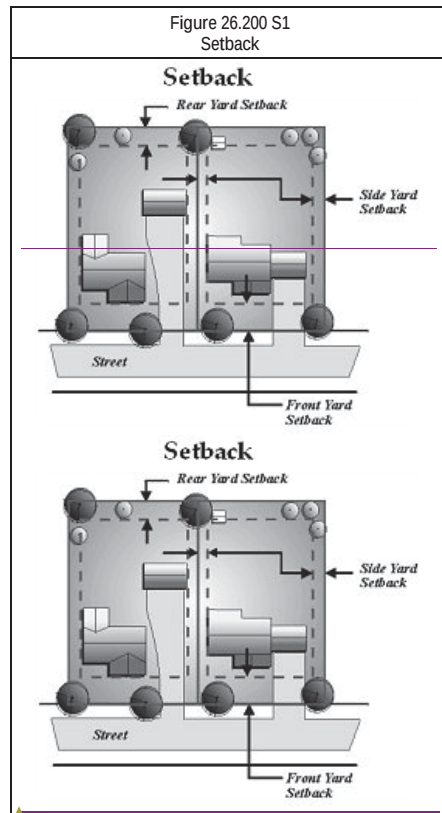
Selective Cutting. The felling of certain, but not all, trees in an area for the purpose of

- A. Removing dead, diseased, damaged, mature, or marketable timber
- B. Improving the quality of a tree stand or species
- C. Meeting personal domestic needs.

Septic Tank. A multiple compartment, watertight receptacle which receives sewage from a building and is designed and constructed so as to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Septic System, Individual. See *Sanitary Sewage Disposal, On-lot*.

Setback. A stated minimum distance on a lot as measured from a lot line.



Shallow Bedrock. This is an area where bedrock is within three feet of the surface, as determined by the general soil classifications found in Jefferson County. Any area where rock outcrops appears on the surface shall be considered shallow bedrock areas regardless of soil type, unless determined not to be

shallow bedrock by a qualified geotechnical engineer or engineering geologist by means of soil test borings, test pits, air track drill probes, or applicable geophysical methods.

Sidewalk. A pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street.

Side Yard. A yard between the parts of the principal building and the adjacent side lot line and extending from the front yard to the rear yard.

Formatted: Indent: Left: 0"

Sinkhole. A landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater. A sinkhole may form by collapse into subterranean voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved. A sinkhole is a depressional surficial feature and is generally circular in plan view. The boundary of a sinkhole is five feet beyond the point where the depression returns to the surrounding grades. There are several types of sinkholes.

- A. **Open sinkholes.** These are open to the potentiometric surface (water table) so that water is at the surface at the bottom of the sinkhole for at least a portion of the year. These are either directly connected or most likely to be directly connected to the aquifer. Any sinkhole open to a known cave system is also an open sinkhole.
- B. **Sinkhole with stream inflow.** This is a place where streams disappear into an open sinkhole that is obvious, or voids, fractures, or other areas that allow the stream volume to flow underground. These are directly connected to the aquifer.
- C. **Large Sinkhole.** A depression that extends into the bedrock with a minimum opening into the bedrock of 20 feet diameter. A depressional area that is filled with soil does not count as a large sinkhole, even though there may be numerous filled sinkholes within it.
- D. **Filled sinkhole.** Any sinkhole not meeting definitions A through C above.

Sinkhole Buffer. An area immediately around open sinkholes, sinkholes with stream inflow, and large sinkholes extending outward for 100 feet. The sinkhole drainage area may be entirely within or partially within the sinkhole buffer. After thorough investigation and written recommendation by a qualified geoscientist, including, but not limited to, soil test borings, test pits, air-track drill probe borings, and geophysics, the buffer may be reduced to 50 feet around portions of the sinkhole where so recommended.

Sinkhole Drainage Area. This is generally a depressional area that drains to one or more sinkholes. It may, in some cases, be a watershed leading to a sinkhole with stream inflow.

Site Development. The alteration of a parcel of land or its use that requires easements for drainage or other purposes, private roads, or parking and access to public roads involved that serve one or more land uses, where there is no subdivision into separate lots. See also *Site Plan*.

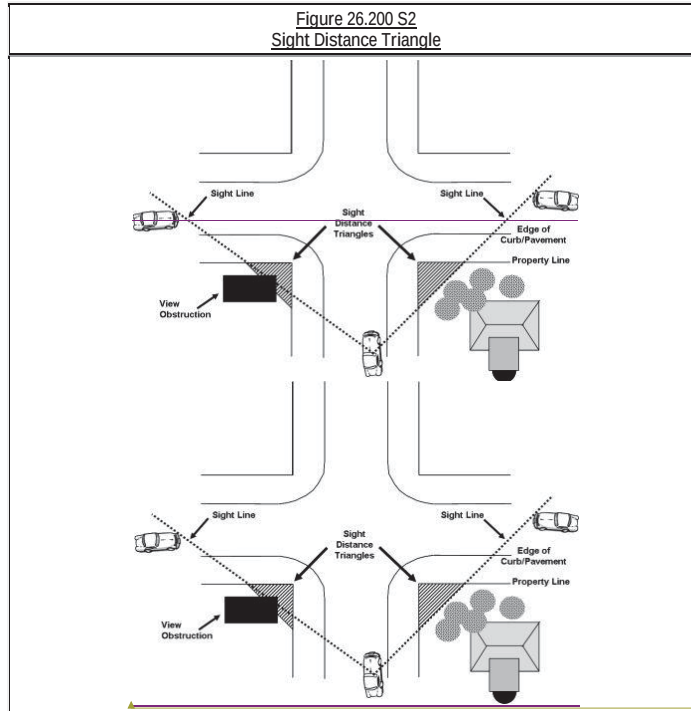
Formatted: Indent: Left: 0"

Formatted: Indent: Left: -1.63"

Sight Distance Triangle. The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway.

Formatted: Normal, Space Before: 0 pt,
After: 0 pt

Formatted: Font color: Auto



Formatted: Font: Arial Narrow, 9 pt, Font color: Red

Site Plan. An engineered document depicting the site improvements proposed by a developer and required by the land development codes of Jefferson County. There are two types of detail levels, Limited and Full, depending on the complexity.

Site Plan, Major³. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than 50,000 square feet or more of GFA on any site;
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. Apartment or multi-family development of more than ten dwelling units; or³
- D. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: -1.63"

Site Plan, Minor^{1&3}. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all structures located on the parcel total more than 5,000 and less than 50,000 square feet gross floor area (GFA) on any site shall:
 - Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
 - Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 07/17/00, shall be permitted a one-time expansion up to 15,000 square feet gross floor area with a concept plan public workshop.
- B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Section A of this definition does not apply to this provision;
- C. Apartment or multi-family development of nine or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.³

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.³

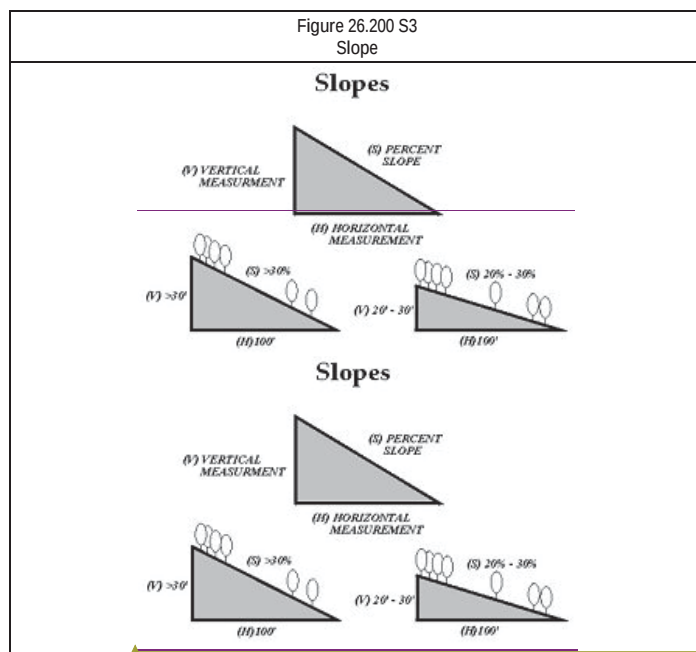
Site Plan, Rural A plan meeting the standards, content, submittal, and review requirements of a minor site plan with certain exceptions to allow for the preservation of the rural character of the County and the agricultural community.

Site Resource Map. A map showing contour lines as depicted on the appropriate U.S.G.S. Topographic Quadrangle map and detailing all natural features found on a parcel such as woods, watercourses, hillsides, prominent rock outcroppings, sink holes and quarries. This map shall provide a quick reference snapshot of slope delineations per Section 50, Protection of Resources, and floodplain delineation per the Jefferson County Floodplain Ordinance.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0"

Slope. The change in the vertical measurement divided by the change in the horizontal measurement. The figure is written as a ratio or a percentage.



Formatted: Font: Arial Narrow, 9 pt

Soil Borings and Percolation Tests. Field tests conducted and used in determining the suitability of soil for on-site, surface seepage and seepage systems. The borings indicate the soil formations penetrated and groundwater conditions. The percolation tests give an indication of the absorptive capacity of the soil and provide a basis for the design of seepage facilities.

Stabilization. The prevention of soil erosion by surface runoff or wind through the establishment of vegetation or structural soil cover measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips, and stone or gravel mulch.

Start of Construction. See *Commencement of Construction*.

State Plane Coordinate System (SPCS). The County's GIS data is mapped according to the West Virginia North State Plane Coordinate System.

Steep Slopes. See *Hillside*.

Stormwater Control and Conveyance Plan. The component of the Stormwater Management Plan which contains the details of the stormwater management facilities, Best Management Practices, and Low-Impact Development procedures required to manage stormwater on a development or redevelopment project.

Stormwater Management. The mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.

Formatted: Indent: Left: -1.63"

- . □or water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land□and
- B. □or water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

Stormwater Management Ordinance. □eferences the □efferson County Stormwater Management □rdinance which is a standalone document describing the stormwater management requirements for development and redevelopment in the County.

Stormwater Management Plan. □ plan containing □components, the □rosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance □equirements for the □□□ or property owner to follow, which must be submitted with subdivision plat and□or site plans describing the processes and details for managing stormwater and its impact on the built and natural environment. The applicability of this plan is described in the □efferson County Stormwater Management □rdinance.

Street. □ strip of land, comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. □owever, the establishment of a common driveway for access purposes for no more than five separate parcels contiguous to one another shall not be considered a street as this term is defined.

Street, Arterial. □ street that serves, or is designed to serve, as a connection between uses which generate heavy traffic volumes or between other arterial streets.

Street, Boulevard. □ street that is divided by a landscaped median which is continuous or e□ists at the development□entrance.

Street, Collector. □ street that serves or is designed to serve as the connection from minor streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

Street, Collector (Major). □ street intended to gather traffic from local nonresidential access streets and convey it to higher level streets. Note□This street does not serve individual nonresidential lots. Located in nonresidential areas or developments, this street type collects and moves a high volume of traffic from local nonresidential access streets.

Street, Collector (Minor). □ street intended to gather traffic from local nonresidential access streets and convey it to higher level streets. Note□This street does not serve individual, nonresidential lots. Located in nonresidential areas or developments, this street type collects and moves a low volume of traffic from local nonresidential access streets.

Street, Cul-de-sac. □ short, independent, minor street having only one point of ingress and egress, terminating in a circular turn-around or other approved termination.

Street Frontage. The linear measurement of a parcel along a street line, private road, or right-of-way to which the parcel abuts.

Street, Half (Partial). □ street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Street Line. □ property line of a lot which coincides with a line indicating the limits of an e□isting or proposed right-of-way.

Formatted: Indent: Left: 0"

Street, Local. A street that serves or is designed to serve primarily as access to abutting properties.

Street, Marginal Access. A local street, parallel and adjacent to an arterial street, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the major street.

Street, Private. Any street right-of-way not dedicated to public use.

Street, Public. Any street right-of-way dedicated to public use or maintained by a federal, state, or local unit of government.

Street, Residential Collector. A street intended to gather traffic from local residential access streets and convey it to higher level streets. Note: This street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Street Right-of-way. See *Street* and *Right-of-Way*.

Street, Service. A public or private way permanently reserved as a secondary means of access to abutting property.

Street, Stub. A nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent unplatted land.

Structure: Anything constructed, the use of which requires fixed location on the ground; or, anything attached to something having such location. A structure does not include fences, individual driveways, or retaining walls. Structures do include prefabricated buildings even if they are not anchored to the ground. Fences 6 feet and higher shall meet building setback lines. Retaining walls 4 feet and higher shall submit building plans and do not have to meet building setback.

Subdivision.

- A. The division or re-division of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels, or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership, or of building development, exempting, however, the division of land for agricultural purposes into parcels of more than ten acres not involving any new streets or easements of access, divisions of property by testamentary or intestate provision, or divisions of property upon court order; or
- . The division or allocation of land for the opening, widening, or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage, or other public facilities.

Subdivision, Major. See *Major Subdivision Plat*.

Subdivision, Minor. See *Minor Subdivision Plat*.

Subdivision Regulations. The Jefferson County Subdivision and Land Development Regulations, as may be amended from time to time.

Submission Review. A submission review is to determine whether all elements of a subdivision plat or site plan required by these Regulations are present. It is not a review of the merits of the submission, but an administrative determination that everything required by these Regulations and application requirements for a technical review is present. A submission is complete when all material needed by all review agencies is in the submission.

Substantial Construction.

- A. **Subdivisions.** Payment of surety, the clearing and grading of the site, installation of roads and utilities, and placing of initial foundations.
- . **Site Developments.** Installation of parking, circulation, stormwater facilities, and foundations.

Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Superblock. An area bounded by arterial or collector streets.

Surety. A form of financial guarantee that requires improvements will be made by providing the County with the resources to install the improvements shall the developer fail to do so. These include bonds, cash, letters of credit, or other financial instruments approved by the County Attorney.

Surface Water. Natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as determined by on-site surveys by a professional surveyor. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds, or other facilities associated with agricultural operations, sewage lagoons, and other facilities for which normal maintenance and repair is necessary.

Surveyor. A land surveyor registered by and licensed to practice in the State of West Virginia.

Swale. A linear depression in the land's surface in which sheet runoff would collect and form a temporary *watercourse*. The area of a swale is determined by the following: where the swale serves a

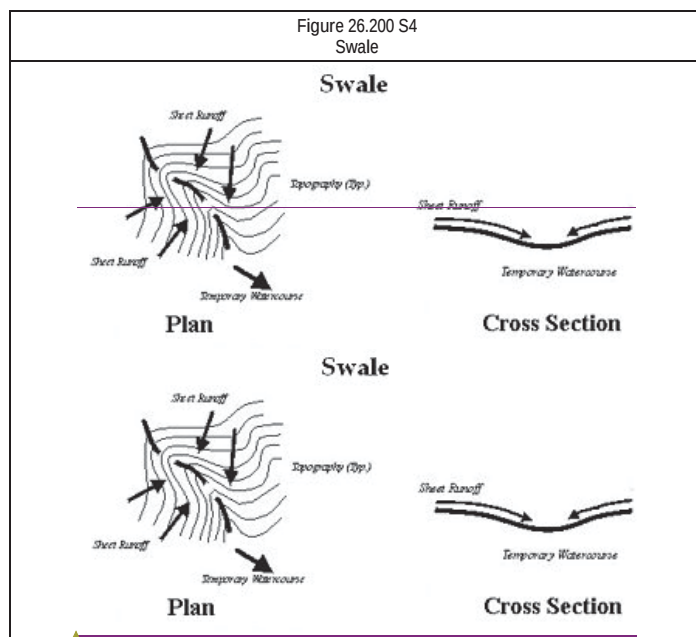
Formatted: Space After: 0 pt

Formatted: Indent: Left: 0.5", Space Before: 0 pt, Tab stops: 0.75", List tab + Not at 0.5" + 1.25"

Formatted: Indent: Left: 0.5", Tab stops: 0.75", List tab + Not at 0.5" + 1.25"

Formatted: Indent: Left: 0"

drainage area of less than 20 acres, land on either side of and within 30 feet of the centerline is the swale area. Where the swale drains an area of 20 to 160 acres, it is the area 50 feet on either side of the centerline of the swale. For drainage areas in excess of 160 acres, the area is 80 feet on either side of the centerline of the swale.



Formatted: Font: Arial Narrow, 9 pt

T

Topography. The characteristics of a parcel of land with respect to elevation.

Tree, Understory. Trees located between the mature canopy trees and the shrub layer of vegetation in any forest stand (e.g. dogwood, redbud).

U

Understory Tree. See *Tree, Understory*.

Uniform Common Interest Ownership Act of West Virginia (UCIOA). See *Homeowner's Association (HOA)*.

V

Violation.

- A. **General.** A new use or structure that is not permitted, is improperly located, or is otherwise not in compliance with these Regulations.
- B. **Floodplain.** The failure of a structure or other development to be fully compliant with the County's floodplain management regulations contained in the Floodplain Ordinance. A structure

Formatted: Indent: Left: 0"

Formatted: Tab stops: Not at 1.25"

Formatted: Indent: Left: -1.63"

or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

W

Waiver. Adjustments that may be made to the requirements of these Regulations to unusual site conditions in order to achieve a better design. Waivers may not be used to circumvent the process requirements of these Regulations

Water Body. Any watercourse, lake, or pond defined by a bank or shore in which water can be found on a year-round basis.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Table. The level below the surface at which the ground is saturated by water.

Water Quality. Those characteristics of stormwater runoff, usually from a land disturbing activity, that relate to the chemical, physical, biological, or radiological integrity of water.

Watercourse. A stream channel (perennial, intermittent, mapped, or unmapped) with banks and a bed within which concentrated water flows.

Watershed. The total or partial drainage area contributing surface runoff to a single point.

Wellhead Protection Area. This is a buffer extending 100 feet from any municipal or public well.

Wetland. Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the “1987 Wetlands Delineation Manual”, and as may be amended from time to time; or as further defined and delineated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the West Virginia Department of Environmental Protection. There are several special types of wetlands that have additional or different standards:

- A. **Farmed Wetlands.** Wetlands that were drained, dredged, filled, leveled, or otherwise manipulated before December 23, 1985, for the purpose of, or to have the effect of, making the production of an agricultural commodity possible, and continue to meet specific wetland hydrology criteria (U.S. Department of Agriculture).
- B. **Marl Wetlands.** Wetlands that contain the soil series Fairplay of Lappans.

Wetland Delineation and Report. An on-site method or process for identifying wetlands as described in the Corps of Engineers Wetland Delineation Manual, Technical Report: Y-87-1, from 1987 and as may be amended from time to time. The report shall be prepared by a person with professional experience and knowledge in wetlands identification and shall analyze a site for the existence and extent of wetlands.

Y

Yard. An unoccupied space open to the sky on the same lot with a building or structure.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0"

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

Yard, Side. A yard between the parts of the principal building and the adjacent side lot line and extending from the front yard to the rear yard.

Yard, Street (Front). A yard extending the full width of the lot between the street line and the parts of the principal building erected thereon, setting back from and nearest such street line. □n a corner lot, both sides abutting the streets forming the corner shall be considered street (or front) yards.

Formatted: Indent: First line: 0"

Formatted: Indent: Left: -1.63"

Z

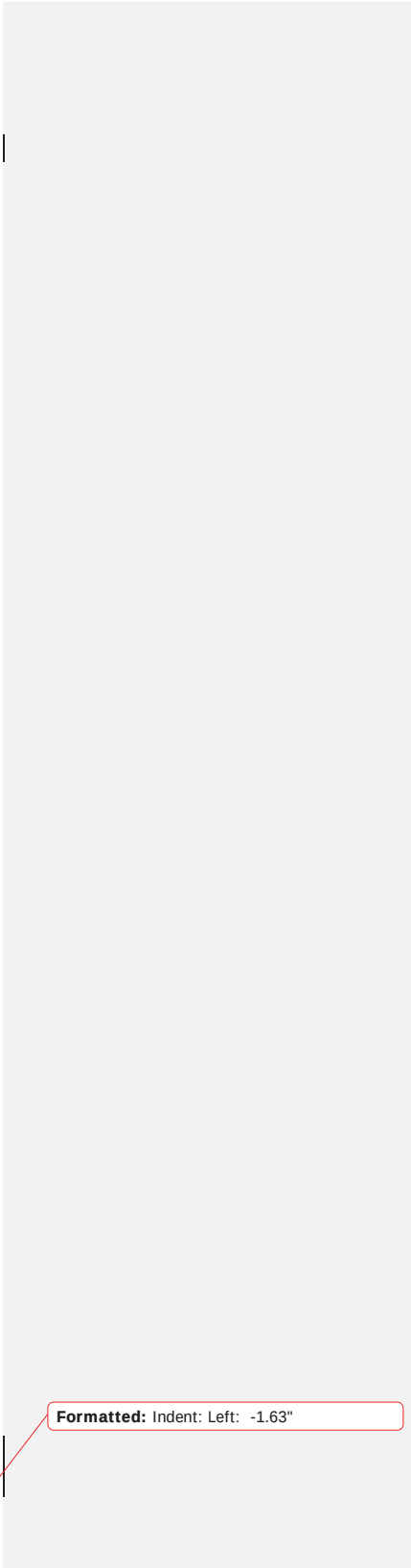
Zoning. The division of a municipality or county into districts or zones which specify permitted and conditional uses and development standards for real property within the districts or zones.

Zoning District. A designation shown on the Zoning Map as being in a district enumerated in the Zoning Ordinance in which a specific set of zoning standards apply. The term may refer to the standards or an area so mapped. The term is also analogous with zoning classification or zoning designation.

Zoning Map. The map(s) showing the location and boundaries of the zoning districts established by the Zoning Ordinance. These maps are entitled, Official Zoning Map of the Jefferson County, West Virginia.

Zoning Certificate. A written certificate issued by the Zoning Administrator in hard copy that certifies that the proposed use of the land will be in compliance with the use designations of the Zoning Ordinance.

Formatted: Indent: Left: 0"



|

Formatted: Indent: Left: -1.63"

Appendix A – Plan & Plat Standards

Division 1.0 Plan/Plat Requirements

Sec. 1.1 Sketch Plan

The Sketch Plan submitted for review at the Pre-application Conference or Review shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. Significant natural and topographic features such as woods, watercourses, floodplain, floodway, hillsides, prominent rock outcroppings, sinkholes and quarries shall be indicated.

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

Sec. 1.2 Concept Plan

For subdivisions and site development projects, the Concept Plan submitted shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. The Concept Plan shall be at a scale acceptable to the Engineer. Contour lines as shown on the appropriate U.S.G.S. Topographic Quadrangle map should be transferred to the Concept Plan. Natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sinkholes and quarries should be highlighted.

The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules and regulations.

Sec. 1.3 Preliminary Plat or Site Plan

A. Plat/Plan Requirements.

The Preliminary Plat and/or Site Plan shall be drawn or reproduced on paper at a scale of one inch (1" equals one hundred feet (100')) or larger. The plat or plan shall be twenty-four inches (24") by thirty-six inches (36") in size. More than one sheet may be used provided all sheets are referenced by a sheet index on the cover sheet. The plat or plan shall be signed and sealed by a licensed professional engineer or surveyor in accordance with the West Virginia law. (Note: Final Plat size is 18"x 24")

Plats or plans are required to include Stormwater Management Plans as required and described in the Jefferson County Stormwater Management Ordinance

The Preliminary Plat or the Site Plan is essentially the construction drawings for the subdivision or site development project. The Preliminary Plat or Site Plan shall show or be accompanied by:

1. A 1/2 inch border along all sides except the left side (a 2 1/2 inch side) which shall have a 1-3/4 inch border to allow for a binder. All text and symbols shall be a minimum 1/10 of an inch tall on paper.
2. A title block in the lower right corner to include:
The Official name of the subdivision or site development.
The names: "Jefferson County, West Virginia."
Tax District, Tax Map Number and Parcel Number.
Deed book number and page number.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Property Owner's name, address and telephone number.

Developer's name, address and telephone number.

Engineer and Surveyor of record's signature, seal, name, address ☐ telephone number.

Sheet index on cover sheet if more than one sheet.

- ☐ Tic Marks/PC ☐ WV North NAD ☐ ☐
- ☐ North arrow, graphic scale and date.
- ☐ A small scale inset map showing the location of the subdivision or site development in the County. The map shall be at 1" ☐ 2000" scale, or other scale approved by the County Engineer.
- ☐ If applicable, a small scale inset map showing the location of the subdivision section relative to other sections of the same subdivision.
- ☐ For Preliminary Plats the subdivision perimeter boundary described by bearings and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:☐00 or better.
For Site Plans, the lot boundary shall be described by bearings and distances. The source of said boundary description shall be noted on the site plan and either a copy of the recorded plat that created the lot, or a certification by a licensed surveyor that a traverse meeting error of closure of 1:☐00 or better is provided.
If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified.
- ☐ Lot boundary lines drawn to scale and dimensioned.
- ☐ A number to identify each lot and numbered in logical order.
- 10. A key to all symbols. Identify monuments and markers according to type and whether "found", "set", or "to be set" ☐
- 11. Existing easements and right-of-ways accurately identified, located, dimensioned and drawn to scale. Provide reference to deed book and page and/or plat book and page whichever applies.
- 12. Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.) identified, located, dimensioned and drawn to scale. Roads shall be named. Road names shall be approved by the Jefferson County Addressing Office.
Where the adjoining State Road has a right-of-way of less than 10 feet wide, either a fee simple dedication or a road improvement easement will be provided which is a minimum of 20 feet wide measured from the existing centerline of the State road right-of-way.
- 1 ☐. Future easements and right-of-ways that may serve at a future date to connect with adjoining properties.
- 1 ☐. Identification of all current adjoining properties by ownership, tax district, tax map number, and parcel number, deed book reference, zoning district, and use. Departure lines for adjoining properties shall be shown on the plat or plan.
- 1 ☐. Contour lines with minimum vertical intervals of two feet (2) shall be required. Source of

contour line information shall be stated on the plat or plan- reflecting the condition at time of submission. Greater contour intervals may be acceptable by the County Engineer, if compatible with surface topography. Interpolation of ☐ contour information is not acceptable.

1 ☐. The location and elevation of benchmarks used in the survey, if applicable.

1 ☐ 17. Show existing conditions on its own separate sheet.

1 ☐ Show existing physical features including: woods, watercourses, prominent rock outcroppings, sink holes, Quarries, culverts, bridges, drains, buildings, sewer lines, water mains, fire hydrants, power lines, and telephone lines. Show locations and associated topography of any off-site man-made structure which is located up to 200 feet downstream from any drainage pipe or stormwater management facility outfall. Where access to off-site property is not allowed, then show the general location of any man-made structure on the plan. Show the limits of the 100-year floodplain and any delineated wetlands.

1 ☐ 1 ☐ Show adjoining roads including the right-of-way widths, road pavement widths, road names and route numbers.

1 ☐ 20. A tentative list of restrictive covenants. This is not needed for site plans.

1 ☐ 21. Reservations of land for public or semi-public use.

1 ☐ 22. Surface drainage plan and erosion control methods, including flow computations, direction of flow, culverts, bulkheads, inlets, and other related improvements to be installed. Materials and dimensions of all improvements and description of vegetative or other stabilizing materials intended for all exposed areas.

1 ☐ 22 ☐ Complete design and construction plans, profiles and engineering specifications for proposed water treatment and distribution facilities and proposed sewage collection and treatment facilities to be installed.

1 ☐ 2 ☐ Note on the plat or plan, the West Virginia Division of Highways entrance permit number and provide a copy of the entrance permit.

1 ☐ 2 ☐ Note on the plat or plan, the West Virginia Bureau of Health and/or Jefferson County Health Department permit numbers for water/well and septic/sanitary sewer systems and provide a copy of the approved plans and permits.

1 ☐ 2 ☐ Demonstrate that appropriate agreements between the Jefferson County Public Service District and the developer are in place, if applicable.

1 ☐ 2 ☐ Note on the plat or plan, the West Virginia Department of Environmental Protection DEP permit numbers for all DEP approvals required for the project.

1 ☐ 2 ☐ Evidence that the West Virginia Public Service Commission has been notified in writing of intentions to construct and operate water/sewer systems, if applicable.

1 ☐ 2 ☐ Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed.

1 ☐ 2 ☐ 0. Description of soils and subsurface geology and hydrology.

1 ☐ 2 ☐ 1. Show building setback lines and note the minimum building setbacks on the plat or plan.



General Construction Notes

In addition to the general construction notes provided by the engineer of record, the following table of construction notes and milestone inspections shall be placed on the plat or plan cover sheet:

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Jefferson County
CONSTRUCTION NOTES

(Table 1.2-1)

1.	Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
2.	Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below: a. Roadways..... 98% b. Parking Lots for heavy trucks..... 98% c. Parking Lots for passenger vehicles..... 95% d. -Utility line trenches..... 98% e. Building Pads.....100% The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.
3.	Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
4.	Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
5.	Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

Jefferson County
SITE WORK
MILESTONE INSPECTIONS

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

1.	Installation of Sediment & Erosion Control Devices prior to beginning site grading.
2.	Roadway and/or parking lot subgrade proof roll prior to placing stone base.
3.	Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
4.	Water system and Sanitary sewer system inspection and approval by the public service district/utility prior to backfilling of trenches.
5.	Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & pavement markings, landscaping, etc.

Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Jefferson County Engineering Department, upon prior approval. Third-party inspection reports shall be submitted in the format specified by the County Engineer.

3436. The following table listing waivers approved by the Jefferson County Planning Commission and variances approved by the Jefferson County Board of Zoning Appeals shall be placed on the Preliminary Plat, Site Plan or Final Plat cover sheet, as applicable. If no waivers or variances are granted, then a statement of "None granted," shall be placed in the table:

Jefferson County ☐ Complete List of Waivers/Variances (Table 1.2-2)			
Ordinance	Section of Ordinance	Description of Waiver or Variance	Date ☐ ranted

35-37. The Preliminary Plat and/or Site Plan shall be sealed, signed and dated by the Engineer of Record and the Surveyor of Record, as may be applicable, in accordance with state law.

Formatted: Font: Times New Roman

Formatted: List Paragraph, Indent: Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 37 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

B. Plat/Plan Changes.

In the event conditions are encountered during construction which make the approved Preliminary Plat and/or Site Plan impractical or excessively costly, field changes may be proposed in writing, by the developer through the developer's design consultant, to the County Engineer. The County Engineer will review the proposed changes to determine whether or not the change is major and subject to Planning Commission action. In either case, the Engineer and staff will determine the technical acceptability of the proposed changes. Where said changes are minor, technically acceptable and in accord with the Ordinances the Engineer and staff may grant a field change. Modified plans, with changes shown as "redline revisions," shall be signed and sealed by the engineer or surveyor of record, as applicable, and filed with the Planning Commission office.

Sec. 1.4 Final Plat

The Final Plat shall be drawn or reproduced on ~~mylar~~ Mylar for recordation. The plat shall be drawn at a scale of one inch (1") equals one hundred feet (100') or larger and shall be eighteen inches (18") by twenty-four (24") in size. More than one sheet may be used provided all sheets are indexed on the cover sheet.

The Final Plat is the plat for recordation of the lots created by the subdivision. The Final Plat shall show or be accompanied by:

1. A ½ inch border along all sides except the left side (an 18" side) which shall have a 1-3/4 inch border for binding. All text and symbols shall be a minimum of 1/10 of an inch tall on paper.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

2. A title block in the lower right corner to include:
The Official name of the subdivision by which it is to be recorded.
The names: "Jefferson County, West Virginia."
Tax District, Tax Map Number and Parcel Number.
Deed book number and page number.
Property Owner's name, address and telephone number.
Developer's name, address and telephone number.
Engineer and Surveyor of record's name, address and telephone number.
[Sheet index on cover sheet if more than one sheet.](#)
3. Tic Marks/SPCS W₈₃ North NAD83
4. North arrow, graphic scale and date.
5. A small scale inset map showing the location of the subdivision in the County. The map shall be 1" = 2,000' scale, or other scale approved by the County Engineer.
6. If applicable, a small scale inset map showing the general location of the subdivision section relative to other sections of the same subdivision.
☐ For the Final Plat, the subdivision perimeter boundary described by bearings and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:500 or better. All perimeter corners shall be permanently marked and in place.
If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified above.
8. ☐ Lot boundary lines drawn to scale and dimensioned.
☐ Lot boundary lines described by bearings and distances. Lot boundaries shall be established by a network of traverse control having a relative error of closure of 1:500 or better.
10. Show the location and description lot markers and permanent concrete control monuments. The lot markers and permanent concrete control monuments shall be in accordance with state law. Where possible, permanent concrete monuments should be intervisible at least 50 feet apart away from future roadwork and at least 2 per section or block.
11. Show building setback lines and note the building setbacks on the plat.
12. A number to identify each lot and numbered in logical order.
13. A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
14. Existing easements and right-of-ways accurately identified, located, dimensioned and drawn to scale. [Provide reference to deed book and page and/or plat book and page whichever applies.](#)
15. Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.) identified, located, dimensioned and drawn to scale. Roads shall be named. Road names

shall be approved by the Jefferson County Addressing Office.

16. Future easements and right-of-ways that may serve at a future date to connect with adjoining properties.
17. Identification of all current adjoining properties by ownership, tax district, tax map number, parcel number, and deed book and page reference. Departure lines for adjoining properties shall be shown on the plat.
18. Show and identify reservations of land for public or semi-public use.
19. Show existing adjoining roads including the right-of-ways widths, road names and route numbers.
20. Delineate the approximate 100-year Floodplain and show state flood plain zone and firm map number. Show any delineated wetlands that are located on or adjacent to the subdivision or site plan and reference the source of wetland degradation.
21. Area of each lot to the nearest 0.01 acre or to the nearest 100 square feet.
22. Curve data radius, delta, arc, tangent, chord and chord bearing.
23. A computation of the total tract area and a computation of the land area included in the right-of-ways.
24. Descriptive lines inside the tract boundary:
 - Tract boundary - heavy dashed and two dotted lines
 - Lot boundaries - medium solid lines
 - Right-of-ways - heavy solid lines
 - Restriction lines - medium dashed lines
 - Easements and other reserved areas - medium dotted lines
25. Descriptive lines outside the tract boundary:
 - Property lines of adjacent tracts - medium dashed and two dotted lines
 - Lot boundaries - light solid lines
 - Right-of-ways - medium solid lines
 - Restriction lines - light dashed lines
 - Easements and other reserved areas - light dotted lines

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

Formatted: Font: Bold, Italic

Formatted: Indent: Left: 1.25"

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

26. A notation that states:

“The Seller of any lot within this subdivision shall provide the Buyer with a reasonable opportunity, before settlement, to determine that the lot is suitable for the construction of a septic disposal system. If, before settlement, the Buyer is denied a septic system construction permit by the Jefferson County Health Department, the Buyer may refuse to purchase the lot without penalty.”

27. For major subdivisions, a Statement of Acceptance placed on the plat cover sheet, signed and dated by the developer/subdivider. The Statement shall read:

“The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon; and to complete all the improvements required by the preliminary plat.”

For minor subdivisions, a Statement of Acceptance placed on the plat cover sheet, signed and dated by the developer/subdivider. The Statement shall read:

“The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon.”

28. Certification of the Surveyor of Record as to the preparation and accuracy of the plat, along with the Surveyor of Record’s professional seal and signature.
29. Note on the plat, the West Virginia Division of Highways entrance permit number and provide a copy of the entrance permit.
30. Note on the plat, the West Virginia Bureau of Health and/or Jefferson County Health Department permit numbers for water/well and septic/sanitary sewer systems; and provide a copy of the approved plans and permits.
31. Such other conditions, certificates, affidavits, endorsements, dedications or agreements as may be deemed necessary by the Planning Commission.
32. A final list of restrictive covenants and/or the declaration in accordance with the West Virginia Uniform Common Interest Ownership Act shall be submitted with the Final Plat. However, they shall not become part of the Final Plat.
33. Signature block placed on the plat cover sheet for the signature of the Director of Planning and Zoning and the affixing of the Planning Commission’s seal.
34. Provide a list of waivers on the Final Plat cover sheet in accordance with Appendix A, Section 1.2.A. 34.
35. In the Rural District, all plats shall provide a density calculation and a notation that states one of the following statements:

“This subdivision, together with past subdivision of this property, has utilized all development potential or lots to which the _____ acre parent parcel is entitled under the terms of the Jefferson County Subdivision Regulations. No additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision.”

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: -1.63"

“To date, this subdivision, together with all past subdivisions of this property, has utilized _____ development rights to which the _____ acre parent parcel is entitled to _____ under the terms of the Jefferson County Subdivision Regulations. _____ – additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision.”

~~36. Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.) identified, located, dimensioned and drawn to scale. Roads shall be named. Road names shall be approved by the Jefferson County Addressing Office.~~

36. Where the adjoining State Road has a right-of-way of less than 50 feet wide, either a fee simple dedication or a road improvement easement will be provided which is a minimum of 25 feet wide measured from the existing centerline of the State road right-of-way.

Formatted: Left, Indent: Hanging: 1.5", Right: 0", Tab stops: 0.5", Left

Sec. 1.5 Recordation of Final Plats for Major Subdivisions

The applicant shall have 180 days after approval to file and record the Final Plat in accordance with W.Va. Code §39-13. The approval shall become void if it is not filed within the 180-day period. The following documents shall be submitted to the Department of Planning:

1. One ~~1~~ mylar ylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
2. Three ~~3~~ paper copies of the Final Plat;
3. One ~~1~~ digital copy of the Final Plat compatible with the Jefferson County ~~GIS~~ IS, as specified by the Jefferson County ~~GIS~~ IS Office requirements; and
4. One ~~1~~ digital and one ~~1~~ paper copy of any deed restrictions/covenants in a form suitable to the Department.

For recordation requirements for ~~minor~~ inor Subdivision Final Plats, see Section 24.104 ~~and~~ Recordation.

Sec. 1.6 Bonding

All bonding and securities for such bonding (bonding shall be a minimum amount of 115% of the cost of all improvements) shall be submitted and approved during this time period. Satisfactory bonding and surety shall be submitted, approved and in place prior to recordation of the final plat. Bonding shall be provided in accordance with the County Commission of Jefferson County's bonding policy.

The developer/subdivider shall submit an itemized estimate of the costs for completing all improvements shown on the Preliminary Plat/Plan and/or Site Plan. The estimate shall be prepared by the engineer of record. The estimate shall be in a format specified by the Chief County ~~Engineer~~ Engineer.

For additional site work required due to plat or plan changes approved under Appendix A, Section 1.2.B, *Plat/Plan Changes*, additional bonding shall be provided as determined by the County ~~Engineer~~ Engineer.

Formatted: Space Before: 0 pt

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Appendix B – Engineering Standards

Division 1.0 General Engineering Requirements

Sec. 1.1 Minimum Engineering Requirements & Standards

These requirements and standards are considered minimums and are not intended to discourage the use of higher standards by developers and subdividers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.

These requirements and standards also apply to Condominium and Non-residential Developments Subdivision and/or site development unless otherwise superseded by requirements and standards specific to those types of development.

Sec. 1.2 Surveys

- A. The Preliminary Plat and Final Plat for a subdivision shall be prepared and certified as to preparation and accuracy by a West Virginia licensed surveyor or engineer.
- B. Permanent monuments shall be of the type specified by the Rules and Regulations of the West Virginia Board of Professional Surveyors; W.Va. Code Sections 23-5-7 and 3-1-17; or a greater standard as specified by the County Engineer/staff.
- C. All permanent lot corner markers not susceptible to destruction by subdivision improvements shall be in place prior to the conveyance of individual lots. All other lot corners shall be in place prior to the final release of the construction bond. Lot corners will consist of 36" long by 5/8" diameter sections of steel rod suitable for magnetic detection; and/or shall be in accordance with state law. Certification of such shall be provided by a West Virginia licensed land surveyor.
- D. Bearings (or Azimuths) shall be dimensioned to the nearest 0.5 minute, distances to the nearest .01 foot and areas to the nearest .01 acre or 100 square feet.
- E. New sections of any subdivision on record at the time these Regulations was adopted may use directional references that align with the directional references of the recorded subdivision.

Sec. 1.3 Construction Plans and Specifications

- A. All construction plans and specifications submitted shall be acceptable to the County Engineer and shall be used to evaluate progress during construction. The Chief County Engineer shall have the authority to establish standard construction details and specifications.
- B. Changes or revisions in construction plans and specifications shall not be made unless first approved by the County Engineer and/or other agencies, as applicable.

Minor changes may be submitted as marked-up “redline revisions” to the construction plans and specifications, and shall be signed, sealed and dated by the engineer or surveyor of record, as applicable. Changes are to be shown in red or with a red bubble cloud around all changes. This cloud may be placed by hand by the applicant.
- C. “As built” plans, specifications and/or third-party engineer/surveyor certifications shall be submitted if requested by the County Engineer to verify the work is installed in accordance with the approved plans and specifications. As-built plans and letters of certification shall be in a format acceptable to the County Engineer. All as-built data shall be shown in red or highlighted

with a red bubble cloud. This cloud may be placed by hand by the applicant.

Sec. 1.4 Construction Practices

- A. All subdivision improvements including roads, curbs, sidewalks, parks, drainage, water systems, sewer systems, and appurtenant structures and buildings shall be constructed in a workmanlike manner and true to line and grade shown on the plans.
- B. Completed improvements shall present a finished appearance as determined by the County Engineer. All disturbed and/or excavated areas shall be adequately compacted and finish/fine graded and properly stabilized. Roads, sidewalks and curbs shall be laid at a uniform width and depth and shall have clean, tooled edges. Parking areas shall also be smooth, compacted and clean at the edges. Roads, sidewalks and parking areas shall have a surface that is of a uniform material and texture. Finished surfaces that display any patchwork or repairs shall be resurfaced if so directed by the County Engineer. Any patchwork or repairs shall be performed in a manner acceptable to the County Engineer.

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

Drainage culvert inlets and outlets shall not be ragged, bent or crushed. Catch basins, grates, bulkheads, energy dissipaters, riprap linings and other similar drainage accessories shall be constructed in a manner acceptable to the County Engineer.

- C. All work shall be properly installed, protected and/or maintained until completion of the project. Safe practices shall be used during all phases of construction to prevent off-site property damage resulting from construction operations.

Division 2.0 Street & Parking Standards

Sec. 2.1 Purpose

Any individual, developer, corporation or entity desiring to construct a road, street, or parking area within a subdivision or site development within Jefferson County, West Virginia shall follow these standards for the design and construction.

Sec. 2.2 Streets

- A. Construction Plans.

The Preliminary Plat or Site Plan shall include roadway plan and profile sheets with scale 1"=50' horizontal and 1"=5' vertical.

The plan and profiles shall include complete roadway horizontal and vertical alignment information and accurate dimensions locating the roadway, drainage structures, ditches and other incidental construction, and show existing and finished grades/contours.

Finished grade elevations shall be shown every 50' on the profiles, as well as the station and elevations for PVC, PVI and PVT. Drainage Pipes shall be shown on the profiles with inlet and outlet invert elevation information.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Roadway storm sewers and culverts shall be designed in accordance with the stormwater management regulations.

B. Specifications.

Specifications for road improvements shall be the latest edition of the West Virginia Division of Highways "Standard Specifications for Roads and Bridges."

C. Geometric and Pavement Design.

1. Geometric and pavement design shall be in accordance with Table 2.2-1, *Roadway Design Standards*; and standard details established by the Chief County Engineer. Items not covered in the standards and details shall be in accordance with West Virginia Division of Highways standards or the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, as deemed applicable by the Chief County Engineer.

2. Subdivision roadways shall be as follows:

a. Residential Subdivision with a maximum of 12 lots:

A residential subdivision with a maximum of 12 lots may have gravel roads as specified in Table 2.2-1, *Roadway Design Standards*.

Gravel roads shall be constructed on a compacted subgrade free of organic matter. The subgrade over which gravel is placed must be compacted for the top 12" to 8% of maximum density as determined using AASHTO T99. The engineer may require compaction testing certified by an independent registered civil engineer. Such testing shall be performed at the developer's expense.

Gravel shall be a well-graded crushed stone aggregate such as 3/4" crush-of-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.

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

b. Residential Subdivision with more than 12 lots:

A residential subdivision with a more than 12 lots shall have bituminous asphalt paved roads designed in accordance with Table 2.2-1, *Roadway Design Standards*.

Asphalt roads shall be placed on subgrade that is compacted to 8% of maximum density per AASHTO T99. Asphalt shall be applied to the prepared gravel base surface following the application of a liquid asphalt prime coat. Asphalt shall consist of a plant mixed bituminous material rolled smooth to a depth per the standard details and pavement sections established by the Chief County Engineer. The asphalt surface shall be smooth, seamless and of a uniform texture. Asphalt material shall comply with the minimum specifications required by the West Virginia Division of Highways for public roads. (Concrete roads may be

substituted for asphalt roads provided the concrete roads equal or exceed asphalt roads in longevity and performance, as determined by the Chief County Engineer).

Aggregate base shall be compacted to 95% of maximum density per AASHTO T 99. The gravel base course shall extend laterally to daylight in the shoulder or in-slope of the ditch to ensure adequate drainage of the pavement base and subgrade.

The roadway pavement section shall be in accordance with standard details established by the Chief County Engineer; or may be designed specifically for a single project or parts thereof based on soil CBR test results and acceptable engineering design methodology. However, the minimum pavement section shall be as shown in the standard details. Said designs shall be sealed and signed by a licensed professional engineer.

c. Non-Residential (Commercial/Industrial/Institutional) Subdivision

A non-residential (Commercial/Industrial/Institutional) subdivision shall have bituminous asphalt paved roads designed in accordance with Table 2.2-1, *Roadway Design Standards*, and the standard details and pavement sections established by the Chief County Engineer.

Non-Residential subdivisions (closed section road) shall have sidewalks along one side of the street and around the cul-de-sac. Sidewalks shall be no closer than one foot from the property line or four feet from the curb face or edge of roadway; and be constructed in accordance with Section 2.2.3, Sidewalks & Paths.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Formatted: Indent: Left: -1.63"

Formatted Table

Table 2.2-1 Roadway Design Standards				
	Residential Local Street Maximum 12 Lot Subdivision	Residential Local Street (Max. 25 lots or units)	Residential Collector Street (Greater than 25 lots or units)	Non-Residential/Industrial & Commercial Street
ADT	N/A	< or = to 200	>200	N/A
Minimum Turn Lane Width		-	12'	12'
Minimum Horizontal Curve Radius	100'	100'	150'	300'
Minimum Turning Flare Radius at pavement edge	30'	30'	30'	35'
Stopping sight distance	100'	100'	175'	235'
Minimum Road Grade	1.5%	1.5%	1.5%	0.5% w/C&G
	Minimum Road Grade may be 0.50% if 1-1/2' deep x 2' wide flat bottom trapezoidal road drainage ditch provided.			
Maximum Road Grade	10%	9.0%	9.0%	9.0%
Maximum Internal Subdivision Intersection Approach Grade	8%	8%	6%	6%
Pavement Width	20'	20'	22'	26'
Pavement Surface Type	6" Depth Crusher Run Stone	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)
Pavement cross slope	3/8" per ft.	3/8" per ft.	3/8" per ft.	3/8" per ft.
Shoulder Width	3'	3'	3'	<u>Curb & Gutter⁴</u>
Shoulder Type	Crusher Run Stone	Crusher Run Stone	Crusher Run Stone	-
Shoulder cross slope	3/4" per ft.	3/4" per ft.	3/4" per ft.	-
Ditch depth	1.5'	1.5'	1.5'	-
Ditch slope in:	4:1	4:1	4:1	-
Ditch slope out:	2:1	2:1	2:1	-
Ditch Line Treatment	Per Stormwater Management Regulations			-
Minimum Road R.O.W. Width	50'	50'	50'	60'
Minimum Cul-de-sac R.O.W. Radius	-	60'	60'	60'
Cul-de-sac pavement radius	-	50'	50'	50'
Cul-de-sac R.O.W. Fillet Radius		25'	25'	30'
Hammer Head or "Y" Turnaround Allowed	Yes (see std. detail)	No	No	No
Subdivision Roadway Entrance Apron (from edge of existing road).	20'x25'x2-1/2" Bituminous Asphalt Surface	-	-	25'x6" WWF Reinforced 3,000 psi Portland Cement Conc.
Sidewalk	-	-	-	Minimum 4' width; no closer than 1' from P/L or 4' from curb <u>or edge of roadway.</u>

Formatted: Left, Indent: Left: 1.5", Space After: 12 pt, Tab stops: 1", Left + 1.5", Left + 2", Left + 2.5", Left + 3", Left + 3.5", Left + 4", Left

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

D. Cut ☐ Fill Slopes.

1. Fill slopes shall not exceed (3:1) 3' horizontal to 1' vertical slope. Fill sections need not have ditches unless the fill slope exceeds six feet in height.
2. Cut slopes shall not exceed (2:1) 2' horizontal to 1' vertical slope.
3. Open ditches shall not be flatter than 1.5 percent; however, a minimum of 0.5% vertical grade may be used for trapezoidal roadway ditch lines with minimum bottom width of 2 feet.

E. Ditch Line Stabilization.

Roadway drainage ditch lines shall be stabilized (i.e., rip-rap, sod, erosion control matting, etc.) in accordance with the Stormwater Management Regulations.

F. Drainage Culvert Pipes.

1. Driveway culvert pipes or paved driveway swales (where allowed in lieu of driveway culvert pipes) shall be sized to carry the ten-year 24-hour storm event ditch flows. However, the minimum size shall be 15 inch diameter or an equivalent elliptical pipe size. The pipe shall be corrugated metal or concrete pipe. A table of lot number and driveway culvert sizes shall be specified on the preliminary plat and the final plat.
2. Roadway culvert pipes shall be sized for the ten-year 24-hour storm event in accordance with the stormwater management regulations. However, roadway culvert pipes shall be a minimum 15 inch diameter corrugated metal or concrete pipe.
3. Roadway culvert pipes and storm drain outfalls shall have outfall protection designed in accordance with the stormwater management regulations.

G. Dead End Street Cul-de-sac.

Dead-end subdivision streets and right-of-ways shall terminate in turnarounds according to the following:

Subdivision road cul-de-sac:

Diameter of turnaround right-of-way	120 feet
Diameter of road pavement in turnaround	100 feet
Width of shoulder	3 feet
R.O.W. fillet radius	30 feet

Circular cul-de-sac may be landscaped in the center with trees, shrubs or other suitable vegetation. The maximum allowable radius for the landscaped center island is 20' with a minimum pavement width of 30'.

A 'tee' (hammerhead) or a 'y' turnaround may be used when a dead-end subdivision road and right-of-way serve no more than twelve (12) single-family lots or dwelling units. The right-of-way shall be adequate to contain the turnaround, shoulder and ditch lines.

Cul-de-sac and turnaround dimensions shall be consistent with the standard details established by the Chief County Engineer.

H. Road Right-of-Way.

1. Residential subdivision road right-of-way shall be a minimum of 50 feet in width.
2. Non-residential subdivision road right-of-way shall be a minimum of 60 feet in width.
3. Greater right-of-way widths may be required by the County Engineer where deemed necessary to contain the roadway, drainage ditches, ditch line return slope, fill embankment, street trees and roadway appurtenances within the road right-of-way.
4. Cut and fill slopes may extend beyond the right-of-ways if a revertible slope easement is provided and the top of cut slope is 25 feet away from any septic drain field or septic reserve area.
5. The centerline of the roadway section shall be congruous with the center of the right-of-way unless an off-set of the centerline is approved by the County Engineer for justifiable reasons.

Formatted: Space After: 4 pt

I. Intersection Design.

1. Sight Distances at Intersections.

Sight distances at intersections should be regulated to allow approaching drivers' sufficient time to stop. Each vehicle should be visible to the other driver when each vehicle is located on the street centerline and at a specified distance from the point of intersection of the street centerlines. Clear sight triangles should be provided at all intersections and no building, structure, grade, or planting higher than two and one-half (2 ½) feet above the centerline of the street should be permitted within such sight triangles. For intersections of either residential or non-residential (i.e., commercial or industrial) subdivision roads with state highways, sight distance shall be as required by the West Virginia Division of Highways. Otherwise, sight distance triangles shall be provided in accordance with the ~~criteria listed below:~~ AASHTO's "A Policy on Geometric Design of Highways and Streets," latest edition.

Formatted: Indent: Left: 1"

a. ~~Stopping Sight Distance (SSD):~~

~~Stopping sight distance (SSD) is the sum of the distance traveled during a driver's brake reaction time (i.e., perception/reaction time) and the braking distance (i.e., distance traveled while decelerating to a stop). To calculate SSD on level grade, use the following formula:~~

$$\text{SSD} = 1.47 \square t + 1.075 (\square^2 / a)$$

~~Where:~~

~~SSD = stopping sight distance, ft (m)~~

~~□ = design speed, mph (km/h)~~

~~t = brake reaction time, 2.5 s~~

~~a = driver deceleration, ft/s²~~

~~The following briefly discusses the basic assumptions within the SSD model:~~

~~**Brake Reaction Time.** This is the time interval between when the obstacle in the road can be physically seen and when the driver first applies the brakes. Based on several studies of observed driver reactions, the assumed value is 2.5 seconds.~~

~~**Braking Action.** The braking action is based on the driver's ability to decelerate~~

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

the vehicle while staying within the travel lane and maintaining steering control during the braking maneuver. A deceleration rate of 11.2 ft/s^2 (3.4 m/s^2) is considered to be comfortable for 90% of the drivers.

Speed. The local facility's design speed is used to determine the initial driver speed.

The following provides stopping sight distances for vehicles on level grade. Use values exceeding the required stopping distance in the design, especially on downgrades 3.0% or steeper, wherever conditions permit. When applying the SSD values, the height of eye is assumed to be 3.5 ft (1.080 m) and the height of object 2 ft (600 mm).

SSD for Vehicles on Level Grade (Table 2.2-2)			
Design Speed (mph)	Brake [†] Reaction Distance (ft)	Braking [‡] Distance On Level (ft)	Design Stopping Sight Distance (ft)
20	73.5	38.4	115
25	91.9	60.0	155
30	110.3	86.4	200
35	128.6	117.6	250
40	147.0	153.6	305
45	165.4	194.4	360
50	183.8	240.0	425
55	202.1	290.3	495
60	220.5	345.5	570
[†] Brake reaction distance based on a time of 2.5s.			
[‡] Driver deceleration based on a rate of 11.2 ft/s^2 .			

b. Passing Sight Distance.

Passing sight distance considerations are limited to 2-lane, 2-way highways. On these facilities, vehicles may overtake slower moving vehicles, and the passing maneuver must be accomplished on a lane used by opposing traffic.

The minimum passing sight distance for 2-lane highways is determined from the sum of four distances as illustrated in Figure 2.2-1. For a discussion on how to determine these four distances, review the *AASHTO A Policy on Geometric Design of Highways and Streets* and/or Section 47-2 of the *BDE Manual*.

Table 2.2-3 provides the minimum passing sight distance for design on 2-lane, 2-way highways. These distances allow the passing vehicle to safely complete the entire passing maneuver. These values should not be confused with the values presented in the ILMTCD for the placement of no-passing zone stripes. These values are based on different operational assumptions (i.e., distance for the passing vehicle to abort the passing maneuver). The designer should also realize that the highway capacity adjustment in the Highway Capacity Manual for 2-lane, 2-way highways is based on the ILMTCD criteria for marking no-passing zones. It is not based on the percent of passing sight distance from the *AASHTO A Policy on Geometric Design of Highways and Streets* and shown in Table 2.2-4.

Passing sight distance for passenger cars is measured from a 3.5 ft (1.080 m) height of eye to a 3.5 ft (1.080 m) height of object. The 3.5 ft (1.080 m) height of object allows the opposing driver to see the top of a typical passenger car. The recommended value of truck driver eye height for design is 7.6 ft (2.330 m) above the roadway surface.

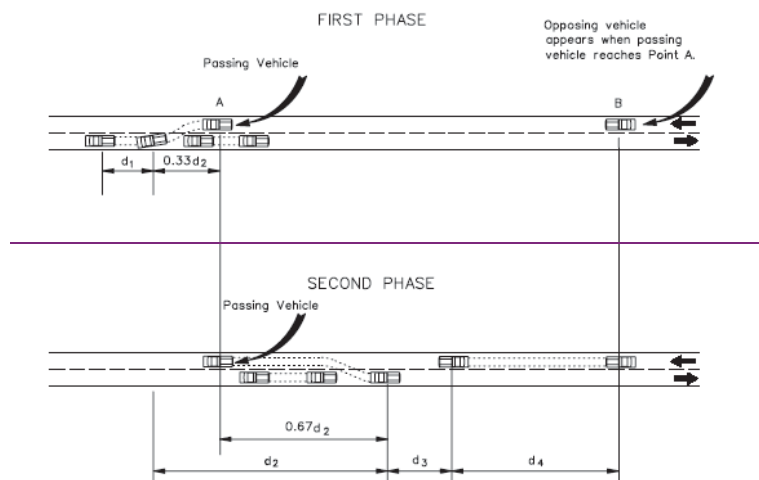
On rural new construction/reconstruction projects, the designer should attempt to provide passing sight distance over the length of the project consistent with the percentages shown in Table 2.2-4. In determining the percentages, each passing sight distance segment should be greater than 1500 ft (450 m). It is generally not cost effective to make significant improvements to the horizontal and vertical alignment solely to increase the available passing sight distance.

Appreciable upgrades can increase the sight distances required for safe passing maneuvers. Where these upgrades are encountered in the design of the project, take this into account when selecting the appropriate passing sight distances.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Elements of Passing Distance (Two-Lane Highways)
(Figure 2.2-1)



d_1 = Initial maneuver distance, ft

d_2 = Distance while passing vehicle occupies left lane, ft

d_3 = Clearance length, ft

d_4 = Distance traversed by the opposing vehicle, ft

Note: To determine d_1 , d_2 , d_3 and d_4 , see the AASHTO A Policy on Geometric Design of Highways and Streets and/or Section 47-2 of the BDE Manual.

PASSING SIGHT DISTANCE (Table 2.2-3)	
Design Speed (mph)	Design Passing Sight Distance (ft)
20	710
25	900
30	1090
35	1280
40	1470
45	1625
50	1835
55	1985

**GUIDELINES FOR PERCENT PASSING DISTANCE
(Rural)
(Table 2.2-4)**

		
		
	50%	40%
	30%	20%

e. INTERSECTION SIGHT DISTANCE (ISD).

1) General.

In general, ISD refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s). ISD evaluations involve establishing the needed sight triangle in each quadrant by determining the legs of the triangle on the two crossing roadways.

Within this clear sight triangle, the objective is to remove or lower any object that obstructs the driver's view, if practical. Sight obstruction may include: buildings, parked or turning vehicles, trees, hedges, fences, retaining walls, and the actual ground line.

In addition, where a crossroad intersects the major road near a bridge on a crest vertical curve, items such as bridge parapets, piers, abutments, guardrail, or the crest vertical curve itself may restrict the clear sight triangle. The additional costs and impacts of removing sight obstructions are often justified. If it is impractical to remove an obstruction blocking the sight distance, consider providing traffic control devices or design applications (e.g., warning signs, turn lanes), which may not otherwise be considered.

In general, point obstacles (e.g., traffic signs, utility poles) are not considered sight obstructions (i.e., the driver can move slightly to avoid these obstacles). Although crops are not considered obstructions, give consideration to crops within the corner sight distance triangle.

The height of eye for passenger cars is assumed to be 3.5 ft. above the surface of the minor road. The height of object (approaching vehicle on the major road) is also assumed to be 3.5 ft. An object height of 3.5 ft

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

assumes that a sufficient portion of the oncoming vehicle must be visible to identify it as an object of concern by the minor road driver. If there are a sufficient number of trucks to warrant their consideration, see Section 3.4.4 of the *BDE Manual*.

The necessary clear sight triangle is based on the type of traffic control at the intersection and on the design speeds of the two roadways. The types of traffic control and maneuvers are as follows:

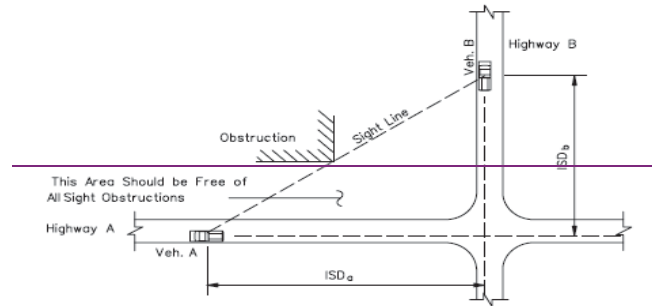
- Case A — Intersections with no control
- Case B — Intersections with Stop control on the minor road
- Case C — Intersections with Yield control on the minor road
- Case D — Intersections with traffic signal control
- Case E — Intersections with all-way Stop control
- Case F — Left turns from the major road

Gap acceptance is used as the conceptual basis for ISD criteria. For additional guidance on the gap acceptance design, see the AASHTO publication *A Policy on Geometric Design of Highways and Streets*.

2) — Case A — Intersections With No Control

Intersections between low-volume and low-speed roads/streets may have no traffic control. At these intersections, sufficient corner sight distance should be available to allow approaching vehicles to adjust their speed to avoid a collision, typically a reduction to 50% of their mid-block running speed. Figure 2.2-2 illustrates the corner sight distance triangles for intersections with no traffic control. Table 2.2-5 provides the ISD criteria for these intersections. Example 2.2-1 provides the steps in determining the length of each of the legs of an intersection's sight triangle. Consider providing the suggested sight distance, especially for new construction. If this sight distance cannot be provided, consider placing stop or yield signs on one of the roads, or installing intersection warning signs.

————— Measurement of Intersection Sight Distance (No Traffic Control)
————— (Figure 2.2-2)



Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Example 2.2-1

Given: No traffic control at intersection
Design speed 40 mph (Highway A—see Figure 2.2-2)
40 mph (Highway B—see Figure 2.2-2)
Problem: Determine legs of sight triangle.
Solution From Figure 2.2-1 $ISD_a = 115$ ft
 $ISD_b = 110$ ft

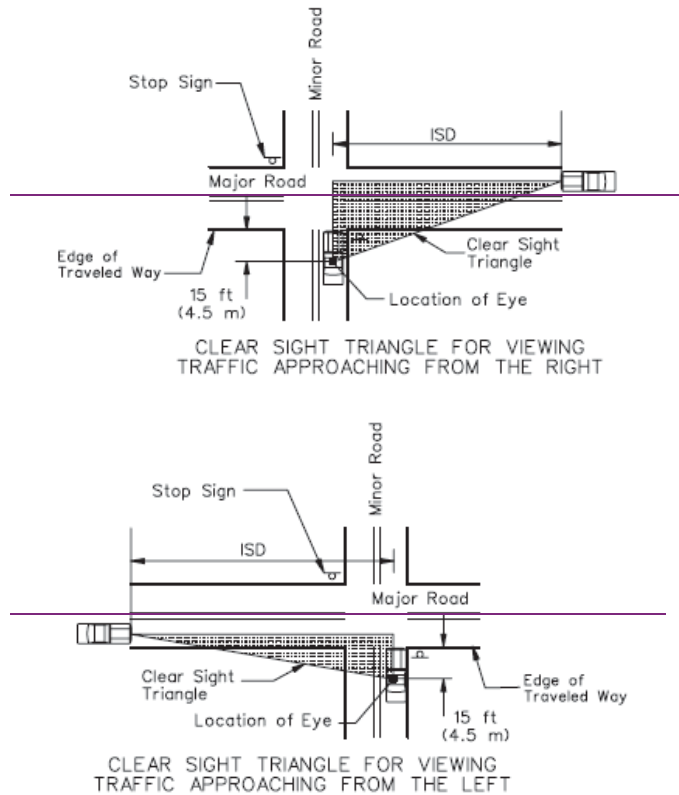
Intersection Sight Distance (No-Traffic Control) (Table 2.2-1)							
Design Speed (mph)	20	25	30	35	40	45	50
Intersection Sight Distance (ft)	110	115	120	130	140	150	160
Note: For approach grades greater than 4%, increase the ISD value 4%.							

Case B—Intersections with Stop Control on the Minor Road

Where traffic on the minor road of an intersection is controlled by stop signs, the driver of the vehicle on the minor road must have sufficient sight distance for a safe departure from the stopped position assuming that the approaching vehicle comes into view as the stopped vehicle begins its departure.

The intersection sight distance is obtained by providing clear sight triangles both to the right and left as shown in Figure 2.2-1. The length of legs of these sight triangles is determined as follows:

Clear Sight Triangles (Stop-Controlled) Intersections
(Figure 2.2-1)



- b) **Minor Road.** The length of leg along the minor road is based on two parts. The first is the location of the driver's eye on the minor road. This is typically assumed to be 15 ft (4.5 m) from the edge of traveled way for the major road and in the center of the lane on the minor road. The second part is based on the distance to the center of the vehicle on the major road. For right turning vehicles, this is assumed to be the center of the closest travel lane from the left. For left turning vehicles, this is assumed to be the center of the closest travel lane for vehicles approaching from the right. See Figure 2.2-1.
- c) **Major Road.** The length of the sight triangle leg or ISD along the major road is determined using the following equation:

$$ISD = 1.44 v_{major}^2 t_g$$

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Where:

ISD = length of sight triangle leg along major road, ft

v_{major} = design speed of major road, mph

t_g = gap acceptance time for entering the major road, see

The critical gap time (t_g) varies according to the design vehicle, the maneuver type, the grade on the minor road approach, the number of lanes on the major roadway, the type of operation, and the intersection skew.

- d) Design vehicles. For local roads and streets, assume a passenger car as the design vehicle (i.e., $t_g = 5$ seconds).
- e) Grades. If the approach gradient on the minor road is on an upgrade greater than 3.0%, increase the ISD value by 10%.
- f) ISD values. Table 2.2 provides the ISD criteria for a passenger car turning left or right or crossing a 2-lane major road. For other types of facilities (e.g., 3 lanes, medians) or where trucks may control the design, see Section 2.2.2 of the *BDE Manual*.

At a minimum, provide Case B sight distance at all intersections for reconstruction and new construction projects. Also, provide Case B sight distance on projects where the vertical alignment is changed.

Intersection Sight Distance (Two-Lane Facilities) (Table 2.2-1)	
Design Speed (v_{major}) (mph)	ISD (ft) ⁽¹⁾⁽²⁾
20	220
25	240
30	335
35	390
40	445
45	500
50	555
55	610
60	665
¹ These ISD values assume crossing or left or right turns onto a 2-lane facility without a median.	
² Where the approach grade on the minor road is on an upgrade greater than 3.0%, increase the ISD value by 10%.	

4) Case C – Intersections With Yield Control On the Minor Road

At intersections controlled by a field sign, drivers on the minor road will typically slow down as they approach the major road to a point at which they can choose the approach speed based on their view of the major road and make a stop/continue decision and either raise to a stop or continue their crossing or turn lane onto the major road.

Yield control criteria is based on a combination of the no-control I-15 discussed in Section 4.1.1(c) and the stop-controlled I-15 as discussed in Section 4.1.1(c). Where field control is proposed, consider the Case C sight distance on new construction and reconstruction projects. Adequate sight distance cannot be provided, consider re-laying the field sign with a stop sign to determine the applicable clear sight triangles for a field-controlled intersection (see Figure 4.14).

4.1.1.1 Case B Intersections With Traffic Signal Control

At signalized intersections, provide sufficient sight distance for the stop bar so that the first vehicle on each approach is visible to all other approaches. Traffic signals are often used at high-volume intersections to address crashes related to restricted sight distances. Therefore, the I-15 criteria for left or right turn vehicles as discussed in Section 4.1.1(c) are typically not applicable at signalized intersections. However, where right turn on red is allowed, check to ensure that the I-15 for a stop-controlled right turn vehicle is applicable to the left. It is not considered restricting the right turn on red. However, in addition, if the traffic signal is placed on a flashing operation (e.g., flashing amber on the major road approaches and flashing red on the minor road approaches) under certain or nighttime conditions, consider providing the I-15 criteria as discussed in Section 4.1.1(c) for a stop-controlled intersection.

4.1.1.2 Case C Intersections With Full-Width Stop Control

At intersections with all-way stop control, provide sufficient sight distance for the stop bar so that the first stopped vehicle on each approach is visible to all other approaches. Often, intersections are converted to all-way stop control to address limited sight distance at the intersection. Therefore, providing additional sight distance at the intersection is unnecessary.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

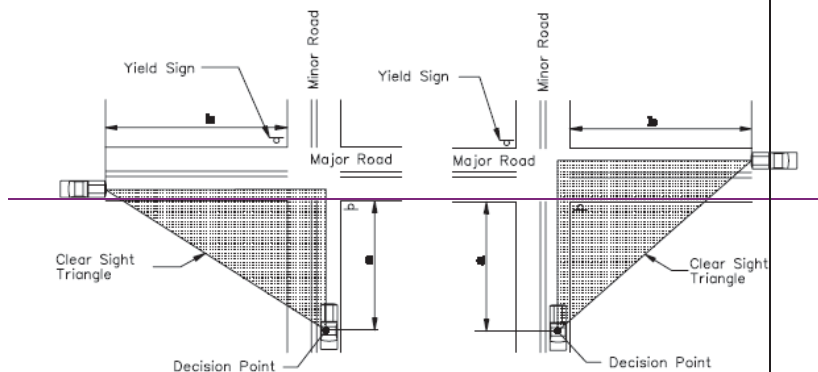
Formatted: Font: Palatino Linotype, 8 pt

Intersection Sight Distance Guidelines – Field Control		
Table 2.2		
Design Speed mph	Minor Road Approach a ft ^{1,2}	Major Road Approach b ft
20	100	195
25	130	240
30	160	290
35	195	335
40	235	385
45	275	430
50	320	480
55	370	530
60	420	585

¹–or–T–intersections, use 15 ft–25 m

²–values shown are for passenger cars crossing a 2-lane facility with no median and grades 3.0% or less. Increase ISD by 10% on minor roads with approach grades exceeding 3.0%.

Intersection Sight Distance Guidelines – Field Control
Figure 2.2-4



4) Case 4: Left Turns from the Major Road

At all intersections regardless of the type of traffic control, consider the sight distance needs for a stopped vehicle turning left from the major road. This situation is illustrated in Figure 4-1. The driver will need to see straight ahead for a sufficient distance to turn left and clear the opposing travel lanes before an approach vehicle reaches the intersection. Sight distance for opposing left turns should be increased to setting the left turn lanes a distance from the intersection equal to the length of the passenger cars turning left from the major road.

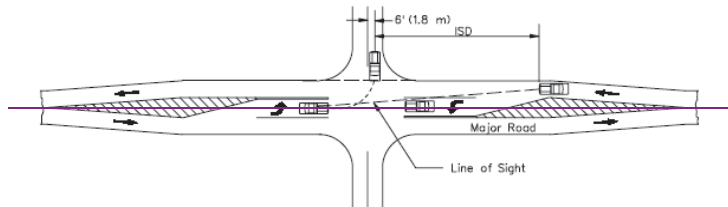
5) Effect of Sight

Where it is impractical to realize an intersection that is greater than 100 ft from the perpendicular, the designer should need to adjust the sight acceptance times to account for the additional travel time required for a vehicle to make a turn or cross a facility to utilize an LED intersection. Determine the actual path length for a turning or crossing vehicle by dividing the total distance of the lanes and/or median to be crossed by the sine of the intersection angle. If the actual path length exceeds the total width of the lanes to be crossed (100 ft) or more, see Section 4-10 of the BDE Manual for additional guidance.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Intersection Sight Distance for a Stopped Vehicle
Turning Left on a Minor Road
Figure 2.2-5



Intersection Sight Distance for a Stopped Vehicle
Turning Left on a Minor Road
Table 2.2

Design Speed (mph)	ISD Crossing 1 Lane (ft)	ISD Crossing 2 Lanes (ft)
20	165	140
25	205	225
30	245	265
35	285	310
40	325	355
45	365	400
50	405	445
55	445	490
60	485	530

Note: Assumes no median on major road.

Horizontal Alignment at Intersections

- The preferred angle of intersection for intersecting streets is degrees. The minimum angle is degrees. A change in street alignment on the side street to meet this requirement should occur no less than one hundred feet from the intersection of the two streets. The point of change for a horizontal curve on the side street shall be no closer than feet from the intersection of the two streets.
- Multiple intersections in a line in sections of more than two streets is not allowed.
- Two streets intersecting the same street from opposite sides should intersect this same street directly opposite one another or the streets shall be offset a minimum of one hundred feet between their centerlines.

Formatted: Space After: 4 pt

Formatted: Indent: Left: -1.63"

d. Mini-circle radii at street intersections should be:
Residential subdivision (thirty) feet
non-residential subdivision (thirty-five) feet

Formatted: Space After: 4 pt

J. Traffic Barriers.

Guardrail is not used extensively on subdivision streets except where there is a significant risk to motorists or pedestrians, such as along sections of roadway with steep foreslopes. Guardrails and other traffic barriers should be designed in accordance with, and installed where warranted by, the latest edition of the AASHTO Roadside Design Guide, or other acceptable policy.

K. Curbs, Gutters & Sidewalks.

1. Where Required.

- a. Roadway curbs, gutters and sidewalks shall be required in residential conventional subdivisions where net residential density is equal to or greater than three dwelling units per acre of land and/or when lot frontages are 80 feet or less.
- b. Roadway curbs, gutters, and sidewalks shall be required in non-residential (i.e., commercial, industrial, etc.) conventional subdivisions unless exempt by the Planning Commission because of low traffic and pedestrian flows.

2. Roadway Curbs & Gutter.

- a. Road curbs shall be constructed of grade A (3,000 lb.) concrete to a height of no less than 6 inches above the finished road surface. The base of curbs shall be a minimum of 7-3/8 inches measured in cross-section. Curb sides may be sloped inward to join a rounded edge having a radius of one and one-half (1-½) inches or more. Alternative designs may be approved by the County Engineer.
- b. Drainage gutters shall be provided at the curb and road surface interface. Gutters shall be designed to carry peak water flows expected from a 10 year frequency storm occurring over the entire contributing watershed. Storm drain inlets in residential closed-section roads shall have bicycle-safe grates.

3. Sidewalks & Paths.

- a. Sidewalks shall be constructed of Portland cement concrete with a minimum depth of four inches except under driveways a minimum depth of 6 inches shall be used. Sidewalks shall be four feet wide and placed on a suitable base approved by the County Engineer. Sidewalks shall be constructed with equally spaced crack control joints and expansion joints; and the sidewalk surface shall have a light broom finish. Sidewalks shall have a ¼" per foot cross slope. Grades on sidewalks shall not exceed (20:1) 20' horizontal to 1' vertical.
- b. Handicapped accessible walkways, stairs and ramps shall be designed and constructed in accordance with the requirements of the Americans with Disabilities Act, "ADA Standards for Accessible Design (28 CFR, Part 36)."
- c. Hiking and biking paths are not required; however, if the developer proposes to install a path, the engineer of record shall show the location of the path and easement on the plan and shall provide construction details and material specifications. Where the path crosses a roadway ditch line, a minimum 15 inch

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

diameter drainage culvert shall be installed in the ditch line.

□. □pgrading of Existing Subdivision Road.

1. The subdivision of lots along any existing subdivision roadway that currently serves twelve (12) or more lots, and where the existing roadway is not a public roadway, shall require the existing roadway to be upgraded to the asphalt roadway standards. The road shall be upgraded from the location of the subdivision lots to the intersection with the public road.
2. The creation of a new subdivision with a road that enters upon another existing subdivision road that serves twelve (12) or more lots, and where the existing subdivision road is not a public roadway, shall require the existing subdivision roadway to be upgraded to the asphalt roadway standards. The existing subdivision road shall be upgraded from the entrance of the new subdivision to the public road.

□. Street □ame & Traffic Control Devices.

1. All subdivision roads shall be clearly identified by permanent road name signs, in accordance with the Jefferson County Addressing Ordinance.
2. Stop signs shall be provided at all intersections and where a subdivision road meets a state highway.
3. Speed limit signs (preferably with speed limits of twenty-five (25) miles per hour or less) shall also be provided at each subdivision entrance road and other locations where deemed appropriate by the County Engineer.
- Pavement markings for traffic control (i.e., centerline stripes, stop bars, speed hump delineation, directional arrows, cross-walks, etc.) shall be provided where deemed appropriate by the County Engineer.
5. Traffic control signs (i.e., “□o □eft Turn,” “One Way,” etc.) shall be provided where necessary to provide safe traffic control for subdivisions and site development projects as determined appropriate by the County Engineer.
6. All traffic control signs and pavement markings shall be installed in accordance with the latest edition of the □.S. Department of Transportation - □ anual of □niform Traffic Control Devices (□ □TCD) and the Standard Highway Signs (SHS) manual. Traffic control sign and pavement marking details and specifications shall be provided on the Preliminary Plat and/or Site Plan.

Sec. 2.3 Subdivision and Site Development Access Management

A. Subdivision Access to Public Roads.

1. Subdivision roads shall be coordinated with existing or proposed public roads. Generally, individual lots shall not have direct access to public roads. □ots must be served by internal subdivision roads unless otherwise approved by the Planning Commission. Subdivision road entrances onto public roads must be acceptable to the Planning Commission and to the West □irginia Division of Highways as to: location, number of entrances, drainage provisions, traffic safety, traffic control devices and general entrance design.
2. □on-Residential subdivision entrance access to public roads shall be designed to

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

minimize traffic conflicts in accordance with guidelines of the latest edition of the Transportation Research Board's Access Management Manual; or as determined by the County Engineer.

Generally, a subdivision entrance shall be spaced a minimum of 200' from the intersection of two public roads.

3. Generally, a subdivision shall be served by at least two entrances. The entrances shall be offset a minimum of 300' centerline to centerline.

For a residential subdivision, a single entrance may be used under the following conditions:

Maximum Number of Lots	Single Entrance Road Width
12	22' entire length
13 to 30	24' entire length

Residential subdivisions with more than 30 lots shall have two entrances.

- Where a subdivision road slopes toward a public highway, the entrance slope may not exceed a three percent (3%) grade for at least 100 linear feet into the subdivision.

Where a subdivision entrance slopes away from a public highway, the entrance slope may not exceed a five percent (5%) slope for at least 100 linear feet into the subdivision.

5. Residential & Non-Residential Subdivision boulevard type entrances used at the point of connection of a subdivision road to the public highway shall be designed as follows:
 - a. Raised median minimum 4' wide with concrete curb.
 - b. Single lane width of a minimum of 13' and maximum of 17'.
 - c. The single lane width shall extend a minimum of 50' beyond the termination of the median; at which point a pavement edge transition taper of 10:1 to a two-way street pavement width shall begin.
6. Non-Residential subdivisions shall have a concrete entrance apron, as follows:

Full width of the subdivision road pavement x 25' long x 6" depth with WWF Reinforced 3,000 psi Portland cement concrete. The apron shall be designed to carry the loads imposed by the anticipated vehicular traffic.
7. Minimum curb radii at the subdivision entrance should be as follows:

Residential Subdivision	Thirty (30) feet.
Non-Residential Subdivision	Thirty-five (35) feet.

B. Site Development Access to Public Roads.

1. Site development access driveways shall be coordinated with existing subdivision streets or public roads. Generally, individual lots within a subdivision shall not have direct access to public roads unless approved by the Planning Commission. Site development access onto public roads must be acceptable to the Planning Commission and to the West Virginia Division of Highways as to: location, number of entrances, drainage provisions, traffic safety, traffic control devices and general entrance design.

2. Site development site entrance drives and site access shall be designed to minimize traffic conflicts in accordance with guidelines of the latest edition of the Transportation Research Board's Access Management Manual; or as determined by the County Engineer.

3. Entrance width limits are as follows:

Minimum one-way	13'
Maximum one-way	17'
Minimum two-way	20'
Maximum two-way	35'

Length of entrance shall be a minimum of 50' long from the existing edge of pavement of the access road before beginning a 1 to 15 taper from the edge of pavement to desired width.

- Site development entrance access drives shall be spaced as follows:

- A minimum of 75' centerline to centerline; and
- A minimum of 75' from the centerline of an internal subdivision road intersection; and
- A minimum of 150' from the intersection of a non-residential subdivision entrance road or public highway with another public highway.

5. Site development access drives to subdivision streets and public roads shall have a concrete entrance apron, as follows:

Full width of the driveway x 25' long x 6" depth with WWF Reinforced 3,000 psi Portland Cement Concrete, and 4" of base stone. The apron shall be designed to carry the loads imposed by the anticipated vehicular traffic.

6. Minimum curb fillet radii at the site development access drive intersection with the subdivision street or public highway should be thirty (30) feet (35 feet-).

C. Improvements to State Highways.

The minimum criteria for installation of site access improvements to State Highways shall be as listed below. In the event the West Virginia Division of Highways will not permit such improvements, and is stated accordingly in writing, the decision of the Division of Highways will prevail.

- Traffic signals may be required when warranted in accordance with Part III of the Manual on Uniform Traffic Control Devices; and shall be installed, if warranted by the West Virginia Division of Highways (WVDOT). If a traffic signal is needed, then installation normally will be at the developer's expense. The developer is responsible for coordinating the design and installation with West Virginia Division of Highways.
- 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 turn lane vehicle queue length and design shall be in accordance with the latest edition of the American Association of State Highway and Transportation Officials

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

(AASHTO) Policy on Geometric Design of Highways and Streets and shall be approved by the West Virginia Division of Highways. The left turn lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.

3. Deceleration lanes shall be provided on Primary and Secondary Routes where the operating speed on the State Highway is 35 miles per hour or greater. The deceleration lane design shall be in accordance with the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or the requirements of the WVDOH. The deceleration lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.
4. Acceleration lanes shall be provided where peak hour two-way volumes on two-lane two-way State Highways are 600 or greater. The length of the lanes will be a function of operating speed. 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 acceleration lane design shall be in accordance with the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or WVDOH requirements. The acceleration lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.
5. The need for reconstruction of vertical or horizontal alignments to improve site access and sight distance shall be determined based on the design speed of the road as addressed in the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or requirements of the WVDOH. The roadway improvements shall be installed by the developer only if warranted by the West Virginia Division of Highways.
6. Shoulder widening shall be provided as follows:
 - a. 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.
 - b. Local Service Routes with current ADT of 2000 or greater or projected year 2000 ADT of 2500 or greater Same as Secondary Routes.
 - c. 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.
 - d. All other Local Service Routes minimum three (3) feet wide gravel with a 1:1 slope into a one (1) foot deep ditch and out with a 2:1 side slope.
 - e. Safety improvements such as signing and delineation at locations on the State Road adjacent to a development may be required. Said improvements must be based on either (1) a proven significant accident record or (2) an existing condition which the addition of the subject development would exacerbate actual accident experience.

Shoulder widening improvements shall be installed by the developer unless the WVDOH determines the improvements are not warranted.

Sec. 2.4 Subdivision Road & Common Area Ownership & Maintenance

- A. A Homeowner's Association or Business Owner'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. The developers shall dedicate all common lands (SW Basin, roads, right-of-ways, etc.) to the Association. A note to this effect is required on the Site Plan or Final Plat.
- B. 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.

Sec. 2.5 Off-Street Parking Standards

- A. Off-street parking facilities may be parking lots, parking bays, or other types approved by the County Engineer. Parking facilities shall be designed in accordance with the design standards and details established by the County Engineer.
- B. The number of parking spaces shall be as required by the Zoning Ordinance.
- C. All parking lots and parking bays (except for parallel parking along a townhouse/condominium complex street) shall be physically separated from the street and confined by curbing, unless other suitable design is approved by the County Engineer.
- D. ~~Medians and landscaped areas separating rows of parking spaces shall be curbed. All~~Any curb lines in all parking areas shall have a minimum radius of curvature of five (5) feet.
- E. The layout of parking areas shall permit safe and efficient internal circulation in accordance with generally accepted engineering principals and practices.
- F. All dead-end parking areas shall be designed to provide sufficient back-up area for the end stalls of the parking area; and to allow turn-around of cars without having to back out of parking bays.
- G. Handicapped parking spaces and access ramps shall be provided, designed, located and delineated in accordance with the latest edition of the Americans with Disabilities Act, ADA Standards for Accessible Design (28 CFR, Part 36). Calculations showing the required number of handicapped parking spaces shall be provided on the site plan; and details and dimensions shall be provided for the access ramps, parking spaces, pavement markings and signs, etc.
- H. Parking area and drive aisle grades shall be as follows:
 - Maximum 6.5%
 - Minimum 0.5%
- I. Parking area access driveways and entrances leading from the public road or subdivision street, and also the parking area internal access drives connecting physically separated parking bays, shall not exceed an 8% grade.
- J. The maximum embankment cut or fill-grade inside and/or adjacent to parking areas shall not exceed (3:1) 3' horizontal to 1' vertical slope. The County Engineer may accept steeper embankment slopes up to (2:1) 2' horizontal to 1' vertical upon review and approval by a geotechnical engineer.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

A minimum three foot wide strip, not to exceed (5%) five percent slope, shall be provided between parking areas, sidewalks, and parking area access drives, and the toe or top of any embankment slope.

When retaining walls are used, they shall be designed and certified by a Professional Engineer licensed in West Virginia. The construction details and specifications shall be shown on the site plan.

- K. There shall be a minimum 10' median between the end of a row of parking spaces and any parking area access drive in order to provide for adequate sight distance.
- All cart storage areas, parking area internal pedestrian pathways, parking spaces, directional arrows, fire lanes, and handicapped parking symbols, etc., shall be shown on the preliminary plan and delineated on the pavement with traffic grade paint.
- All parking areas shall be bituminous asphalt or concrete paved. Paving sections shall be as established by the County Engineer.
- Parking area dimensions shall be no less than those listed in Table 2.5-1, as follows:

Parking (Table 2.5-1)				
Parking Angle	Stall Width	Stall Depth	Drive Aisle One-Way	Drive Aisle Two-Way
90	9'	20'	24'	24'
60	9'	22'	18'	24'
45	9'	21'	14'	24'
Parallel	9'	22'	12'	24'

- O. The County Engineer may establish standard details as deemed necessary to depict and convey the parking requirements.

Sec. 2.6 Street and Parking Area - Outside Lighting

Street lighting is typically required in concentrated areas of pedestrians or vehicles. Areas of potential need for lighting for the safety of pedestrians and motorists include but are not limited to: schools, hospitals, churches, shopping centers, restaurants, recreation centers, self-storage centers, convenience/retail stores, industrial complex, apartment and townhouse complexes, parking lots and street intersections. Street lighting shall be provided as required by the Zoning Ordinance and Section 22.20, *Street Lighting*.

Whenever street or other outside lighting is required, the minimum lighting intensity shall be in accordance with the latest edition of the American National Standard Practice for Roadway Lighting, Illuminating Engineering Society, American National Standards Institute.

Light poles installed in a parking area shall be installed on a 30" high structural base (i.e., reinforced concrete pier) to protect them from vehicle damage.

Lighting shall be shielded and directed down to prevent glare and to minimize light trespass. The location, specifications and construction details for outside lighting shall be provided on the preliminary plat.

Formatted Table

Formatted: Font: Bold

Formatted: Indent: Left: -1.63"

Sec. 2.7 Speed Humps

In subdivisions and site development projects, if roadway or access drive traffic calming speed bumps are proposed, they shall be designed, installed and delineated in accordance with the latest edition of the Institute of Transportation Engineers Guidelines for The Design And Application of Speed Bumps. Construction details shall be provided on the Preliminary Plat and/or Site Plan.

Division 3.0 Utilities and Water & Sanitary Sewer Systems

Sec. 3.1 Water & Sanitary Sewer Systems

A. Well & Septic Systems.

- Individual well and/or septic systems, where allowed, shall be approved by the Jefferson County Health Department. A copy of the approved Health Department permit shall be submitted prior to approval of the Preliminary or Final Plat.
- Location of the septic system percolation test holes and septic reserve area shall be shown on the Preliminary Plats and Final Plats. A 100' buffer separating any well from any septic reserve area and existing drain field shall be shown on the Preliminary Plats and Final Plats.
- 3. Effective as of March 1, 2011, in all subdivisions to be served by individual wells, all such wells shall be pressure grouted. A note shall be placed on all plats stating the following:

□ Certification from a well driller that a pressure grouted well is drilled and is producing water at a quantity approved by the Jefferson County Health Department and/or the West Virginia Bureau of Health shall be submitted to the Planning Commission prior to the issuance of an Improvement Location Permit. □ Certification that the water is potable must be submitted to the Planning Commission Office within 6 months of the issuance of an Improvement Location Permit."

- In subdivisions to be served by individual wells and/or septic systems a note shall be placed on the Final Plat alerting the public that:

□ The Public Service District may require in the future each property owner to abandon existing well and septic systems and to connect to a centralized system when and if it becomes available."

□. Central Water & Sanitary Sewer Systems.

- A centralized water system shall be required for all subdivisions taken from contiguously owned tracts of land which contain 100 or more lots or dwelling units. A centralized water system shall also be required for all subdivisions which create a total of 100 or more lots on a tract of land that was on record at the Clerk's Office on October 1, 2011.

Subdivisions of greater than 100 dwelling units and that are required to have central water systems shall be equipped with fire hydrants. Fire hydrants shall meet the requirements herein specified for fire hydrant installation and operation.

Nonresidential subdivisions shall be served by central water systems with fire hydrants sufficient to meet all requirements of the West Virginia State Fire Marshal's regulations.

Formatted: Space After: 3 pt

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

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

- Water and sanitary sewer systems, water treatment plants, waste water treatment plants, storage tanks, etc., shall be designed and constructed according to the regulations of the West Virginia Bureau of Health, the West Virginia Department of Environmental Protection and federal regulations, as applicable.

A copy of the approved West Virginia Bureau of Health permit and a complete set of the approved plans shall be submitted prior to approval of the Preliminary Plat. The plans shall include the utility system plan, profiles, details, and specifications necessary for construction of the system.

For waste water treatment plants, a copy of the West Virginia Department of Environmental Protection's waste load allocation and discharge permit shall be provided prior to approval of the Preliminary Plat.

3. If a central water and/or sanitary 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 Commission and in compliance with all pertinent rules and regulations of the West Virginia Public Service Commission. Such construction and operation agreement shall be in full force and effect and guaranteed construction funding, in a form acceptable to the Planning Commission and the Jefferson County Commission, shall be committed prior to the sealing of the Final Plat by the Planning Commission.

- Where centralized water and/or a sanitary sewer system are provided in a subdivision, a note shall be placed on the Final Plat stating□

□Private wells and/or private septic systems for domestic use are prohibited when central water and/or sanitary sewer service is available.”

- Where possible, water and sewer lines that are installed parallel to subdivision roads shall be laid within the road right-of-ways. Otherwise, utility easements shall be provided as deemed necessary to provide for access and maintenance. A note shall be placed on the Final Plat stating□

□A blanket easement is granted to the appropriate Public Service District in all road right-of-ways for construction and maintenance of water and sanitary sewer lines.”

- A note shall be place on the Preliminary Plats and Final Plats stating that□

□Service laterals to individual lots or sites shall be installed prior to construction of the finished road pavement surface.”

- The installation of water and sanitary sewer utility lines and appurtenances shall be inspected and certified by the Public Service District that will own and operate the system. In the event the Public Service District is not able to perform the inspections, an independent professional engineer licensed in West Virginia shall inspect and certify that the system is installed in accordance with the approved plans and permits.

- Fire hydrants shall be installed in subdivisions served by existing municipal water systems or subdivisions served by a central water system that has at least 10,000 gallons of storage capacity. The hydrant shall have a minimum flow rate of 100 gallons per minute (gpm) at a residual pressure of 10 pounds per square inch (psi).
- Fire hydrants shall be installed at each street intersection with additional hydrants installed where necessary to provide fire hydrants at a maximum spacing interval of 100 feet or IS1 standards, whichever is less. Fire hydrants shall be connected to water lines that are at least 12 inches in diameter. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
- 0. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia State Fire Marshal and the Jefferson County Volunteer Fireman's Association.
- 1. Subdivisions with central water systems that do not meet the standards required for the installation and operation of fire hydrants shall provide proper tap connections at the storage site to permit water draws by pumper or tank trucks.
- 2. Fire service, dry hydrants, and cisterns (underground water storage tanks), where installed, shall meet the specifications and standards as established by the Jefferson County Office of Emergency Management and shall be acceptable to the Chief County Engineer.

Sec. 3.2 Utilities

All utility transmission lines (e.g., electric, phone, cable, water, sewer, etc.) and service lines within the subdivision or site development project shall be underground.

Division 4.0 Stormwater Management and Erosion & Sediment Control

All requirements and processes for Stormwater Management and Erosion & Sediment Control for Jefferson County are contained within the Jefferson County Stormwater Management Ordinance. Development within the County, meeting the criteria described in the Stormwater Management and Erosion & Sediment Control, must conform to the standards set therein.

Sec. 4.1 Erosion & Sediment Control

A. Review and Approval of Erosion & Sediment Control Plans:

- No changes shall be made in the contour of the land and no grading, excavating, removal or destruction of topsoil, trees, or other vegetative cover shall be commenced, until an erosion and sediment control plan for stabilizing disturbed areas has been reviewed and approved by the Jefferson County Engineer and until a subdivision Final Plat has been recorded and bonded or a Site Plan has been approved and bonded, as may be applicable.
- The applicant shall submit the erosion and sediment control plan and any supporting computations to the Jefferson County Planning, Zoning & Engineering Departments for review and approval. The erosion and sediment control plan shall contain sufficient information and notes to describe how soil erosion and off-site sedimentation will be minimized. The Jefferson County Planning, Zoning & Engineering Departments shall review the plan to determine compliance with the "West Virginia Erosion & Sediment Control Handbook for Developing Areas" and these regulations. The plan shall serve as a basis for all subsequent grading and stabilization.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

3. The Jefferson County Engineer may require that the erosion and sediment control plan be provided on separate plan sheets in the Preliminary Plat and/or Site Plan, solely intended to show the erosion and sediment control plan and the related details and notes.

All plans must meet the requirements of the West Virginia Department of Environmental Protection's Construction Stormwater NPDES regulations, as applicable. In the event of conflict between the Jefferson County Subdivision Ordinance requirements and WDEP requirements, WDEP requirements shall prevail.

Approval of the Site Plan and/or Preliminary Plat by the Jefferson County Engineer shall constitute approval of the erosion and sediment control plan.

Contents of the Erosion and Sediment Control Plan.

The applicant is responsible for submitting an erosion and sediment control plan which meets the requirements of the Jefferson County Engineering Department, these Regulations, and the West Virginia Erosion & Sediment Control Handbook for Developing Areas." The plans shall include sufficient information to evaluate the potential impacts of the proposed grading on water resources and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.

The erosion and sediment control plan shall be submitted as a part of the application for subdivision Preliminary Plat or Site Plan approval. The erosion and sediment control plan shall include, at a minimum, the following information:

A plan at an appropriate scale indicating at least:

a. North arrow and graphic scale.

b. Symbol key for all erosion and sediment control measures (i.e., stabilized construction entrance, silt fence, check dams, culvert inlet protection, etc.) shown on the plan.

c. Existing and proposed topography/grading contours.

d. The limits of the disturbed area.

e. Storm drainage provisions, including velocities and peak quantities of the 100 flow at outfalls.

f. Erosion and sediment control provisions to minimize erosion and prevent off-site sedimentation including:

1) Provisions to preserve topsoil and limit disturbance.

2) Details of grading practices.

3) Design details and construction notes for structural controls and

4) Details and notes of temporary and permanent stabilization measures including placement of the following notes on the plan:

Erosion & Sediment Control Notes

1. ~~Any area of exposed soil where no construction activity is anticipated for a period of longer than three weeks or has stopped for three weeks shall be temporarily stabilized.~~
2. ~~Following initial soil disturbance or re-disturbance, permanent stabilization shall be completed within:~~

~~Seven calendar days after completion of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); and~~

~~Seven calendar days after reaching final grade for all other disturbed or graded areas.~~

~~These provisions do not apply to those areas which are shown on the plan for material storage or for those areas on which actual construction activities are currently being performed.~~

~~These time requirements may be extended, as deemed necessary by the Jefferson County Engineer in the event that adverse conditions prevent compliance with the stated time limitations for the completion of permanent or temporary stabilization.~~
3. ~~Stabilization will be considered adequate when the following conditions are met:~~
 - a) ~~Water courses, stream banks and drainage easements shall be 100% stabilized and free from erosion and deposition.~~
 - b) ~~Slopes steeper than 10% shall have at least 98% stable ground cover, as determined by the County Engineer.~~
 - c) ~~All other areas shall have at least 85% stable ground cover, as determined by the County Engineer.~~
 - d) ~~Grass vegetation shall have reached a minimum of 3 inches height or have been mowed back to a minimum of 2 inches of height.~~
4. ~~For all projects adjacent to or within 500 feet of a continuously flowing stream, 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.~~
5. ~~An off-site borrow pit is (or is not) proposed for this project.~~
6. ~~Maintenance shall be performed as necessary to ensure that all erosion and sediment control measures are performing as designed. The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing the approved plans do not provide adequate protection.~~
7. ~~All residential and commercial/industrial building lots shall have a stabilized construction entrance installed prior to beginning construction on the lot.~~
8. ~~The developer/applicant is responsible for ensuring that all clearing, grading, drainage, construction and development is conducted in accordance with the erosion and sediment control plan.~~

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

- g. Temporary and permanent seeding specifications, including:
Type of seed (mixture) and application rate;
Type of lime and fertilizer and the associated application rates; and
Type of mulching, application rate, and type of anchoring.
- h. Sequence of construction outlining the installation and maintenance of erosion and sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, at a minimum, outline the sequence for the installation of erosion and sediment control devices for the following applicable activities:
- 1) Installation of the stabilized construction entrance;
 - 2) Clearing and grubbing for those areas necessary for installation of perimeter controls;
 - 3) Construction of perimeter controls (i.e. dikes, silt fence, sediment traps, sediment basins, etc.);
 - 4) Remaining clearing and grubbing;
 - 5) Road grading;
 - 6) Grading of ditch lines and drainage swales;
 - 7) Utility installation;
 - 8) Grading for stormwater management facilities
 - 9) Grading for the remainder of the site;
 - 10) Final grading, landscaping or stabilization;
 - 11) Maintenance schedule for all E & S control devices; and
 - 12) Removal of temporary erosion & sediment controls.
- i. Any off site source of borrow materials that is located in Jefferson County, and not regulated directly by an agency of the State or Federal governments, shall be so noted on the erosion and sediment control plan and an erosion and sediment control plan shall be provide for the borrow pit.

If no off-site borrow source is proposed, it shall be so noted on the erosion and sediment control plan.
- j. The following note shall be placed on the Site Plan, Preliminary Plat, and Final Plat of subdivision:

"All residential and non-residential building lots shall have a stabilized construction entrance installed prior to beginning construction on the lot."
- k. Computations as may be necessary to show adequate sizing of erosion and sediment control measures.

3. ~~The Jefferson County Engineer may waive the inclusion of any specific information required by this section that is considered by the County Engineer to not be required or not applicable for the affected site.~~

C. ~~Modifications to Erosion and Sediment Control Plan.~~

~~The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing the approved plans do not provide adequate protection. Modifications may also be requested by the developer or engineer of record due to unforeseen field conditions.~~

Sec. 4.2 Storm Drainage

A. ~~Drainage Culverts.~~

1. ~~Roadway culverts shall be designed to pass the 10-year, 24-hour storm event without overtopping the roadway at the edge of pavement. Provide calculations in the stormwater management report.~~
2. ~~Roadway drainage culverts shall be galvanized corrugated metal pipe (CMP) or approved equal by the Jefferson County Engineer. The culverts shall be a minimum of 15-inch diameter or equivalent elliptical/arched pipe size.~~
3. ~~The outlet end of roadway drainage culverts shall be protected from scour by rip-rap aprons or other energy dissipating devices.~~
4. ~~Drainage culvert outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.~~
5. ~~Roadway culverts shall have a minimum of 12 inches of cover over the pipe.~~
6. ~~Roadway culverts shall have manufactured end sections or concrete end walls at the inlet and outlet ends.~~
7. ~~Profiles of the roadway culverts shall be shown on the Preliminary Plat and/or Site Plan, as applicable; and shall show:~~
 - a. ~~Culvert identification that corresponds with plan view.~~
 - b. ~~Pipe size, shape, material type & length.~~
 - c. ~~Inlet and outlet invert elevations.~~
 - d. ~~Slope of pipe.~~
 - e. ~~Inlet and outlet end section type.~~
 - f. ~~Outfall rip-rap apron/energy dissipation device at 0% grade.~~
 - g. ~~10 flow rate and velocity.~~
8. ~~Construction details and specifications shall be provided on the preliminary plat and/or site plan, as applicable, for the culvert pipe, outfall aprons, and culvert end sections/wing walls.~~

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

9. Individual lot driveway culverts shall be sized for the 10-year storm event; however, the minimum is 15 inch diameter. Driveway culverts shall be galvanized corrugated metal pipe or approved equal by the Jefferson County Engineer.

A table of lot number and driveway culvert size shall be provided on the Preliminary Plat and Final Plat, if applicable.

D. Roadway Ditch Lines:

1. Roadway ditch lines shall be a minimum depth of 1-1/2 feet, with a 4:1 slope in from road shoulder and a 2:1 return slope back out.
2. Roadway ditch lines shall have a minimum linear slope of 1.5%; unless a trapezoidal ditch (minimum 2 feet wide) is used; then a minimum of 0.5% is acceptable.
3. Roadway ditch lines shall not meander and shall be generally parallel to the roadway, except where necessary to direct runoff into culverts, move a ditch to the bottom of a fill slope, or to provide for a suitable discharge point.
4. Ditch line invert treatment shall be provided based on the 10-year, 24-hour storm event flows and the velocity of the water in the ditch line, as shown on Table 4.2-1.

Table 4.2-1		
Ditch Material	Maximum Allowed 10-year storm event velocity (feet per second)	Maximum Allowed Ditch Slope (Percent)
Seed & Mulch (Grass)	2.0	3.5
Mesh Ditch Liner	3.0	5.0
Solid Sodding	5.0	10.0
Loose Rip-Rap	7.0	10.0
Concrete Channel	Governed by ability to dissipate energy at outfall to provide a maximum velocity of 4 fps.	

5. The location and type of ditch line treatment and a typical section of the roadway ditch line shall be provided on the Preliminary Plat and/or Site Plan, as applicable.

E. Curb & Gutter:

1. Curb & gutter shall be required along all residential subdivision roadways and parking bay areas where the net residential density is equal to or greater than three dwelling units per acre of land (e.g., condominium and townhouse projects).
2. Curb & gutter shall be required along the subdivision streets in non-residential (i.e., commercial and industrial) subdivisions unless exempted by the Planning Commission because of low vehicular traffic.
3. Curb & gutter construction details shall be provided on the Preliminary Plat and/or Site Plan as applicable.

— Road curbs and gutters shall be constructed of 3,000 psi strength Portland cement concrete. Curbs shall be to a height of no less than six inches above the finished road surface. The base of the curb shall be a minimum of 3/4 inches in width. The curb face may slope outward to join a rounded edge having a radius of 1 1/2 inches or more. Other curb designs may be approved by the Jefferson County Engineer.

— Drainage gutter and storm drain inlet devices shall be designed to carry the peak flow from a 2-year frequency, 24-hour storm event with a maximum spread of one-half the travel way.

□. Roof Drains.

For all non-residential sites, the building structure roof drain discharge points shall be located so as to avoid icing of walkways, driveways, and building entrances. The location of roof drain discharge points shall be shown or noted on the Preliminary Plat and/or Site Plan, as applicable.

□. Drainage Swales.

1. Drainage swales shall be sized for the 1-year, 24-hour storm event. Provide calculations in the stormwater management report.
2. Drainage swale grading and drainage swale details shall be provided on the preliminary plat and/or site plan, as applicable.

□. Storm Sewers.

1. Storm sewer system piping shall be designed for the 1-year storm event. Storm sewer inlets shall be designed for the 2-year storm event. Inlet structures located in a sump shall be checked to prevent curb overtopping during the 1-year event. Provide calculations in the stormwater management report.
2. Storm sewer systems may utilize curb and gutter where needed to capture and divert runoff into storm inlets.
3. Storm sewer pipe shall be galvanized corrugated metal pipe (CMP) or approved equal by the Jefferson County Engineer. The pipe shall be a minimum of 15-inch diameter or equivalent elliptical/arched pipe size.
- The outlet end of the storm sewer shall be protected from scour by rip-rap aprons or other energy dissipating devices.
5. Storm sewer outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
- Storm sewer pipe shall have a minimum of 12 inches of cover over the pipe.
- The outlet end of the storm sewer shall have manufactured end sections or concrete end walls.
- Profiles of the storm sewer system shall be shown on the preliminary plat and/or site plan, as applicable and shall show:
 - a. Inlet identification that corresponds with plan view.

b. Top and bottom of storm inlet elevations.

c. Pipe size, shape, material type & length.

d. Pipe inlet and outlet invert elevations.

e. Slope of pipe.

f. Outlet end section type.

g. Outfall rip-rap apron/energy dissipation device at final grade.

h. 100-year flow rate and velocity.

rain inlets in residential subdivisions with closed section roads shall have bicycle safe grates.

Construction details and specifications shall be provided on the Preliminary Plat and/or Site Plan as applicable, for the storm inlets and grates, manholes, pipe, end section/wing wall, outfall rip-rap apron, curb and gutter, etc.

G. Drainage Easements.

1. Drainage swales shall be located within drainage easements where necessary (i.e., on individual lots, etc.) to retain the right to convey runoff from roadway ditch lines and common areas to stormwater management facilities and to provide access for maintenance of the drainage swale.

Drainage swale easements shall be sized to contain the 100-year, 24-hour storm event flow within the easement. Drainage swale easements shall be a minimum width of 15 feet.

2. Storm sewer systems shall be located within drainage easements where necessary (i.e., on individual lots, etc.) to retain the right to convey runoff and to provide access for maintenance of the storm sewer system.

Storm sewer system easements shall be a minimum width of 15 feet. The staff has the authority to require larger storm sewer drainage easements when large pipe diameters and/or bury depth make a 15-foot wide easement impractical for access, maintenance or replacement of the storm sewer.

3. Drainage easements shall be shown on the final Plat.

Sec. 4.3 Stormwater Management

A. Quantity Control.

1. hydrologic analysis for calculating the water shed runoff for both the pre-development and post-development conditions shall be provided and based on the 24-hour rainfall event. This may be done using the SCS methodologies (i.e., TSS2 & TSS5, etc.) that takes into consideration the ground cover, time of concentration, area of the watershed, and the 24-hour rainfall amount and rainfall distribution for the region; or any other acceptable methodology in the public domain and approved by the Jefferson County Engineer.

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Indent: Left: -1.63"

— The hydrologic analysis shall be modeled as outlined in Table 4. Stormwater management *Quantity Control Criteria*. Provide the hydrologic analysis and calculations in the stormwater management report.

Formatted: Font: Not Italic, Font color: Auto

2. Stormwater quantity control shall be provided that reduces the post-development runoff rate from the site such that it does not exceed the first adjusted pre-development runoff discharge. For sites located adjacent to the Potomac River, Shenandoah River or the Pequot Creek, stormwater quantity control may use the quick-release approach to reduce the impact on the receiving stream's peak discharge. Use of the quick release approach shall be justified based on engineering analysis and approved by the County Engineer on a case-by-case basis.

— Quantity control may be provided by stormwater detention and retention basins, underground detention storage infiltration basins or trenches, and/or any other means approved by the Jefferson County Engineer. Provide the hydrologic and hydraulic routing calculations and analysis in the stormwater management report.

- The runoff from any pre-development area draining to a sinkhole shall not be counted in the calculation of the pre-development runoff from the site.
4. Table 4 provides for reduction of the pre-development flows due to the first geology characteristics of Jefferson County. This results in lower pre-development runoff rates for the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events.

— The first adjustment factors shown in Table 4 shall only apply to the area of the county depicted as first on Map 4, *Karst Geology Map of Jefferson County*.

- An off-site stormwater management facility may be used instead of an on-site facility when:
- a. An adequate route of conveyance between the site and the off-site facility exists, or will be built as part of the project; and
 - b. The off-site facility has the capacity or can be retrofitted to meet the criteria stated above; and
 - c. The developer has demonstrated the right to convey the runoff and use the off-site stormwater management facility.
- The emergency spillway and principal spillway outfalls shall be constructed in a cut section only to prevent erosion and collapse of the basin embankment and shall maintain a flat 1:100 grade to the end of the designed length of the outfall rip-rap, plunge pool or other approved outfall spreader.
- Where the outfall of a stormwater management facility is less than 100 feet from the immediate downstream property line, the outfall rip-rap apron shall be depressed six inches at the property line to create a plunge pool.
- Where a stormwater management basin exceeds six feet in height above the existing ground, anti-seep devices shall be provided along the principal spillway pipe to prevent piping and collapse of the basin embankment. See standard details.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

- ~~□. Where a stormwater management basin embankment exceeds ten (10) feet in height above the existing ground, a dam breach failure analysis is required identifying the potential for damage to homes, buildings, roads, utilities, etc.~~
- ~~□□. All stormwater management basin embankments shall have core trenches consistent with the size of the embankment.~~
- ~~□he Natural Resources Conservation Service (NRCS) and () Engineering Standards shall be used as a guide for designing pond embankments, spillways, anti-seep collars and core trenches, etc; unless another standard is approved by the County Engineer.~~
- ~~□□. All stormwater management basins shall be able to pass the () year, 24-hour storm event with a minimum of one foot of freeboard.~~
- ~~□2. The stormwater management basin shall have a minimum slope of () across the bottom and slope toward the low flow outlet at the control structure to ensure that the pond drains; and to prevent the puddling of water after the basin has emptied. This requirement does not apply to stormwater management basins designed as shallow marsh wetlands and/or stormwater retention basins.~~
- ~~Finish contours/grades and/or spot elevations shall be provided on the Preliminary Plat or Site Plan, as applicable, detailing the bottom of pond grading.~~
- ~~□□. Infiltration rates for infiltration basins shall be determined from percolation tests performed by a licensed septic installer or a licensed geotechnical engineer; or based on the () Coils Manual for Jefferson County using infiltration rates for the soil type at the site. The method used shall be approved by the Jefferson County Engineer.~~
- ~~Infiltration basins shall be designed to infiltrate empty within (2) hours after the storm event has ended.~~
- ~~□4. Stormwater management easements shall be provided where necessary to provide for access and maintenance of the stormwater management facilities. All easements shall be shown on the Preliminary Plat and Final Plat.~~
- ~~For stormwater detention, retention and infiltration basins, the limits of the () year, 24-hour storm event storage elevation shall be delineated on the Preliminary Plat and/or Site Plan, as applicable. The stormwater management facility and the limits of the () year storm event storage limits shall be located within a lot common area specifically designated for stormwater management purposes; or a stormwater management easement shall be provided that provides access to and contains both the stormwater management facility and the () year storm event storage limits. The limits of the () year storm event shall not encroach into a roadway.~~
- ~~All other stormwater management facilities shall have easements where necessary to provide for access and maintenance.~~
- ~~□□. The stormwater management plan and report shall demonstrate adequate downstream conveyance of stormwater discharge from the site.~~

The capacity should be determined of the existing downstream storm drainage system to convey runoff discharged by a project to natural streams and rivers. If the capacity is less than the pre-development runoff rate, then the capacity of the storm drainage system shall be used as the allowable release rate.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Table 4.3-1

**Stormwater Management
Quantity Control Criteria**

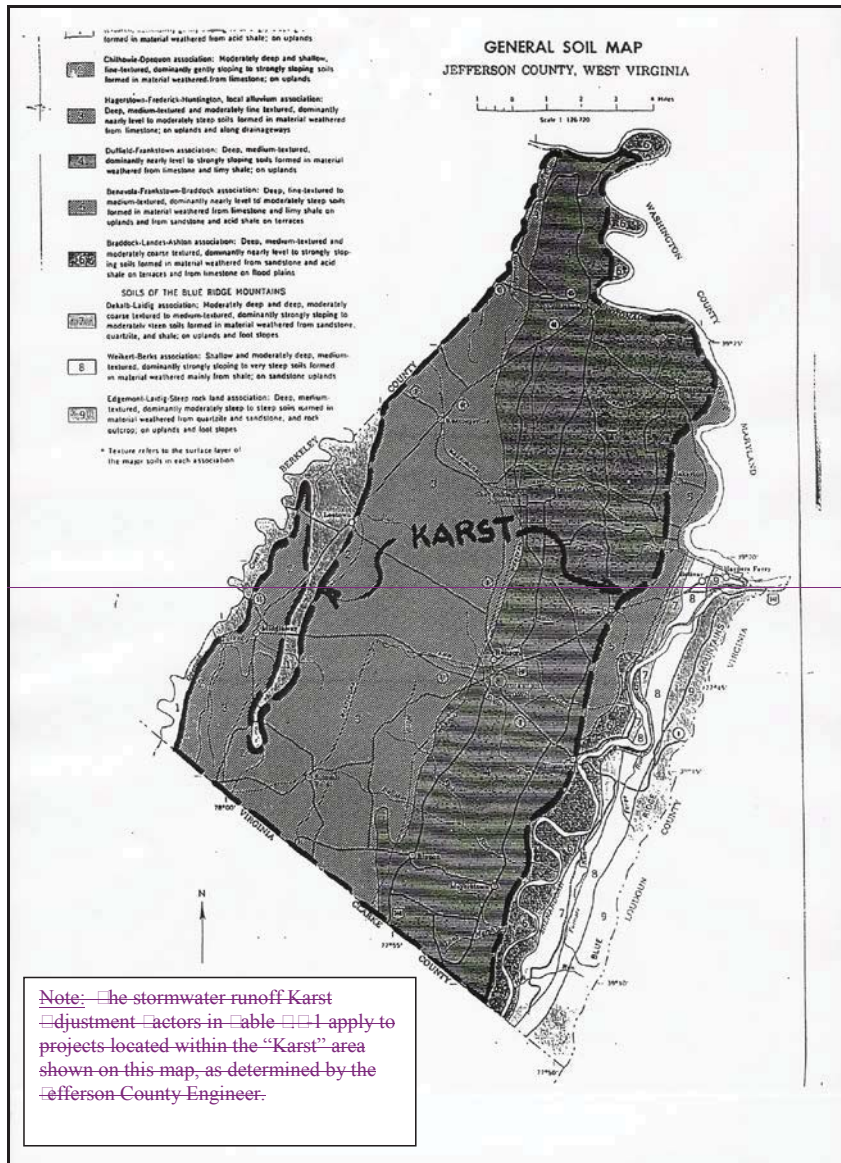
	Criteria	1-Yr & 2-Yr Storm	10-Yr Storm	100-Yr Storm
1.	Conditions under which stormwater management is required.	All Sites	All Sites	Sites located within the upper two-thirds of the drainage basin as measured from the Potomac or Shenandoah Rivers, or Opequon Creek; and which are located within a "growth" area; and which have a FEMA designated floodplain on or adjacent to the site.
2.	Allowable Assumptions for Pre-development land use.	Model as Wooded, Meadow, or existing Orchard	Model as land use at present time.	Model as land use at present time.
3.	Typical control Device	Extended Detention + 1-Yr & 2-Yr Low Flow Orifices + Principal Spillway	10-Yr High Weir + Principal Spillway	Highest Weir for control, or if not controlled, provide emergency overflow spillway cut into existing ground or size the principal spillway to pass the 100-Yr Storm Event.
4.	Minimum adjustment of Pre-development runoff for Karst Geology.	Apply 100% to all on-site drainage area and pro-rate off-site based on % of undeveloped off-site area in the total off-site drainage area.	Pro-rate based on % of undeveloped on-site & off-site area in the total drainage area.	Pro-rate based on % of undeveloped on-site & off-site area in the total drainage area.

Karst Geology — Runoff Adjustment Factors

	% Karst	Multiply Pre-Development Peak Discharge by Factors Below		
	100	0.33	0.43	0.50
	90	0.34	0.46	0.56
	80	0.38	0.51	0.62
	70	0.47	0.58	0.68
	60	0.55	0.66	0.74
	50	0.64	0.73	0.80
	40	0.73	0.80	0.85
	30	0.82	0.86	0.89
	20	0.91	0.92	0.93
	10	1.00	0.98	0.97
	0	1.00	1.00	1.00

Note: Post-development runoff adjustment may be made for Karst in large lots subdivisions only, based on 1-acre-per-lot plus the area of road rights-of-way modeled as "disturbed area," with the remaining undisturbed area considered Karst area. Such adjustment shall be reviewed and approved by the County Engineer on a case-by-case basis.

Map 4.3-1
Karst Geology Map of Jefferson County



Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

~~B. Quality Control.~~

- ~~1. There are two options for providing quality control at stormwater management basins:
 - ~~a. Provide extended detention whereby the 1.25" storm event post development runoff from the project is stored and released in not less than a 24 hour period and not more than a 72 hour period; or~~
 - ~~b. Provide quantity control of the 1 year 24 hour storm event.~~
 - ~~c. Provide a wet pond. The design of wet ponds for quality control shall be approved on a case by case basis by the County Engineer. Stormwater retention (wet ponds) ponds and infiltration basins do not require extended detention.~~~~
- ~~2. Stormwater management basins may be utilized as temporary sediment basins during the construction phase by providing 3600 cubic feet of storage volume per acre of area. Half the volume shall be in a permanent pool and half shall be in dry storage. Sediment basins must be able to de-water the dry storage volume in 48 to 72 hours.~~
- ~~— The temporary sediment basin shall be converted to a permanent stormwater management facility once construction is complete and the site is stabilized.~~
- ~~3. Stormwater management basins for commercial, industrial and institutional sites shall have vegetation capable of enhancing water quality. Constructed wetland and bio-retention designs are acceptable in this case.~~
- ~~4. For sites that do not have a stormwater management basin or are using a basin that does not have water quality features, then separate water quality facilities shall be provided that filter the volume of water resulting from the first ½ inch of runoff from paved areas, vehicle travel ways and parking areas.~~

~~*Note: The only site that this presently applies to is the Bardane/Burr Industrial Park. Central stormwater management is provided; however, each individual site is required to provide its own stormwater quality control facility/basin.*~~

~~C. Stormwater Management Plan & Report.~~

- ~~1. Provide on the Preliminary Plat and/or Site Plan, all grading, details and construction notes for all stormwater management features/facilities.~~
- ~~2. A Stormwater Management Report shall be submitted with the subdivision Preliminary Plat and/or Site Plan, as applicable, including but not limited to the following:
 - ~~a. Report in a binder and signed, sealed, and dated by the engineer of record.~~
 - ~~b. Storm drainage maps for "pre" and "post" development conditions with the watershed divides, time of concentration flow path, and the type of flow and flow length.~~
 - ~~c. Soil types delineated on the drainage maps.~~
 - ~~d. Show on the drainage maps, all off-site structures within 200 feet downstream of any stormwater management drainage or discharge point.~~~~

e. A narrative of the analysis and modeling of the stormwater runoff and routing of the stormwater management facilities. The following is a guide of key points that may be included:

- 1) Location of the project site.
- 2) The size/acreage of the site.
- 3) Description of the adjacent properties (i.e., roads, schools, residential, non-residential development, etc.).
- 4) General topographic description of the site (i.e., rolling terrain, hilly, flat, streams, rock-out crops, etc.).
- 5) Description of the soils and the hydrologic soil classifications (A, B, C or D).
- 6) Pre & Post development site conditions.
- 7) Methodology (i.e., TR-55, TR20, etc.) used to calculate the runoff and to model the S&M facilities and route the runoff hydrographs.
- 8) Table of Pre-development runoff calculations, first adjustment factors, first adjusted allowable runoff, Post-development runoff, and the routed S&M pond discharge rates.
- 9) Description of the type of stormwater management facilities proposed for providing quantity control of the stormwater runoff.
- 10) The calculations and description of the stormwater management facilities proposed for providing stormwater quality control.
- 11) Description of storm drainage features proposed (i.e., road culverts, storm sewer system, etc.).
- 12) Provide all calculations for determining runoff rates, routed discharge rates, sizing of culverts and storm sewer systems, etc.

f. Any other information deemed necessary by the Jefferson County Engineer for determining compliance with these regulations.

g. Other Systems for Retention or Detention

The following are low-impact development (LID) techniques that can be used to minimize the impact of impervious surfaces by reducing connected impervious surfaces to a minimum, thereby reducing the area and cost of mitigation techniques. Use of these techniques are encouraged and preferred when traditional stormwater management measures are not feasible.

1. **Water Gardens.** Convey drainage from rooftops or drives to water gardens. The water garden shall be landscaped with natural vegetation that includes unmowed groundcovers and woody plants that can tolerate periodic inundation. When conveying the roof runoff to open spaces with natural vegetation, care must be taken to assure sheet flow, not channelized flow, to prevent erosion.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

2. **Rain Barrels or Cisterns.** Rain barrels or cisterns can be designed into the buildings or yards so that roof runoff is directed to these storage facilities and used for beneficial purposes such as lawn watering, vehicle washing, or other nonpotable purposes. A variety of commercial products are available for this purpose. Their installation must be partly assured by the subdividers surety.
3. **Pervious pavements.** Driveway, parking areas, or sidewalks may be constructed from pervious concrete to provide infiltration of runoff. Pervious concrete or asphalt is recommended for minor roads or heavily used parking areas. Concrete or other containment structures that hold gravel or turf are recommended for driveways or low use parking areas.
4. **Vegetated swales.** These shall be used unless the developer can show they are impractical or that the slopes would result in erosion.
5. **Swale Blocks.** The swale block is installed at intervals along a vegetated swale to allow the water to build up into a series of pools, slowing water flow and allowing the vegetation to assist in cleaning the water and settling out solids. The blocks shall be slotted to allow them to drain down and have a notch to permit maximum flows during the 50-year storm without overflowing the swale. Their use slows flows and decreases pollutant loading and the detention facilities shall be sized to account for the reduction in flows.
6. **Green Roofs.** The use of green roofs, roofs that have been planted in vegetation, shall be strongly encouraged for buildings with roof areas in excess of 20,000 square feet. These provide both stormwater storage and cleaning of the water.

Sec. 4.4 Definitions

The following definitions describe the meaning of the terms used in Appendix B, Division 4.0, *Stormwater Management and Erosion & Sediment Control*.

“Adverse impact” means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

“Applicant” means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

“Aquifer” means a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

“Best Management Practice (BMP)” means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

“Clearing” means the removal of trees and brush from the land but shall not include the ordinary mowing of grass.

Formatted: Font: Not Italic

Formatted: Indent: Left: -1.63"

“Detention structure” means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.

“Develop Land” means to change the runoff characteristics of a parcel of land in the conjunction with residential, commercial, industrial, or institutional construction or alteration.

“Drainage area” means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

“Easement” means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

“Exemption” means those site development activities that are not subject to the stormwater management requirements of these regulations.

“Extended detention” means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events.

“Flow attenuation” means the prolonging the flow time of runoff to reduce the peak discharge.

“Grading” means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

“Infiltration” means the passage or movement of water into the soil surface.

“Off-site stormwater management” means the design and construction of systems necessary to control stormwater for more than one development.

“On-site stormwater management” means the design and construction of systems necessary to control stormwater within an immediate development.

“Retention structure” means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.

“Retrofitting” means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve the water quality over current conditions.

“Sediment” means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

“Site” means any tract, lot or parcel of land or combination of tracts, lots or parcels of land, which are in one ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

“Stabilization” means the prevention of soil movement by any of various vegetative and/or structural means.

“Stormwater management” means

or quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land and

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

~~For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.~~

~~“Stormwater management plan” means a set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contain all of the information and specifications pertaining to stormwater management.~~

~~“Stripping” means any activity which removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.~~

~~“Waiver” means the relinquishment from stormwater management requirements by the Jefferson County Engineering Department for a specific development on a case-by-case basis.~~

~~“Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.~~

~~“Watershed” means the total drainage area contributing runoff to a single point.~~

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Space Before: 6 pt

Division 5.0 Requirements for Townhouses

Section 5.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 5.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 5.0 are in addition to the requirements for subdivisions found in Appendix A, *Plan & Plat Standards*, and Appendix B, *Engineering Standards*. In the event of a conflict between a requirement of the Appendices and Division 5.0, then the requirement of Division 5.0 shall apply.

Section 5.2 Plat/Plan Requirements

- A. In townhouse subdivisions, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the procedures defined in these Regulations and the Uniform Common Interest Ownership Act (UCIOA), Chapter 36B of the West Virginia Code.
- B. See Appendix A, *Plan & Plat Standards*, for general plan/plat requirements.

Section 5.3 Design and Construction Requirements

In addition to the requirements of Appendix B, *Engineering Standards*, the following requirements specific to townhouse subdivisions shall apply:

- A. Roads and Rights-of-way Specific to Townhouse Subdivisions
 - 1. Townhouse projects shall generally have two entrances and the access to public roads shall be in accordance with Appendix B, Section 2.3, *Subdivision and Site Development Access Management*.
 - 2. Townhouse subdivision roads and rights-of-way that are designed as dead-end streets shall terminate in:

Formatted: Indent: Left: -1.63"

- a. Par~~king~~ areas with adequate turn-around area for emergency vehicles~~or a~~
- b. Circular cul-de-sac turn-around with a minimum right-of-way diameter of 100 ~~a~~
pavement diameter of ~~10~~ and a fillet radius of 20 ~~Turnarounds shall be~~
landscaped in the center with trees, shrubs or other suitable vegetation.
3. Roadways/streets and rights-of-way shall be in accordance with Appendix B, Section 2.2,
Streets. ~~However~~, townhouse development roads shall be a closed section with a
minimum of twenty-four (24) foot width for vehicular drives.
- ~~□~~ Townhouse units shall have a conveniently located minimum 1000 sq.-ft. (i.e., 10 ~~x~~
100 ~~)~~ bus/mail box cluster pull-off area. Such area shall be asphalt paved the same as the
roadway pavement section.

B. Curbs, Gutters, Sidewalks Specific to Townhouse Subdivisions

1. Road and par~~king~~ ~~area curbs~~ areas must utilize curb and gutters shall be constructed gutter
systems in coordination with ID and BIP practices to manage stormwater in all
townhouse subdivisions.
2. Sidewalks shall be constructed in all townhouse subdivisions to provide for pedestrian
movement from par~~king~~ areas to building entrances and for pedestrian movement
between buildings.

Sidewalks will be located at or near the edge of roadway or curb behind the planting strip
and in front of all dwelling units. All other areas will have sidewalk~~on~~ at least one side
of the road. Sidewalks will be a minimum of four (4) feet wide.

Where a sidewalk~~is~~ located outside of a road right-of-way, it shall be identified by a
separate platted right-of-way.
3. Roadway curbs and gutter~~s~~ and sidewalk~~s~~ shall be constructed in accordance with
Appendix B, Section 2.2. ~~□~~, *Curbs, Gutters & Sidewalks*.
- ~~□~~ Right-of-way will be located a minimum of one (1) foot in back ~~of~~ of the sidewalk~~□~~ and a
minimum of three (3) feet from the back ~~of~~ of the curb or edge of roadway, when curbs are
not present, in areas where sidewalk~~s~~ are not required.
5. A minimum five (5) foot public access easement shall be provided between all buildings,
as approved by the County Engineer and staff.

C. Storm Drainage and Erosion Control Specific to Townhouse Subdivisions

Storm water management, storm drainage and sediment and erosion control shall be provided in
accordance with ~~Appendix B, Division 10, Storm Water~~ the Jefferson County Stormwater Management
and Erosion & Sediment Control Ordinance.

D. Utilities

1. Townhouse subdivisions shall have public/central water and sanitary sewer systems.
2. Fire hydrants shall be provided in all townhouse subdivisions in accordance with
Appendix B, Section 3.1.B. ~~□□~~ 3.1.B.10. ~~However~~, fire hydrant spacing shall be a
maximum of 500 feet, or pursuant to the rating agency (ISO), whichever is less.

Formatted: Font: Not Italic

Formatted: Indent: Left: 0.5", Space Before:
3 pt, Border: Top: (Engrave 3D, Dark Red,
0.75 pt Line width), Tab stops: 7", Right + Not
at 6"

Formatted: Font: Palatino Linotype, 8 pt

3. All utilities shall be underground and provided in accordance Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.

□. Street □ Parking Area □ Lighting

All townhouse subdivisions shall be furnished with outside lighting units to illuminate sidewalks, parking areas and roads. Lighting units shall be placed at intervals of 125 feet maximum or as required by the Planning Administrator. Lighting shall be in accordance with the Planning Ordinance and Appendix B, Section 2.6, *Street and Parking Area – Outside Lighting*.

F. Lots and Setbacks.

Townhouse lot and building standards shall be consistent with the requirements of the Planning Ordinance. In addition:

1. No more than five (5) clusters of townhouses may be located on a dead-end drive.
2. A group/cluster of townhouses shall not contain more than six (6) units with a continuous front, or eight (8) units total in a building of any geometric configuration.
3. Minimum lot size shall be 1000 square feet.
- Minimum area of the development including lots, green space, parking areas and roads shall be 3500 square feet per dwelling unit.
5. Minimum lot width will be fourteen (14) feet.
6. The required minimum building restriction lines will be as follows:

Front	25 feet
Side (confronting end units)	12 feet
Street side (abutting internal subdivision street)	15 feet
Street side (abutting right-of-way equal to or more than 100)	15 feet
Rear	20 feet

□. Screening

1. Street trees shall be planted along the townhouse subdivision streets. Installation of street trees shall comply with standard details as established by the Chief County Engineer.
2. Buffer screening will be provided between common areas and adjoining properties with single family detached residences, in accordance with the Planning Ordinance.
3. A landscape plan shall be submitted, in accordance with the Planning Ordinance, for all common areas.
- All on-site utilities (i.e., waste water treatment plant, water treatment plant, pump station etc.) and trash dumpsters shall be effectively screened as required by the Planning Ordinance.
5. In the event of a conflict between the provisions of Section 5.3 herein and the Planning Ordinance, the provisions of the Planning Ordinance shall prevail.

□. Parking

Parkland shall be provided as required by Section 21.105, *Requirements for Parkland*, of the Subdivision Regulations.

I. Parking

1. The minimum number of spaces shall be two (2) per dwelling unit plus 1/□space for every bedroom.
2. Fifty (50) percent of garage bays plus one driveway space for every lot may be counted toward meeting the total number of parking spaces required.
3. Parking shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
- All parking spaces, except for driveway and garage parking spaces, shall be located within the road right-of-way.

Division 6.0 Requirements for Condominium Subdivisions (Residential & Non-Residential)

Section 6.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 6.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 6.0 are in addition to the requirements for major subdivisions found in Appendix A, *Plan & Plat Standards*, and Appendix B, *Engineering Standards*. In the event of a conflict between a requirement of the Appendices and Division 6.0, then the requirement of Division 6.0 shall apply.

Section 6.2 Plan/Plat Requirements

In condominium development, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the procedures defined in these Regulations 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, industrial, institutional, multi-family or non-residential project, that specific provision shall not apply.

See Appendix A, *Plan & Plat Standards*, for general plan/plat requirements. Additional plan/plat requirements specific to condominium projects are as follows:

- A. Items specific to Condominium plats
 1. A project that does not want to separate the building sites for trust, lease or sale shall not have to describe the site by metes and bounds.
 2. Show a dimensioned and scaled outline of each site (building site) upon which a principal land use or a principal building is to be located. The position of each building must be

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

referenced to a station along the centerline of an interior subdivision road right-of-way, or other horizontal control approved by the County Engineer.

3. Identify each building site as to approximate acreage, proposed use, size of building (sq. ft., height and no. of stories).
 - Show the number, location and layout of parking spaces, the location and dimensions of site access entrances and exits, and the location and dimensions of sidewalks.
5. A number to identify each building site.
6. The name and a survey or general schematic map of the entire common interest community.
 - The location and dimensions of common areas, open space or areas to remain undeveloped.
 - A legally sufficient description of any real estate subject to development rights, labeled to identify the rights applicable to each parcel.
 - The extent of any encroachments by or upon any portion of the common interest community.
10. To the extent feasible, a legally sufficient description of all easements serving or burdening any portion of the common interest community.
11. 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.
12. 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.
13. 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.□
- 1□. The distance between noncontiguous parcels of real estate comprising the common interest community.
15. 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 (□) of Chapter 36B of the West Virginia Code.
16. In the case of real estate not subject to development rights, all other matters customarily shown on land surveys.
 - 1□. A plan/plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the common interests community. Any contemplated improvement shown shall be labeled as □□ UST B□ BUI□T□ or □□□□ D□□OT B□ BUI□T□
- 1□. The location and dimensions of the vertical boundaries of each unit and that unit's identifying number.

19. Any horizontal unit boundaries, with reference to an established datum, and that unit's identifying number.
20. Any units in which the declarant has reserved the right to create additional units or common elements, identified appropriately.
21. 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.
22. 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.
23. A final project development schedule (construction schedule) for all improvements to be installed on the tract.

Section 6.3 Design and Construction Requirements

In addition to the requirements of Appendix B, *Engineering Standards*, the following requirements specific to condominium subdivisions shall apply:

A. Roads and Rights-of-Way Specific to Condominium Subdivisions

1. Condominium projects shall generally have two entrances and the access to public roads shall be in accordance with Appendix B, Section 2.3, *Subdivision and Site Development Access Management*.
2. Condominium subdivision roads and rights-of-way that are designed as dead-end streets shall terminate in:
 - a. Paraling areas with adequate turn-around area for emergency vehicles or a
 - b. Circular cul-de-sac turn-around with a minimum right-of-way diameter of 100' and a pavement diameter of 80' and a fillet radius of 20'. Turnarounds may be landscaped in the center with trees, shrubs or other suitable vegetation.
3. Roadways/streets and rights-of-way shall be in accordance with Appendix B, Section 2.2, *Streets*. However, condominium development roads shall be a closed section with a minimum of twenty-four (24) foot width for vehicular drives.
4. When condominium units are proposed for residential use, a conveniently located minimum 1000 sq. ft. (i.e., 10' x 100') bus/mail box cluster pull-off area shall be provided. Such area shall be asphalt paved the same as the roadway pavement section.

B. Curbs, Gutters, Sidewalks Specific to Condominiums

1. Road and paraling ~~area curbs~~ areas must utilize ID stormwater management practices or curb and ~~gutters shall be constructed~~ gutter systems to manage stormwater in all condominium subdivisions.
2. Sidewalks shall be constructed in all condominium subdivisions to provide for pedestrian movement from paraling areas to building entrances and for pedestrian movement between buildings. Sidewalks shall be a minimum 6 feet width.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

Where a sidewalk is located outside of a road right-of-way, it shall be identified by a separate platted right-of-way.

3. Road curbs and gutter and sidewalks shall be constructed in accordance with Appendix B, Section 2.2. Curbs, Gutters & Sidewalks.

- Right-of-way will be located a minimum of one (1) foot in back of the sidewalk and a minimum of three (3) feet from the back of the curb or edge of the roadway, when curbs are not present, in areas where sidewalks are not required.

C. Storm Water Drainage and Erosion Control Specific to Condominiums

Storm water management, storm drainage and sediment and erosion control shall be provided in accordance with Appendix B, Division 4.0, Storm Water the Jefferson County Stormwater Management and Erosion & Sediment Control Ordinance.

D. Utilities

1. Condominium projects shall have public/central water and sanitary sewer systems.
2. All utilities shall be underground and provided in accordance the Appendix B, Division 3.0, Utilities and Water & Sanitary Sewer Systems.

□ Street Parking Area Lighting

All condominium subdivisions shall be furnished with lighting units to illuminate sidewalks, parking areas and roads. Lighting units shall be placed at intervals of 125 feet maximum or as required by the Zoning Administrator. Lighting shall be in accordance with the Zoning Ordinance and Appendix B, Section 2.6, Street and Parking Area – Outside Lighting.

F. Building Sites and Setbacks

1. The ratio between building site depth and width shall not exceed 3:1. Building sites with long narrow extensions (pipe stems) 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.
- Every building site shall have a minimum road frontage (width) of 40 feet along a platted road right-of-way. Lesser widths may be accepted by the Engineer along road turnarounds.
5. Setbacks separating condominium buildings and adjoining properties shall comply with the Zoning Ordinance.
6. Minimum spacing between condominium buildings and adjoining properties shall comply with the Zoning Ordinance and the following standards:
 - a. Between two buildings containing multi-family residential units:

Formatted: Font: Not Italic

Formatted: Indent: Left: -1.63"

- 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:
10 feet.
 - c Between two buildings containing non-residential uses:
50 feet or the height of the taller of the two buildings, whichever is greater.
 - d Between a building containing non-residential uses and a building containing any residential use:
100 feet.
- For buildings which are attached to each other by a common fire-rated party wall (e.g. townhouses or duplexes), the combined units shall be considered a single building for purposes of determining minimum spacing between buildings.
 - Lots and setbacks for Residential and multi-family condominium subdivisions shall be in accordance with the Zoning Ordinance.

□. **Parade**

For residential condominium subdivisions, parade shall be provided as required by Section 21.105, *Requirements for Parkland*, of the Subdivision Regulations.

□. **Parking**

1. Parking shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
2. All parking spaces, except for driveway and garage parking spaces, shall be located within the road right-of-way.
3. Parking for non-residential condominium subdivisions shall be provided in accordance with the requirements of the Zoning Ordinance for the proposed use.

Parking for residential/multi-family condominium subdivisions shall be provided as follows:

Type of Dwelling Unit	Minimum Number of Parking Spaces per Dwelling Unit
Efficiency (no separate bedroom)	1.00
One Bedroom	1.25
Two Bedroom	1.50
Three Bedroom	2.00
Four-plexes	2.00

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 running between such spaces, turnarounds or other surfaces designed for vehicular use, and no parking spaces or

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

vehicular uses, except entrance drives, shall be located within the minimum required front yard.

I. Surveys

Requirements for surveys shall be as required by State of West Virginia laws governing property surveys, and Appendix B, Section 1.2, *Surveys*. In the event of a conflict, State law shall prevail.

☐ Construction Plans and Specifications

Construction plans and specifications shall be submitted in accordance with Appendix A, Section 1.3, *Preliminary Plat or Site Plan* and Appendix B, Section 1.3, *Construction Plans and Specifications*.

☐ Construction Practices

Construction practices shall be in accordance with Appendix B, Section 1. ☐ *Construction Practices*.

Section 6.4 Self-Storage Condominium Subdivisions

Self-storage (commonly referred to as mini-storage) projects that are developed with all units on one parcel, and where the units are for rent or lease, shall be processed as a non-residential Site Plan.

Division 7.0 Mobile/Manufactured Home Parks & Campgrounds

Section 7.1 Minimum Requirements and Standards

- A. The requirements and standards of Division ☐0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. ☐obile/☐anufactured home parks and campgrounds are subdivisions with special requirements of their own. The provisions of Division ☐0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division ☐0, then the requirement of Division ☐0 shall apply.

Section 7.2 Mobile/Manufactured Home Park Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance. If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within Division ☐0 shall apply.
- B. The design, construction, installation, maintenance, and operation of a mobile/manufactured home park or a mobile/manufactured home park development shall comply with all applicable provisions of these Subdivision Regulations and also comply with the mobile home regulations, minimum standards and engineering practices which are approved and acceptable to the West Virginia State Department of Health. All mobile/manufactured home parks shall be reviewed and approved by the West Virginia Department of Health for compliance with their regulations.
- C. The area of each mobile/manufactured home site (building site) shall be a minimum of ☐000 square feet. Each mobile/manufactured home site shall have a minimum road frontage (width) of ☐0 feet along a platted road right-of-way.

- D. Each mobile/manufactured home site shall provide an adequate stand for the placement of a mobile home unit.
- E. Not more than one mobile/manufactured home unit shall be placed on or above a mobile/manufactured home site. The mobile/manufactured home structure shall be set on the site in accordance with the requirements of the Jefferson County Building Code Enforcement Ordinance and applicable State Codes. The more stringent requirement shall prevail.
- F. All mobile/manufactured homes not set on permanent masonry or concrete foundation walls shall be skirting. Mobile homes shall be skirting with a uniform material and an access door a minimum size of two feet by two feet shall be constructed in the skirting of each mobile home.
- G. Mobile/manufactured homes and accessory buildings shall be set back a minimum of 20 feet from the front mobile/manufactured home-site lines and 10 feet from rear and side mobile/manufactured home-site lines. No mobile/manufactured home shall be located within a FEMA flood-hazard area.
- H. Mobile homes, structures, and storage buildings, in a mobile/manufactured home park, shall be kept 25 feet back from all exterior property lines and right-of-way lines.
- I. Convenient off-street parking (on each mobile home site or in designated parking areas) shall be provided at the rate of two spaces per mobile home site. Each space shall have a minimum dimension of 10 feet by 20 feet.
- J. Each mobile home stand shall be served by an individual sidewalk a minimum 2 feet in width. All walkways shall be constructed in accordance with Appendix B, Section 2.2.3, *Sidewalks & Paths*. Individual sidewalks shall connect with the common sidewalks in the mobile home park, or, to paved off-street parking spaces, or, to paved streets.
- K. Each mobile home site shall provide serviceable connections for water supply, sewage disposal and electricity. Water and sewer connections shall comply with the minimum standards of the West Virginia Department of Health. Electrical connections shall comply with service provider requirements.
- L. Each mobile home park shall be served by a central water supply system.
- M. Each mobile home park shall be served by a central sewerage system. Septic systems are prohibited.

Section 7.3 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance. If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply.
- B. The area of each campsite shall be a minimum of 1,500 square feet not to include road rights-of-way. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road right-of-way.
- C. Each campsite shall provide an adequate stand for the placement of a camping unit. A campsite stand shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a 3 percent slope in any direction. No more than one camping unit shall be placed on or above a campsite.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

- D. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.
- . Main entrance and primary looping roads - as determined by the County Engineer - within a campground, shall be minimum 22 feet wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, *Residential Subdivision with more than 12 lots*.
- F. Roads within a campground that are not main entrance or primary looping roads - as determined by the County Engineer - shall be a minimum of 20 feet wide gravel with shoulders and ditch lines, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, *Residential Subdivision with a maximum of 12 lots*.
- . Convenient off-street parking shall be provided at the rate of 1 space at each campsite plus 3 additional spaces for each 50 campsites to be located at or near the campground office. Each parking space shall have a minimum dimension of 10 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.
- . Each campsite shall be provided with a sanitary, covered garbage can.
- I. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.
- . As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed plus 25 percent again to accommodate the tent area (if any), plus an allowance for a sewerage dump station and a water refill station.
- . All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
- . Road rights-of-way in a campground shall be a minimum of 50 feet in width.
- . One-way roads shall be at least 12 feet in width with 3 foot wide gravel shoulders. Drainage ditch lines 1-1/2 feet deep shall be provided at a 1:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.

Division 8.0 – Non-Residential Subdivisions

Section 8.1 General

Non-residential subdivisions shall be subject to all requirements of the Subdivision Regulations except for those requirements which are specifically intended for residences (e.g. Land for Parks and Schools) as determined by staff.

Division 9.0 Site Plan Requirements

Formatted: Right: 1", Top: 1"

Section 9.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 9.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 9.0 are in addition to the requirements for Site Plan projects found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 9.0, then the requirement of Division 9.0 shall apply.
- C. Conditions under which the site plan requirements may be waived or limited are cited in Section 20.203, *Minor Site Development*.

Section 9.2 General Information Requirements

- A. All proposed site plans for Heavy Industrial Uses, as referenced in the Zoning Ordinance, on a parcel shall process through the major site plan process. Concept plan submissions shall include the following additional material:
 - 1. Basic Information:
 - a. Solid and drainage characteristics
 - b. Existing natural or man-made features including vegetative cover, water bodies, quarries, and rock outcroppings
 - c. Existing and proposed covenants and restrictions
 - d. Intended earthwork that would alter the natural topography
 - e. Tentative development and construction schedule
 - f. Aerial surveys and feasibility studies
 - g. Anticipated project costs
 - h. Anticipated funding sources
 - 2. Physical Impacts. A discussion of the relationship of the proposed project to the community (County) to include the following:
 - a. Earthwork Will project strip entire site Will blasting be extensive Will the project be a borrow or a waste job Will drainage be effectedaffected
 - b. Wildlife populations and DNR endangered species check
 - c. Groundwater and surface water resources: Number of reported water contamination problems within 1000 feet, major surface water sensitive areas, i.e. wetlands, marshes and existing ponds, within one -mile of the site. Describe the storm water management concept.
 - d. Compatibility of the project with the surrounding area in terms of land use and visual appearance

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

- e. Impact on sensitive natural areas such as sinkholes, water recharge areas, stream and river banks, hillsides, forests, wetlands and water bodies will be described. A sinkhole inventory check will be requested and obtained from the local office of the Natural Resources Conservation Service. The applicant will describe the condition of channel and banks of streams on property or within 500 feet of discharge point from property.

3. Social Impacts. A discussion of the relationship of the proposed project to the community (County) to include the following:

- a. Demographic impact
- b. Adequacy of health and emergency medical services
- c. Adequacy of fire protection
- d. Adequacy of police protection
- e. Trash removal
- f. Adequacy of electrical power service
- g. Adequacy of telephone service
- h. Sewer and water services
- i. Relationship of the project to the Comprehensive Plan
- j. Housing supply and demand
- k. Proximity and relationship to known historic features

4. Economic Impacts. A discussion of the relationship of the proposed project to the community (County) to include the following:

- a. Property tax evaluation
- b. Anticipated bank deposits and loans
- c. Anticipated local spending (construction, retail, services, etc.)
- d. Local employment implications
- e. Expected changes in property values

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

Formatted: Indent: Left: -1.63"

Section 9.3 Site Access

- A. Site Development access entrances, from either an internal subdivision road or a public road, shall be provided in accordance with Appendix B, Section 2.3.B, *Site Development Access to Public Roads*.
- B. For Site Development projects with site access directly onto a public road (not onto an internal subdivision road) owned and maintained by the West Virginia Division of Highways, site access improvements shall be provided in accordance with Appendix B, Section 2.3.C, *Improvements to State Highways*.

Section 9.4 Internal Vehicular Circulation & Parking

- A. For Site Development projects, internal site vehicular circulation and parking (including handicapped parking) shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
- B. The number of parking spaces shall be as required by the Zoning Ordinance.
- C. All parking aisle, parking space, parking stall dimensions, parking width, and off-street loading shall be provided as required by Appendix B, Division 2.0, *Street & Parking Standards*. All parking aisle, parking space and internal site driveway setbacks shall be shown on the site plan.
- D. Shared use of parking spaces shall be permitted at the discretion of the staff. Proposals for shared use of parking spaces must be accompanied by a study and documentation of user hours to demonstrate compatibility of the proposal prepared in accordance with the Zoning Ordinance.
- E. Internal site driveways, (does not include parking area drive aisles) such as those that:
 - 1. Lead to parking areas or are
 - 2. Internal site driveways connecting separated parking bays or
 - 3. Provide vehicular access to loading docks, drive-in windows, etc., shall be designed to the following standards unless other design is justified by the design consultant and approved by the County Engineer:

Table 9.4-1	
Traffic Flow	Internal Site Driveways Width
Two -Way	22' to 24'
One-Way	12' to 14'
Drive-up Window	10'

- F. Internal access driveways serving delivery truck-trailer or truck-semi-trailer combinations shall be designed for a vehicle with an inside tracking radius of 44'.
- G. Loading spaces shall be designated for all building bay door openings 6' or greater in width. The loading spaces shall not conflict with internal site driveways and parking

Formatted: Font: Bold

Formatted: Space Before: 6 pt

Formatted Table

Formatted: Font: Bold

Formatted: Space Before: 3 pt, After: 3 pt

Formatted: Space Before: 3 pt, After: 3 pt

Formatted: Space Before: 3 pt, After: 3 pt

Formatted: Space Before: 3 pt, After: 3 pt

Formatted: Space Before: 3 pt, After: 3 pt

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

aisle access. The loading spaces shall not be counted toward satisfying the parking space requirements.

- . Drive-in service facilities and drive-up windows shall be located and provided with sufficient vehicle queue length such that waiting vehicles will not block internal vehicular circulation or external vehicular access to the site.

Section 9.5 Parking Area, Entrance and Internal Driveway Paving

- . Site development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved. Paving sections shall be approved by the engineer. The minimum acceptable bituminous asphalt paving section is as follows:
 - bituminous concrete surface course
 - bituminous concrete base course
 - Graded aggregate base course placed in lifts

Heavier pavement sections may be required by the County Engineer. The consulting engineer shall take into consideration the soil subgrade strength and load bearing capacity and the type of traffic loads anticipated in preparing the concrete or bituminous asphalt pavement section design.

Section 9.6 Curbs, Gutters, & Sidewalks

- . Curbs, gutters and stormwater management using low impact development technology (LI) and landscaping or curb and gutter systems as well as sidewalks shall be provided to support multi-family residential and non-residential commercial/industrial development when more than three parking spaces are required unless subdivision/site development. On a plan for case by case basis, the Planning and Zoning Department will review alternatives to traditional sidewalks such alternatives may include hard surface trails or meandering paths. Planning and Zoning Department staff may allow a 4-foot pedestrian movement parking management and stormwater management using low impact development technology (LI) and landscaping is demonstrated to achieve equal or better results. Curbs and gutter shall bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of staff an easement(s) may be a preferred option. Where curbs and gutters are provided where necessary to convey storm water/stormwater from impervious areas to storm water/stormwater management facilities and they shall be in accordance with Appendix Section 9.6.1 Roadway Curbs & Gutter.
- . Internal site sidewalks and ramps shall be provided where necessary to convey pedestrian traffic from parking areas to buildings and shall be in accordance with Appendix Section 9.6.2 Curbs, Gutters, & Sidewalks.
- . Sidewalks shall be provided where required to continue existing public sidewalks or where required to provide pedestrian conveyance between existing developments on either side of the proposed site.

Section 9.8 Site Grading

- . Site access entrance grades shall be in accordance with Appendix Section 9.8 Site Development Access to Public Roads.

- B. Grades for parking areas and internal driveways shall be in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
- C. Grades for sidewalks shall be in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters & Sidewalks*.
- D. A minimum three foot wide strip, not to exceed 3% grade, shall be provided between the edge of parking areas, internal driveways and/or sidewalks, and the toe or top of slopes that are steeper than a 4:1 slope.
- E. When retaining walls are used, the design thereof shall be certified by a Licensed Professional Engineer licensed in the State of West Virginia. All construction details and specifications shall be provided on the Site Plan. The following note shall be placed on the Site Plan:

“Retaining walls 4 feet or greater in height require a building permit under the Jefferson County Building Code Enforcement Ordinance. The Owner/Developer is responsible for obtaining the permit.”

Section 9.9 Utilities and Water & Sanitary Sewer Systems

A. General

Utilities and water and sanitary sewer systems shall be provided in accordance with Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.

B. Sanitary Sewer System

The following requirements specific to site plans shall apply:

1. Sanitary sewer connections will have a minimum grade of 2% for gravity flow, a minimum pipe size of 4 inches and will be a minimum of 100 feet from any water well. There is no minimum grade for a pump system.
2. A monitoring manhole will be set on the sewer connection line at the property line if, in the opinion of the local health officials, the proposed uses on the property could result, either by intent or accident, in the introduction of non-septic sewage, oils, chemicals, paint or petroleum products into the sanitary sewer system.
3. Sewer connection sizes will be justified by accompanying computations indicating the daily flow rate (gallons per day) for the proposed use and the minimum required pipe size. This information shall be shown on the land development site plan.

C. Water System

The following requirements specific to site plans shall apply:

1. Water supply demand computations shall be provided and shall be based on plumbing fixture-unit tables provided by the West Virginia Department of Health. The total daily demand flow rate (gallons per day) shall be shown on the site plan.
2. Where sprinkler systems are proposed, the water supply demand calculations shall demonstrate that an adequate supply of water is available for the sprinkler system.

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

3. ☐ In a non-residential or multi-family subdivision that does not have fire hydrant service installed but has adequate public water service available ☐ the developer shall install a fire hydrant to serve the project site if a fire hydrant is not located within 1,000 feet of the site.

☐ Or a project located outside a non-residential or multi-family subdivision where it does not have fire hydrant service within 1,000 feet, but has adequate public water service available ☐ the developer shall install a fire hydrant to serve the project site.

Calculations demonstrating adequate fire flow at the minimum residual pressure - as established by the West Virginia State Department of Health - shall be provided and shown on the site plan.
4. ☐ Fire hydrants shall be connected to water lines that are at least ☐ inches in diameter. ☐ Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
5. ☐ Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia ☐ Fire Marshal and the Jefferson County Volunteer Fireman's Association.
☐ ☐ Fire hydrants set in the right-of-way shall be located two feet back of the sidewalk or in accordance with the standards of the controlling public service district.

D. Underground Utilities

All on-site utility service lines (e.g., electric, phone, cable, fiber optic, water, sewer, etc.) serving the Site Development project shall be underground.

Section 9.10 ~~Storm Water~~ Stormwater Management

- A. Storm water management, storm drainage and sediment and erosion control shall be provided in accordance with Appendix B, Division 4.0, Storm Water the Jefferson County Stormwater Management and Erosion & Sediment Control Ordinance.
- B. Site Development project on-site stormwater runoff from impervious areas shall be contained for conveyance whenever concentrated flows exceed 2.5 cubic feet per second (cfs) during the ten year event as determined using the Rational Method. Containment may be accomplished using either closed pipe or open channel systems. Open channel systems shall include pedestrian crossings spaced no further apart than 300 feet apart in areas where pedestrian traffic exists. With the approval of the County Engineer, bio-retention methods may be used to minimize the rate of flow.

Section 9.12 ~~11~~ Landscaping, Screening and Buffer Yard Requirements

- A. Screening in the form of either vegetation or opaque fencing shall be provided on all properties along property lines in accordance with the Zoning Ordinance.
- B. Site Plans shall include a landscape plan meeting the requirements of the Zoning Ordinance
- C. All parking lots shall contain landscaping equal to a minimum of five percent (5%) of the area of parking lots and on-site driveways. Parking lots that are designated exclusively for employees only or for large trucks or vehicles owned or leased by the user of the site

Formatted: Font: Not Italic

Formatted: Indent: Left: -1.63"

need not contain the landscaping if they are screened from any exterior state route. Said landscaping shall be contained within a perimeter which includes the parking lots, the on-site driveways, all islands dividing or supporting parking aisles from each other and from on-site driveways and areas bounded on at least two sides by parking lot or on-site driveways. The perimeter on the exterior of the parking lot shall follow the back curb or edge of the parking spaces or the limit of a required buffer.

- D. ☐paque screen fences shall be a minimum of six (6) feet high. A sketch of the proposed screen will be submitted for approval with the site plan.
- E. ☐ther requirements are referenced in the Jefferson County Zoning Ordinance.
- ☐ All on-site utilities and dumpsters shall be effectively screened.

Section 9.1312 Signage

Signage shall be in conformance with all existing Ordinances in Jefferson County and/or State and Federal Law.

Section 10.0 Site Plans for Communications Towers

Section 10.1 General

- A. The provisions of Division 10.0 are in addition to the requirements for Site Development projects found in Appendix A, *Plan & Plat Standards*, Appendix B, *Engineering Standards*, and the Zoning Ordinance. In the event of a conflict between a requirement of the Appendices and Division 10.0, then the requirement of Division 10.0 shall apply.
- B. Any site developed for a communication tower shall require a Site Plan. Where the site is located on a lot to be created out of a subdivision of land, then processing through the appropriate subdivision process shall also be required.

Section 10.2 Design and Construction Requirements

- A. Entrances
 - 1. The site access road running from the public road or subdivision street to the communications tower site, and which serves no other non-residential use and no more than three residences, may be as narrow as 12 feet in width. Otherwise, the site access road shall be in accordance with Appendix B, Section 2.2, *Streets*.
 - 2. The site access road shall have an all-weather gravel surface at least six inches deep.
 - 3. Connection of the site access road to the public road shall be in accordance with West Virginia Division of Highways requirements.
- B. Parking
 - ☐o delineated parking spaces need be shown on the Site Plan.
- C. Landscaping and Screening and Other Site Amenities
 - 1. Landscaping may be limited to perimeter vegetative screening suitable to the staff.
 - 2. The site is exempt from providing sidewalks.

Formatted: Space Before: 6 pt

Formatted: Space After: 3 pt

Formatted: Indent: Left: 0.5", Space Before: 3 pt, Border: Top: (Engrave 3D, Dark Red, 0.75 pt Line width), Tab stops: 7", Right + Not at 6"

Formatted: Font: Palatino Linotype, 8 pt

D. Stormwater Management and Erosion and Sediment Control

Stormwater management and erosion and sediment control shall be provided to control runoff from the access road and the tower site, in accordance with Appendix B, Division 4.0, Storm Water Jefferson County Stormwater Management and Erosion & Sediment Control Ordinance.

Formatted: Space After: 3 pt

Formatted: Font: Not Italic

E. The lease area for the tower structure shall tie into an existing property monument with bearing and distances referencing two corner of the lease area.

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Font color: Auto

Formatted: Indent: Left: -1.63"

This information is
Tab #7 in your binder.

Proposed Zoning Text Amendment regarding Agricultural Uses and Related Amendments - Zoning and Land Development Ordinance

Public Comments Received at 06/11/13 Planning Commission Public Hearing

(includes comments from 05/14/13 Planning Commission meeting and 05/16/13 Board of Zoning Appeals meeting, in addition to written comments received before and after the public hearing)

Section or Topic	Current Language in Draft Ordinance	Request	Comment / Staff Recommendation
Farm Breweries, Wineries, and Distilleries Sec 2.2, 5.7, 8.5	All structures associated with the operation of a farm brewery, farm winery, or farm distillery may not exceed ~~10,000~~ 20,000 square feet.	Farm Brewery: eliminate square footage limits for building area. (See email from Jesse Morgan.) Exempt greenhouses from square footage requirement.	Staff is proposing to double the square footage limit currently in the ordinance. Staff recommends continuing to have a square footage limit. However, staff recommends clarifying that structures exceeding this square footage limit are permitted, provided that they actual area being used for the brewery does not exceed 20,000 square feet. Staff recommends clarifying that greenhouses and similar structures are exempt. Add language to Section 8.5A stating: Buildings located on the premises may exceed this square footage limit provided that the total building area dedicated to the use does not exceed to total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse or similar structure that is directly related to agricultural production.
Farm Breweries, Wineries, and Distilleries Sec 2.2	... meeting the requirements for a "Farm winery" in §60-1 of the West Virginia Code as amended.	Reference to West Virginia Code should be more specific.	Amend Section 2.2, new definitions for farm brewery, farm winery, and farm distillery to read: ... meeting the requirements for a "Farm winery" in §60-1-1 et seq of the West Virginia Code as amended.
Farm Breweries, Wineries, and Distilleries Sec 2.2, 5.7, 8.5	Section 8.5E E. Twenty-five percent of the raw products for an product containing alcohol that is produced by a farm brewery, farm winery, or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm brewery, farm winery, or farm distillery, with no more than twenty-five percent of such produce originating from any source outside this state.	For breweries, eliminate or reduce requirement for 25% of raw products to be produced on the farm, and no more than 25% of ingredients originating from outside state.	Additional information is needed from local farm brewing practitioners regarding this issue. While no change is recommended currently, this percentage can be refined as the amendment moves forward. In order for a brewery to actually be a farm brewery (rather than an industrial operation), there must be some significant connection to crops grown on the farm. Staff concurs that out-of-state requirement is not necessary. While this standard is a state requirement for wineries and distilleries, it is not a state requirement for breweries. For wineries and distilleries, enforcement of the standard should be at the state level.

Section or Topic	Current Language in Draft Ordinance	Request	Comment / Staff Recommendation
Deck Setbacks for Townhome Developments Sec. 9.5C	In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.	Allow in Residential Growth District as well, where applicable.	Amend Section 9.5C to read: In the Residential - Light Industrial - Commercial District and Residential Growth District , on townhouse lots with a lot depth of 110 linear feet...
Deck Setbacks for Townhome Developments Sec. 9.5	(See above)	The amendment should clarify that reduced setbacks are also permitted for stairs associated with decks, as well as concrete slabs (i.e. patios).	Amend Section 9.5C to read: ... the rear setback of a deck for a townhouse (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to 10' if the adjacent property located...
Receptions and events in Rural areas Sec. 10.5B	B. The following uses may be approved as a Special Exception: c. Use of existing structures and outdoor areas as facilities for weddings and similar events. Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.	Establish criteria to allow some events administratively	Staff recommends establishing 2 categories of Reception/Event facilities: 1. Reception/Event Facility (allow by Special Exception) 2. Reception/Event Facility, Small (allow administratively) Staff recommends amending Section 2.2 by creating the following definitions: Rural Reception/Event Facility, Small – A facility for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. Rural Reception/Event Facility A facility for the hosting of events such as weddings. Amend Appendix C to show Rural Reception/Event Facility, Small as permitted administratively in all districts, subject to the standards in Section 8.14 . Add new Section 8.14, Rural Reception/Event Facility, Small . A Rural Reception/Event Facility, Small may be used for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. This land use is subject to the requirements for a

Section or Topic	Current Language in Draft Ordinance	Request	Comment / Staff Recommendation
			Cottage Industry in this ordinance, with the exception of limitations on trips per day and the number of nonresident employees permitted. (Comment: Assuming 1-2 persons per vehicle, the traffic impact for a 100-person event would be similar to the weekly trip limit for a Cottage Industry.) Amend Appendix C to show Rural Reception/Event Facility as a Special Exception Use in the Rural District, Village District, and Residential Growth District; Not Permitted in the Major Industrial District; and Permitted in all other districts.
Receptions and events in Rural areas Sec. 10.5B	N/A	It may be appropriate to require traffic control for these types of temporary uses	For events exceeding 300 persons, require applicant to provide traffic control plan.
Receptions and events in Rural areas Sec. 10.5B	N/A	WVDOH entrance permit for site may be required	Staff defers to the Engineering Department for a recommendation on this issue. It should be noted that, for proposed land use changes that do not require a site plan, past departmental practice has been to require the applicant to submit an application to the WVDOH for a highway entrance permit, but not to require evidence that such a permit has been issued.
Receptions and events in Rural areas Sec. 10.5B	N/A	Use of structures should be contingent on compliance with applicable building code requirements	No change proposed. The Zoning Ordinance is not the appropriate tool for enforcement of the Building Code. However, applicants should be notified that improvements may be required. Historic buildings may be able to meet a lesser standard. Staff acknowledges the potential expense associated with Building Code compliance. However, many potential reception structures were not designed or constructed for occupancy by large crowds. There are legitimate safety and liability concerns associated with such a change of building use.

Section or Topic	Current Language in Draft Ordinance	Request	Comment / Staff Recommendation
Secondary Dwelling Units for Agricultural Purposes Sec. 10.5	b. Detached accessory dwelling units for agricultural purposes, such as units for occupancy by farmworkers or caretakers. Such units may be approved based on the Board's evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.	Consider allowing administratively if under a certain size limit.	Add to list of permitted uses in Section 5.7 and Appendix C a new land use entitled "Accessory Agricultural Dwelling Unit, Small". In Appendix C, show the use as permitted in the Rural District and not permitted in all other districts. Add to Section 2.2 the following definitions: Accessory Agricultural Dwelling Unit: A dwelling unit that meets all of the following criteria: (a) is limited in size to 1,000 square feet in area or less; (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance; (c) is located on a property of at least 10 acres in area; and (d) is limited to use by a person (and family) who performs agricultural work on the property. Accessory Agricultural Dwelling Unit, Small: A dwelling unit meeting the definition of Accessory Agricultural Dwelling Unit and that is limited in size to 1,000 square feet of gross floor area or less.
	N/A	Consider a requirement of a minimum acreage for a property to be eligible.	Staff recommends requiring a lot area of at least 10 acres. See recommended minimum lot area in proposed definition for Accessory Agricultural Dwelling Unit, above.
	N/A	Impact fees should not apply to this type of structure.	Per advice from legal counsel, this issue appears to be beyond the scope of the Zoning Ordinance amendments. The issue may be addressed by an amendment to the impact fee ordinance.
Parking for Seasonal or Temporary Uses Sec. 11.1	Upon request, on a case by case basis, the Zoning Administrator may administratively waive parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis...	Clarify what standard of the ordinance is being waived.	Amend language as follows: Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis...

Section or Topic	Current Language in Draft Ordinance	Request	Comment / Staff Recommendation
N/A	N/A	"I would like to request that the Planning Commission and the Planning Dept. staff look at how these other counties [Fayette, Hardy, Greenbrier, Putnam, and Monongalia] support agri-business, micro- breweries, small batch distilleries, cottage industries and similar micro-businesses. Can we not find out how these other counties in WV allow hard working, creative, tax-paying people to thrive at their work? We now know that Jefferson County's planning and zoning can have unintended consequences for micro-breweries, small distilleries, craft studios, potteries, blacksmith shops, and similar artisan workshops. A major stumbling block to the success of micro businesses is the enforcement by county's engineering dept. of the Universal Building Code. This code is inappropriate for small artisan businesses. What do other counties in WV do to support these truly small business that employ one, two, or several people?" (See email from Pam Parziale, 06/14/13)	Staff agrees that much can be learned by reviewing the standards of other local governments, both in West Virginia and elsewhere in the region. This would represent a broader undertaking and will require a significant investment of time, both on the part of the staff as well as the Planning Commission. For the purposes of the currently proposed amendments, staff recommends proceeding with the amendments (including changes as recommend in response to public comment.) Following the adoption of the Comprehensive Plan, it may be appropriate to undertake a broader set of amendments to both the Zoning Ordinance and the Subdivision and Land Development Regulations regarding agricultural / rural uses.

From: [Eric Lewis](#)
To: [Steve Barney](#)
Cc: ["Walter Pellish"](#); ["steve Stolipher"](#); jbrockman@jeffersoncountywv.org; [srivard](#); [Patricia Noland](#); [Eric Lewis](#)
Subject: RE: Reception events
Date: Wednesday, June 12, 2013 10:59:08 AM

Steve:

I was provided a copy of Staff's recommendations on this from last night and wanted to offer comments. Please forward these to the Planning Commission as my formal response to the suggestions.

thanks,

-Eric

1) Establish criteria to allow some events administratively

- i. Smaller Events (fewer than 30-50 attendees for example)
- ii. Limited number of times per year

Eric's comment: this makes sense... makes it easier but I would say a limit of 30-50 people isn't reasonable... maybe a cap of 100. less than 100 really isn't a huge gathering in the grand scheme of things. Hopefully you don't mean that there would need to be administrative approval for each event... I'm hoping you mean someone could apply to get blanket approval to have something like 6 events per year for 100 or less attendees and wouldn't need to go to the BZA.

2) it may be appropriate to require traffic control for these types of temporary uses

Eric's comment: absolutely not: typically these events have people coming at the same time (maybe over the course of 30 minutes) and leaving at the same time (maybe over the course of an hour) but in all the events I have ever had at the farm, I have never had an instance where traffic has been an issue at all. This is an area in which the PC shouldn't go... just makes it more complicated, more bureaucratic and hinders the owner's ability to operate

3) WVDOH entrance permit for site may be required

Eric's comment: absolutely not: we should not entertain this thought at all. WVDOH is taking forever to approve things and require expensive submission criteria... if a property already has an entrance permit for a driveway, that should be enough

4) Use of structures should be contingent on compliance with applicable building code requirements

Eric's comment: this one is a killer... nonstarter... think about this one: my barn is 130 years old. It is an absolute work of art and a wonder of late 19th century engineering... but there is no way it would meet today's building codes... and yet it has somehow managed to be standing for 130 years... there is no way this provision should be included as it indeed very much hinders adaptive reuse of existing structures, especially historic structures. This provision would not help anyone in any shape or form and would only cause problems. There is no way anyone would undertake trying to make a barn like mine meet current building codes... and what about our house? Its the oldest brick house in the county (1770)... if I want to use it in some way for an event, should I have to try to make it meet current building codes? absolutely not.

Thanks for listening and hopefully taking these comments into account as the final ordinance is drafted.

This ordinance amendment should be easy... it should be about "how can we make it easy for folks to do this?"

best,

=Eric

From: Steve Barney [mailto:sbarney@jeffersoncountywv.org]
Sent: Tuesday, June 11, 2013 1:49 PM
To: Eric Lewis
Cc: 'Walter Pellish'; 'steve Stolipher'; jbrockman@jeffersoncountywv.org; srivard
Subject: RE: Reception events

Eric,

I appreciate you taking the time to provide comments. We will distribute your letter to the members of the Planning Commission tonight at the meeting.

Thanks,
Steve Barney

From: Eric Lewis [mailto:EJLewis@oll-cpas.com]
Sent: Tuesday, June 11, 2013 11:27 AM
To: Steve Barney; jbrockman@jeffersoncountywv.org
Cc: Walter Pellish; steve Stolipher
Subject: RE: Reception events

Hi there.

Unfortunately I can't make it to the hearing tonight.

I had already submitted my written comments on the section of the ordinance that pertains to special events but I have attached them again so Walt and Steve can see them.

Please enter them into the record and thanks a ton for all your help!

best,

-Eric

From: [Chris Whittaker](mailto:Chris.Whittaker@jeffersoncountywv.org)
To: abeaulieu@jeffersoncountywv.org; jhartman@jeffersoncountywv.org
Subject: FW: County regs regarding artisan business.
Date: Monday, June 17, 2013 9:11:04 AM

FYI

From: Pam Parziale [mailto:pamo.ren2@gmail.com]
Sent: Friday, June 14, 2013 9:41 PM
To: Wade Louthan; Daniel Hayes; Jennie Brockman; Seth Rivard; Steve Barney
Cc: Suzanne Malesic; David Mills; Ellen May; Warren Mickey; James Gibson; Kathy Knight; Mark Dyck; Pete Dougherty; Chris Whittaker; Janis Schultz; William McLeod; Chris Whittaker; Russell Roper; JT Redmon; Linda Fricke
Subject: County regs regarding artisan business.

June 14, 2013

I do not have the email addresses of the Planning Commission members except for Daniel and Wade, so I would like my email to be forwarded to others on the Planning Commission.

To the members of the Jefferson County Planning Commission,
Thank you for the opportunity to speak on June 11 at the Planning Commission meeting in support of the request by the Bloomery Distillery and related small artisanal businesses.

Since speaking to you, several people have given me insight into another way to be pro-active in support of small businesses and to work towards the goal of jobs and economic development.

I was misinformed about the number of counties in WV that have zoning. It turns out that Fayette and Hardy, along with Jefferson have county-wide zoning. So our county is not unique.

Three other counties have partial zoning. They are Greenbrier, Putnam, and Monongalia.

I would like to request that the Planning Commission and the Planning Dept. staff look at how these other counties support agri-business, micro- breweries, small batch distilleries, cottage industries and similar micro-businesses. Can we not find out how these other counties in WV allow hard working, creative, tax-paying people to thrive at their work? We now know that Jefferson County's planning and zoning can have unintended consequences for micro-breweries, small distilleries, craft studios, potteries, blacksmith shops, and similar artisan workshops. A major stumbling block to the success of micro businesses is the enforcement by county's engineering dept. of the Universal Building Code. This code is inappropriate for small artisan businesses. What do

other counties in WV do to support these truly small business that employ one, two, or several people?

Others have suggested we look at the zoning regulations and code enforcement of these other counties, rather than ask for legislative relief from the WV legislature (which was my initial suggestion).

Thank you.

Pam Parziale

pamo.ren2@gmail.com

From: [Jesse Morgan](#)
To: [Steve Barney](#)
Subject: Re: Proposed ordinance amendments re: Farm Wineries, Breweries, and Distilleries
Date: Monday, June 17, 2013 8:58:58 AM

Steve -

At this point, I've realized I missed the June 11th public meeting on the farm winery and brewery language for the ordinances. Right now I have so many distractions, I am having trouble keeping up with everything. I apologize for not getting you something before the meeting. I had some thoughts laid out, but then the ADHD set in and I was pulled in a different direction.

I would be very interested in what developed in the meeting and if any decisions had been made about the language. I think the volume of beer is appropriate for a farm brewery (and wouldn't turn a farm into an industrial complex).

I don't think there is a need to limit the size of the floor space or building space allowed for the brewery. I don't really see what the point of limiting this space is if you're limiting the volume of beer they can make. You just wouldn't need a huge amount of space for that type of operation, and continuing to build buildings and space would just increase capital expenses and taxes that would be prohibitory of making profits. It just seems like more regulation that someone would have to keep track of.

Also, as we spoke, I think the most limiting factor of the language is the 25% of materials being produced from the farm and within the state. Breweries and distilleries, to a degree, are different than wineries in the raw materials used. Wine is basically made with one raw ingredient and tiny quantities of other ingredients. Beer is about 95% water, so unless you're including the water in your 25% then it would be all but impossible to satisfy that requirement. Outside of the water, malted barley makes up about 95% of traditionally brewed beer. Growing barley requires lots of acreage and equipment, however, is technically feasible. After harvesting the barley, to make beer with it, it has to be malted. The malting is the tricky part. The facilities to malt beer on any scale in or around West Virginia don't exist. The farm brewer would have to fabricate the malting equipment because small scale malting equipment doesn't commercially exist. This is what I have done, although I will still be only able to produce a limited volume of malted barley. But, I am not really discussing my situation. So if this language is adopted, for someone to open a farm brewery, and to malt all the barley they would need to make beer on their farm, it would cost them as much, or more, as opening two breweries in another area. They would need to be farmer, malting expert, brewer, etc.. My opinion is that you would not have any farm breweries in Jefferson County.

I understand what the proposed language is intending to do, and I don't really have an answer. If there is still time, I would still like to come in and talk about it. Please let me know if I can be of any help.

Sincerely yours,

Jesse



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning & Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Jefferson County Planning Commission
FROM: Steve Barney, Zoning Administrator
DATE: May 23, 2013 (for June 11, 2013 Planning Commission meeting)
RE: Zoning Ordinance Amendments

Background

In 2010 and 2011, the County Commission approved several amendments to the Zoning Ordinance. A number of broad amendments with significant policy implications remain to be addressed, and should be deferred until after the completion of the Comprehensive Plan.

However, staff has identified a group of smaller (but still important) amendments that would reduce barriers to development, streamline processes, and improve the clarity of the ordinance. These amendments are of relatively limited complexity and do not appear to have significant policy implications. As such, this set of amendments could be undertaken now, while the Comprehensive Plan process is ongoing.

The proposed amendments are described below.

Recommend Amendments

1. **Site Plan Requirement (Section 4.10).** The Zoning Ordinance currently states that a site plan must be submitted prior to initiation of development, but does not clarify that the site plan must be approved.
2. **Restaurants and Convenience Stores in Shopping Centers (Section 5.8C).** This amendment would clarify that the Compatibility Assessment Meeting requirement does not apply to a building located within a shopping center shown on an approved site plan for restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area).
3. **Wineries / Distilleries (Sections 2.2, 5.7, 8.5).** The Zoning Ordinance currently permits "Farm Breweries and Wineries" but the ordinance is silent regarding distilleries. This type of rural land use has become a prominent agribusiness in some parts of the country, and several interested parties have expressed a desire to create rural distilleries in Jefferson County. Staff proposes to amend the ordinance to clarify that distilleries are also permitted, and to define "Farm

Brewery”, “Farm Winery” and “Farm Distillery”. Additionally, staff proposes to increase the square footage restriction for buildings associated with a winery from 10,000 to 20,000 square feet, and to add other supplemental requirements, including those required by the West Virginia Code.

4. **Deck setbacks in certain townhome subdivisions (Section 9.5).** Numerous variance requests for deck setbacks in townhome subdivisions with small lots indicate the need for a code amendment.
5. **Receptions and events in Rural areas (Section 10.5).** A number of property owners have expressed interest in renting barns and homes in rural areas for use as reception facilities for weddings and other events. Currently, the Zoning Ordinance would only permit this type of land use (in limited form) as part of a bed and breakfast establishment; otherwise, a Conditional Use Permit would be required. Staff proposes to create a provision in the ordinance allowing this type of land use as a Special Exception that can be approved by the Board of Zoning Appeals.
6. **Secondary Dwelling Units for Agricultural Purposes (Section 10.5).** While the Zoning Ordinance allows attached two-family structures in the Rural District, it allows only one detached dwelling unit per lot. Many owners of agricultural property have expressed interest in adding a second unit in order that a farm caretaker can live at the property. Staff recommends creating a provision in the ordinance to allow a second detached dwelling (for agricultural purposes) as a Special Exception that can be approved by the Board of Zoning Appeals.
7. **Parking for Seasonal or Temporary Uses (Section 11.1).** The Zoning Ordinance parking requirements for non-residential uses do not distinguish between conventional uses (such as a retail store) and uses of a more rural or informal character, such as a farmers market or a fair. Staff recommends that the ordinance allow flexibility for staff to administratively waive parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis.
8. **Public notice for zoning map amendments (Section 12.2).** Staff recommends that the public notice period for zoning map amendments be reduced from 30 days to 20-28 days in order to allow a zoning map amendment case to be scheduled on the next Planning Commission meeting following the applicant’s presentation of a map amendment petition.

Process to Date

Staff presented the initial draft of the proposed amendments to the Planning Commission on May 14, 2013. The Planning Commission scheduled a public hearing on the amendments for June 11, 2013.

Comments Received following May 14th PC Meeting

Following the May 14th Planning Commission meeting, staff updated the Board of Zoning Appeals on the amendments on May 16, and briefed the Engineering Department on May 21. Staff received the following comments from members of the Planning Commission, from the Board of Zoning Appeals, and from Engineering Department staff:

1. Accessory Agricultural Dwelling Units

- a. Clarke County, VA has some provisions for allowing small accessory dwelling units administratively. (*Comment: Staff has confirmed that the Clarke County Zoning Ordinance allows as an accessory use "One dwelling of less than 600 square feet heated area on properties of six acres or more."*)
- b. Consider permitting second units for agricultural purposes administratively.
- c. Consider a requirement of a minimum acreage (for example, 30 acres) for a property to be eligible for an accessory agricultural dwelling unit.

2. Receptions and events in Rural areas

- a. Establish criteria to allow some events administratively
 - i. Smaller events (fewer than 30 or 50 attendees, for example)
 - ii. Limited number of times per year
- b. It may be appropriate to require traffic control for these types of temporary uses
- c. WVDOH entrance permit for site may be required
- d. Use of structures should be contingent on compliance with applicable building code requirements

3. Farm Breweries, Wineries, and Distilleries

- a. It may be appropriate to establish a maximum threshold (e.g. xx,000 gallons) of production for a farm brewery/winery/distillery, in order to distinguish this land use from an industrial manufacturing use. (*Comment: Staff has confirmed that the West Virginia Code establishes such a threshold for farm distilleries and wineries.*)
- b. The Zoning Ordinance currently lacks a definition of "Farm Brewery, Winery, and Distillery". Based on the definitions of "Farm Winery" and "Mini-Distillery" in the West Virginia Code, as well as examples from other jurisdictions, staff has proposed definitions and additional clarifying text for Section 8.5.

4. Deck Setbacks for Townhome Developments

- a. This amendment is currently limited to the Residential - Light Industrial – Commercial District. Because townhome developments are also permitted in the Residential Growth District, the amendment should be expanded to include this district as well.
- b. The amendment should clarify that reduced setbacks are also permitted for stairs associated with decks, as well as concrete slabs (i.e. patios).

5. Administrative Waiver of Parking Requirements

- a. The amendment language should clarify what standard of the ordinance is being waived. The language should state that the waiver is for the requirement of permanent off-street vehicular parking.

Next Steps

After the June 11th public hearing, the Planning Commission can recommend changes to the ordinance amendments, and vote to recommend that the County Commission adopt the amendments. The County Commission will also conduct a public hearing, and at a subsequent meeting, vote on the adoption of the amendments.

Please let me know if you need additional information.

Att: Draft amendments to Zoning Ordinance sections listed above

	16. Farm brewery, ~~and~~ winery, <u>or distillery</u> subject to the requirements for such a use in Article 8; 17. Rental of garden plots; 18. Community supported agriculture; 19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production; 20. Forestry
Alternative Structure ²²	For antenna-mounting purposes, a structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. The term Alternative Structure includes, but is not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples and electric distribution, electric transmission or other utility poles.
Amenities	Utilities, roadways, and public services which make a particular site more attractive for development. Section 6.4 governs the assessment of amenities as it relates to the Development Review System.
Antenna ²²	Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, Personal Communications Services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.
Antenna Array ²²	Two or more antennas that operate as components of a complete antenna suite for a single Wireless Telecommunication Facility.
Antenna, Concealed ²²	An antenna that is designed and/or erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located in such a way that it is not readily visible or discernible to the average individual at the adjacent street level.
Appalachian Trail Overlay District ²²	For purposes of the Wireless Telecommunication Facilities Ordinance, the area within one mile of the centerline of the Appalachian Trail.
Applicant ²³	Any person seeking to develop land, initiate a land use, obtain approval pursuant to the Development Review System Ordinance,

<u>Farm Winery</u>	<u>An agricultural use licensed as a “Farm winery” pursuant to the West Virginia Code, and meeting the requirements for a “Farm winery” in §60-1 of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
<u>Farm Distillery</u>	<u>An agricultural use licensed as a “Mini-distillery” pursuant to the West Virginia Code, and meeting the requirements for a “Mini-distillery” in §60-1 of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
<u>Farm Brewery</u>	<u>An agricultural use that entails the manufacturing of beer in accordance with the requirements of the West Virginia Code. A farm brewery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
Farm Vacation Enterprise ²³	A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camping, scenery, nature recreation areas, and similar uses. The site may contain up to 5 lodging units.
FCC ²²	Federal Communications Commission.
Flood-prone Area	Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended.
Flood-prone Soils	Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is a dead-end, then all property abutting on one side between an intersecting street and the dead-end of the street.
Functionally Equivalent Services ²²	FCC licensed providers of Commercial Mobile Radio Services (CMRS) classified as Cellular, Personal Communication Services (PCS), Paging, Specialized Mobile Radio (SMR) and Enhanced Specialized Mobile Radio (ESMR).
Glare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Governmental User ²²	Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue

Section 4.8 Buildable Lot

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this ordinance.

Section 4.9 Traffic Visibility Across Corner Lots

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.²³

Section 4.10 Site Plan Requirements

- A. ~~A site plan shall be submitted~~ Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.²³
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.²³
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

- A. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of 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 landscape buffers.⁵
- B. All industrial development adjacent to any Residential district, or 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 shall have front yard buffers of no less than one-half (½) the front yard building setback.^{5, 7}

24. Non-profit Community Centers¹⁵
25. Landscaping business outside of Planning Commission approved subdivisions¹⁵
26. Veterinary services outside of Planning Commission approved subdivisions¹⁵
27. Feed and/or Farm Supply Center
28. Agricultural Repair Center¹⁵
29. Kennels (subject to the requirements for such a use in Article 8)¹⁵
30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)²⁰
31. Agricultural Tourism
32. Farm Vacation Enterprise
33. Farm Brewery, ~~or~~ Winery, or Distillery
34. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)
35. Preschool

B. Minimum Lot Area, Lot Width and Yard Requirements²³

1. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.⁵

Table 5.7-1 – Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District

Land Use	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50
Churches	2 acres	200	25	50	50
Schools, Grades K-4	10 acres +	500	100	100	100
Schools, Grades 5-8	20 acres +	500	100	100	100
Schools, Grades 9-12	30 acres +	500	100	100	100
Hospitals	10 acres	500	100	100	100
Other permitted uses	40,000 sq. ft.	100	40	50	50

3. Lot area for schools (K-12) as shown in Table 5.7-1 shall be increased by one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewage treatment plant and retention ponds are required, acreage shall be increased accordingly.^{1, 23}

27. Vocational and/or Training Facility for Adults¹²
28. Church
29. Cultural Facility
30. Day Care Center, Small
31. Day Care Center, Large
32. Essential Utility Equipment
33. Publicly Owned Facility
34. Public Safety Facility
35. Accessory Uses
36. Group Residential Facility
37. Nursing or Retirement Home
38. Model Home/Sales Office (subject to requirements for this use in Article 8)¹²
39. Non-Profit Community Center
40. Non/Not for Profit Commercial Uses¹²
41. Preschool
42. Wireless Telecommunications Facilities pursuant to Article 4B

B. Standards²³

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.²³

C. Other Regulations²³

1. All sections of this ordinance applying to the residential growth district with the exception of Section 5.4(a) will apply to residential uses in this District.
2. All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a). Either use must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate 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.^{5, 7, 23}
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.²³ This requirement shall not apply to a building located within a shopping center shown on an approved site plan.

Section 8.5 **Farm Brewery, ~~or~~ Farm Winery, or Farm Distillery**²³

- A. All structures associated with the operation of a farm brewery, ~~or~~ farm winery, or farm distillery may not exceed 1020,000 square feet.
- B. No sale of alcohol for onsite consumption is permitted.
- C. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on-premises
- D. Permitted accessory uses include the following:
 - a. incidental tastings of products produced on-premises
 - b. incidental food sales associated with tastings, not including a restaurant
 - c. sales of packaged products produced on-premises
 - d. sales of novelty and gift items associated with products produced on-premises
- E. Twenty-five percent of the raw products for an product containing alcohol that is produced by a farm brewery, farm winery, or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm brewery, farm winery, or farm distillery, with no more than twenty-five percent of such produce originating from any source outside this state.
- F. Production limits are as follows:
 - a. A farm brewery may produce annually up to 5,000 barrels of beer (155,000 gallons)
 - b. A farm winery may produce annually up to 50,000 gallons of wine and similar products
 - ~~a-c.~~ A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor

Section 8.6 **Farm Market**²³

The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of fifty feet (50) from the street right-of-way must be maintained, and off street parking must be provided.

Section 8.7 **Jails and Prisons**²³

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.⁵

Design Standards for Jails, Prisons and/or Penal Institutions are as follows:⁵

Section 9.5 Projections Into Yards⁸

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in width. All roof overhangs may extend into any required yard not more than two (2) feet; provided that the primary structure is located entirely within the appropriate setback.²³
- B. Fences and walls over six (6) feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.²³
- C. In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

~~B.~~

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process.²³

Residential Growth District²³

shall not face the adjoining residence. Signs governed by the Development Review System are subject to Section 10.4 (e). Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.⁸

- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of three hundred (300) feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This shall be subject to Section 10.4 (e).
- E. All signs accessory to land use that must be evaluated by the Development Review System (DRS) shall be proposed within the DRS application and assessed at the Compatibility Assessment Meeting. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. The Planning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.^{2, 17, 21, 23}
- F. No outdoor advertising sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- G. All outdoor advertising, excluding billboards subject to Section 10.4 (h), shall comply with front yard setback provisions in the districts in which they are permitted.
- H. Billboards
 - 1. No billboard shall be closer to any public highway right-of-way than three (300) feet.
 - 2. Placement of a billboard must be in a location that is within eight hundred (800) feet of an existing business.
 - 3. There shall be a minimum of one thousand (1000) feet between billboards.
 - 4. A billboard shall be no closer than five hundred (500) feet from a church, school, or cemetery.

Section 10.5 Special Exception Uses

~~(Requiring Board of Zoning Appeals after Public Hearing)~~

A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.

- a. The public hearing shall be conducted according to the requirements of Section 3.4A(3)(c).
- b. Such hearing may be continued according to the requirements of Section 3.4A(3)(d).

c. The public hearing is subject to the notification requirements of Section 3.4A(3)(b).

B. The following uses may be approved as a Special Exception:

a. Outdoor advertising signs including billboards. The ~~may be approved by the~~ Board of Zoning Appeals shall determine if ~~such a sign~~ conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.^{17, 21}

b. Detached accessory dwelling units for agricultural purposes, such as units for occupancy by farmworkers or caretakers. Such units may be approved based on the Board's evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.

c. Use of existing structures and outdoor areas as facilities for weddings and similar events. Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.

Section 10.6 Zoning Certificate²

All Zoning Certificate applications for signs may be approved by the Departments of Planning and Zoning if in conformance with the regulations.^{17, 21, 23}

C. Upon request, on a case by case basis, the Zoning Administrator may administratively waive parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis. The applicant must provide an exhibit that demonstrates that the parking will occur on level ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.

Section 11.2 Residential Parking Standards²

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per residential uses as follows:

<u>Type of Residences</u>	<u>Parking Requirements</u>
Single Family Detached	Driveway Only
Single Family Attached (Duplex or Two-Family)	Driveway Only ²³
Single Family Attached (Townhouse)	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 5.0 ²³
Multi-Family	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 6.0 ²³

ARTICLE 12: MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.^{17, 21, 23, 25}

Section 12.2 Procedure for Amendment by County Commission^{1, 25}

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.^{17, 21}
- B. Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.^{17, 21, 25}
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
 - 1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
 - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
 - b. Any property affected by the proposed zoning map amendment shall be posted ~~at least 30~~not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and
 - c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 ~~at least 30~~ days prior to the Public Hearing. The adjainer letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter

Principal Permitted Uses Table (continued)²³

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Agricultural Uses							
Agricultural Repair Center	P	NP	P	P	NP		
Agricultural Tourism	P	NP	P	P	NP		
Agricultural Uses as defined in Article 2	P	P	P	P	P		
Farm Brewery ~~or Winery~~	P	NP	P	P	NP		Sec. 8.5
Farm Winery	P	NP	P	P	NP		Sec. 8.5
Farm Distillery	P	NP	P	P	NP		Sec. 8.5
Farm Market	P	NP	P	P	NP		Sec. 8.6
Farm Vacation Enterprise	P	NP	P	P	NP		
Feed and/or Farm Supply Center	P	NP	P	P	NP		
Horticultural Nurseries and Commercial Greenhouses	P	NP	P	P	NP		
Landscaping Business	P	NP	P	P	NP		
Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years)	P	NP	P	P	NP		
Accessory Uses							
Accessory Uses	P	P	P	P	P		

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district

* = Limited permitted uses

** = Accessory use to a planned residential community

This information is
Tab #9 in your binder.

APPENDIX C: PERMITTED USES TABLE *[DRAFT 06/17/13]*

P = Permitted use
 NP = Not permitted use
 PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.
 ** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
[Note: Blue text indicates proposed new districts and new land use name, or other text changes]
[Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Residential Uses														
Dwelling, Single Family	A detached building containing not more than one dwelling unit and not occupied by more than one family.	P	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot as required by this ordinance.	P	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Two Family	A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	A combination of no more than two single-family dwelling units, with each individual dwelling unit located on its own legal lot, and sharing a common lot line and a common vertical wall.	NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.	PNP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	A building containing three or more dwelling units, which may include rental or condominium residential units.	PNP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	A facility: (1) in a dwelling unit; (2) licensed by the state, if applicable; (3) providing care for five or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are not included in the total; and (4) which may include some instruction.	P	NP	NP	NP	NP	P	NP	P	P	~~NP~~ P	P	~~NP~~ P	
Mobile Home	A detached structure with the following characteristics: It is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and it is designed for transportation after fabrication on streets or highways on its own wheels, or on flatbeds or other trailers, or detachable wheels, and it arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A mobile home is distinct from a manufactured home.	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	
Mobile Home Park	A lot, site, or parcel of land used or intended to accommodate two (2) or more mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, which unoccupied mobile homes are parked for inspection and sale. This term includes all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	A dwelling unit temporarily used for display purposes as an example of dwelling units available for sale in a residential development approved by Jefferson County. Model homes may include sales offices for dwellings within the development.	P	PC	NP	NP	NP	P	P	P	P	P	NP	NP	Sec. 8.10
Home Uses														
Home Occupation, Level 1	An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
Home Occupation, Level 2	An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
Cottage Industry	An occupation conducted at a residential premises, as described in Article 4A of this Ordinance.	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
Institutional Uses														
Airport	Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities, and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.	NP	NP	NP	P	P	NP	NP	NP	NP	NP	PC	NP	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE *[DRAFT 06/17/13]*

P = Permitted use
 NP = Not permitted use
 PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.
 ** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
[Note: Blue text indicates proposed new districts and new land use name, or other text changes]
[Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Church	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.	P	P	P	P	PC	P	P	P	P	P	NP	~~PC~~ P	
Convention Center	<i>A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.</i>	NP	P	P	P	PC	P	P	NP	NP	P	PC	NP	
Cultural Facility	A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest.	P	P	P	P	PC	P	P	P	NP	P	P	P	
Day Care Center, Large	A facility: (1) licensed by the state, if applicable; (2) providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction.	P	P	P	P	PC	P	P	NP	P	P	P	PC	
Electric Vehicle Charging Station	<i>A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.</i>	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Elementary or Secondary School	A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade twelve. Secondary schools consist of middle schools and high schools, generally grades six through twelve.	P	P	PC	PC	NP	P	P	P	P	P	NP	NP	
Essential Utility Equipment	Underground or overhead electrical, gas, communications not regulated by the federal communications commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cable, fire alarm boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. <i>(see Zoning Ordinance for full definition)</i>	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled... (see Zoning Ordinance for full definition)	P	P	P	NP	NP	P	P	P	P	P	NP	P	
Group Residential Home	A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence... (see Zoning Ordinance for full definition)	P	P	P	NP	NP	P	P	P	P	P	NP	P	
Heliport	<i>An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.</i>	NP	PC	PC	P	P	PC	PC	NP	NP	PC	PC	NP	
Hospital	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	P	P	P	PC	P	P	P	P	P	NP	NP	
Nursing or Retirement Home	This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.	PC	P	P	P	NP	P	P	NP	P	P	NP	NP	
Park	<i>This is a new use that is currently not proposed for definition in the draft ordinance amendments.</i>	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	An establishment for the performing arts with seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. Incidental use of a performing arts theater for community events is permitted. This use does not include an adult use or a bar/nightclub.	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Preschool	Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.	P	P	PC	PC	PC	P	P	P	P	P	NP	NP	
Public Safety Facility	Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.	P	P	P	P	P	P	P	P	P	P	P	P	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE *[DRAFT 06/17/13]*

P = Permitted use
 NP = Not permitted use
 PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.
 ** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
[Note: Blue text indicates proposed new districts and new land use name, or other text changes]
[Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Publicly Owned Facility	Use of a site for government operations or activities, and not otherwise defined as a public safety facility; school, elementary or secondary; school, university or college; school, vocational or professional; hospital; cultural facility; or essential utility equipment.	P	P	P	P	P	P	P	P	P	P	P	~~NP~~ PC	
Recycling Drop-Off Center	A building or site used for a drop-off location for temporary storage of recyclable, recoverable or reuseable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. <i>This land use is intended for household or consumer use rather than commercial or industrial use.</i>	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	The use of a site for the provision of a family-based facility in a single-family dwelling unit providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from mobility, orthopedic, visual, speech, or hearing impairments (see Zoning Ordinance for full definition)	P	P	P	NP	NP	P	P	P	P	P	NP	P	
School, College or University	An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. (see Zoning Ordinance for full definition)	NP	P	P	P	NP	P	P	NP	NP	P	NP	NP	
School, Vocational or Professional	A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Vocational and Training Facility for Adults	A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills.	P	P	P	P	P	P	P	P	P	P	NP	NP	
Industrial														Sec. 8.9
Heavy Equipment Repair	<i>This is a new use that is currently not proposed for definition in the draft ordinance amendments.</i>	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PCP	NP	
Heavy Industrial Uses	Manufacturing or other enterprises with significant external effects including but not limited to noise, dust, glare, odors or vibrations, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	Any industry that does not use a significant amount of water except for domestic purposes. Industrial uses that do not create noise, odors, smoke and objectionable nuisances or hazards. Any uses listed in Section 5.6(b) (as amended) are not considered light industrial.	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP	Sec. 8.9
Manufacturing, Heavy	An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use.	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP	
Manufacturing, Limited	The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
Printing and Publishing	A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	<i>This existing use is not currently defined in the Zoning Ordinance.</i>	NP	NP	NP	NP	PC ²	NP	NP	NP	NP	NP	PC ²	NP	Sec. 4.4L

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE *[DRAFT 06/17/13]*

P = Permitted use
 NP = Not permitted use
 PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.
 ** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
[Note: Blue text indicates proposed new districts and new land use name, or other text changes]
[Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Shooting Range, Indoor	A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards.	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP	
Shooting Range, Outdoor	The use of land for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of target practice, sport shooting, military/law enforcement training, mock war games, or temporary competitions. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards, and the range must shall the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this ordinance. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	~~P~~ PC	NP	
Slaughterhouses, Stockyards	<i>This existing use is not currently defined in the Zoning Ordinance.</i>	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP	
Transportation Terminal	The use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or shipped materials between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities. This use does not include long-term storage of shipped items.	NP	P	P	P	P	P	P	NP	NP	PC	P	NP	
Vehicle Storage	The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	Use of a site for the storage of goods, sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. This use includes major distribution centers, frozen food lockers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities. Facilities may be characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors.	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP	
Warehousing and Distribution, Limited	Use of a site for the small scale storage of goods, and sale of goods to other businesses for resale. Wholesale and warehouse areas are no more than 50,000 square feet in area and operate during conventional business hours. Outdoor storage is limited to an area of 1,000 square feet. This use does not include major distribution centers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities, or a use described as a Storage, Commercial facility.	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing														Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Bituminous concrete mixing and recycling plants	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Cement or Lime Manufacture	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Commercial Sawmills	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Explosive manufacture or storage	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE *[DRAFT 06/17/13]*

P = Permitted use
 NP = Not permitted use
 PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.
 ** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
[Note: Blue text indicates proposed new districts and new land use name, or other text changes]
[Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Foundries and/or casting facilities	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Garbage or dead animal reduction or processing; <u>Landfills</u>	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Jails and Prisons	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.7
Mineral extraction, mineral processing	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Petroleum products refining or storage	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.11
Adult Uses														
Adult Uses	Uses that are commonly associated with adults only, including but not limited to: bars, lounges, dance clubs, stripping establishments, adult book stores, clubs, adult arcades, adult cabarets, adult motion picture theaters, massage parlors, sexual encounter establishments or other similar businesses.	NP	NP	NP	PNP	P	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses														
Hunting, Shooting, Archery and Fishing Clubs, public or private	Land owned by an organized group of persons formed as a club that is used for hunting, fishing, shooting, archery and similar types of passive recreation.	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses														Sec. 8.9
Antique Shop	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Appliance Sales	Use of a site for indoor sale of nonportable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Art Gallery or Artist Studio	The use of a site for (a) an establishment engaged in the sale or exhibit of art works including but not limited to paintings, sculpture, knitted goods, or pottery; and/or (b) work space for one or more artists, artisans, or craftspersons, who may offer instruction in the creation of art works.	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
ATM	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Automobile repair, sales and service	Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Automobile parts, supplies and tire stores	The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas. This use is conducted indoors with no outdoor storage of vehicles to be rented.	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Bail Bond Services	An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.	NP	P	P	P	P	NP	NP	NP	NP	PC	P	NP	
~~Branch~~ Bank	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with drive-through facility	A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE [DRAFT 06/17/13]

P = Permitted use
 NP = Not permitted use
 PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.
 ** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
 [Note: Blue text indicates proposed new districts and new land use name, or other text changes]
 [Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Bar / Nightclub	An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.	PC	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	A barber or beauty shop limited to no more than two chairs.	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	A single-family dwelling where lodging is offered for compensation, having no more than seven (7) bedrooms for this purpose, and meeting the requirements for such a use in Article 8 of this Ordinance.	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Maintenance Services	An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Campground	An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents, cabins and/or lodges. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park as defined in this ordinance.	PC	P	NP	NP	NP	P	P	NP	NP	P	P	NP	
Commercial Uses <i>[use was formerly shown as deleted]</i>	Any wholesale, retail or service business activity established to carry on trade whether or not for profit.	*	*	*	*	*	*	*	*	**	P	P	*	Sec. 8.9
Car Wash	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	The use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. This land use does not include a blood bank.	NP	P	P	P	P	PC	PC	NP	NP	PC	P	NP	
Contractor with no outdoor storage	Use of a site for indoor sale of nonportable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with outdoor storage	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
~~Retail Food~~ Convenience Store, Limited	A retail food store not exceeding 1500 square feet of retail floor space.	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.	PC	P	P	P	PC	P	P	NP	NP	PPC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	A private residence at least 50 years old that offers sleeping accommodations to lodgers in 30 or fewer rooms for rent. For the purpose of this definition, a lodger means a person who rents a room in a country inn establishment for fewer than 30 consecutive days. The land use may include a restaurant open to the general public as well as to guests.	P	P	P	P	NP	P	P	NP	NP	P	P	PC	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE [DRAFT 06/17/13]

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.

** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Custom Manufacturing	Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and laundry services ~~pick-up station; laundromat~~	The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and laundry facility services	A facility at which clothing and other fabrics are dry-cleaned or laundered for customers, utilizing processes which are in compliance with applicable state and federal laws.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships and construction equipment dealerships.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Exterminating Services	The use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. This use includes food preparation for catering.	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Hotel/Motel	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn as defined in this ordinance. A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance operated by charitable organizations licensed under West Virginia state law.	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	Sec. 4.4G
Gas Station, Limited	A gas station (as defined in this ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet.	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Gas Station	Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a "Gas Station, Large" if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Gas Station, Large	A gas station (as defined in this ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.	NP	PC	P	P	P	PC	PC	NP	NP	P	P	NP	
Golf Course	A facility for the playing of golf. A golf course may include a clubhouse with rest rooms and locker rooms, may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Grocery Store	An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores.	P	P	P	P	PC	P	P	NP	NP	P	P	NP	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE [DRAFT 06/17/13]

P = Permitted use
 NP = Not permitted use
 PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.
 ** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
 [Note: Blue text indicates proposed new districts and new land use name, or other text changes]
 [Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Horse Racing Facility	A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.	NP	NP	NP	P	P	NP	NP	NP	NP	P	P	NP	
Kennel	The boarding, breeding, raising, grooming, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.	NP	P	P	P	PC	P	P	P	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile home, boat and trailer sales	Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.	NP	P	P	P	P	P	P	NP	NP	PC	P	NP	
Movie Theater	A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Non-Profit Commercial Uses	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	PC	P	P	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Personal Services	Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services (as defined in this ordinance); duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Professional Office	A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.	P	P	P	P	PC	P	P	NP	NP	P	P	PC	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE [DRAFT 06/17/13]

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.

** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Restaurant, Fast Food, Limited	Takeout pizza/sandwich shops not exceeding 600 square feet.	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food	Any establishment whose principal business is the sale of foods and/or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through. This use may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.	PC	P	P	P	PC	P	P	NP	NP	PPC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.	NP	P	P	P	PC	PC	P	NP	NP	PPC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	A food service establishment not exceeding 2000 square feet and where the primary mode of food distribution is by server.	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail Sales Limited	Establishments of up to 10,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail Store Sales and Services, General	A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.	PNP	P	P	P	PC	P	P	NP	NP	P	P	NP	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE [DRAFT 06/17/13]

P = Permitted use
 NP = Not permitted use
 PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.
 ** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
[Note: Blue text indicates proposed new districts and new land use name, or other text changes]
[Red text indicates deleted text]

Land Use	Definition	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Retail Store, Large	A retail sales establishment with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A Retail Store, Large that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores which would not otherwise be classified as a Retail Store, Large that are connected by common walls as part of a shopping center with shared parking facilities are not included in this definition. If a shopping center includes a store which meets the definition of Retail Store, Large, the entire shopping center shall be treated as a Retail Store, Large for the purposes of applicable ordinances.	NP	PC	P	PC	PC	PC	PC	NP	NP	PC	PC	NP	
Shipping and Mailing Services	Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. This use does not include major processing of mail or packages or bulk mailing distribution centers, and does not include facilities owned or operated by governmental agencies such as the United States Postal Service.	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Storage, Commercial	An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Veterinary Services	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	PC	P	P	P	NP	P	P	NP	
Wireless telecommunications facilities	A facility consisting of the equipment and structures involved in transmitting or receiving telecommunications or radio signals to or from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.	P	P	P	P	P	P	P	P	P	P	P	P	Article 4B
Agricultural Uses														
Agricultural Uses as defined in Article 2	The use of land for a bona-fide farming operation. (See Zoning Ordinance for full definition)	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Agricultural Tourism	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery or Winery	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance. The use is proposed for definition in a separate set of amendments regarding agricultural uses and related amendments.</i>	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	Market for the sale of farm products, and products incidental to farm products.	P	P	P	P	PC	P	P	P	NP	P	P	NP PC	Sec. 8.6
Farm Vacation Enterprise	A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camps	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	PC	P	P	P	P	P	P	P	NP	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	P	P	P	P	NP	P	P	NP	
Landscaping Business	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	P	P	P	P	P	P	P	P	NP	P	P	NP	
Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years)	<i>This is an existing use in the Zoning Ordinance and is currently undefined in the ordinance.</i>	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Accessory Uses														
Accessory Uses	A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. (see Zoning Ordinance for full definition.)	P	P	P	P	P	P	P	P	P	P	P	P	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

MEMO

TO: Jefferson County Planning Commission
FROM: Steve Barney, Zoning Administrator
DATE: June 7, 2013
RE: Draft Zoning Ordinance Amendments – Proposed Commercial and Industrial Districts and Related Changes

Background

In 2011 and 2012, the Planning Commission and County Commission both identified as a high priority the expansion of the number and variety of commercial zoning districts in the Zoning Ordinance.

The ordinance currently has only two commercial districts: the Residential-Light Industrial-Commercial and Industrial - Commercial District. The overly broad nature of these districts has led to concern by members of the public when property owners have proposed to rezone land to these districts in new locations throughout the County.

Accordingly, at the direction of the County Commission, staff undertook a year-long effort to develop additional commercial and industrial zoning categories, including districts that would allow appropriate limited commercial ventures in suitable locations.

Status of Draft Amendments

The Planning Commission has reviewed the draft recommendations during five of its meetings, solicited public input during a February 14, 2012 workshop, and conducted a public hearing that spanned two meetings in April 2012. Following the public hearing, the Planning Commission directed staff to develop recommendations regarding possible changes to the ordinance amendments as a result of the comments received at the public hearing.

At its June 12, 2012 meeting, the Planning Commission voted to recommend the draft ordinance amendments to the County Commission for adoption, including proposed changes as a result of public comment.

Staff briefed the County Commission on the amendments in August, 2012. The County Commission conducted a public hearing in September, 2012, and extended the time period for public comment for two additional weeks after the meeting.

On October 11, 2012, staff briefed the County Commission on public comments received, and recommended changes to the amendments to address the comments. On October 25, 2012, the County

Commission voted 3-2 to postpone consideration of the amendments until after the adoption of the Comprehensive Plan.

At the May 14, 2013 Planning Commission meeting, in response to comments by Commissioner Pellish, the Planning Commission directed staff to brief the Commission regarding the draft amendments at its June 11, 2013 meeting.

Proposed New Zoning Districts

Recommended additional zoning categories are as follows:

1. Neighborhood Commercial (NC) – Neighborhood serving shops and services, compatible with adjacent residential areas.
2. General Commercial (GC) – Retail stores, shopping centers, gas stations, and other general-purpose commercial uses.
3. Highway Commercial (HC) – Land uses appropriate for major highways, including larger retail stores and large gas stations.
4. Light Industrial (LI) – Warehousing, light manufacturing and other land uses that do not produce significant externalities (noise, odors, etc).
5. Major Industrial (MI) – Uses of a more intense nature than would otherwise be permitted in the Light Industrial district.
6. Planned Neighborhood Development (PND) – A district that allows customization of standards in order to provide a better fit for a particular development or piece of property. This district would allow implementation of conditions or restrictions offered by a property owner or developer.
7. Office/Commercial Mixed Use (OC) – A district intended to allow for well-designed employment centers that may also include residential uses.

Proposed New Land Use Categories

Together with the establishment of new districts, the list of permitted, conditional, and prohibited land uses in the ordinance should also be revised in order to effectively make distinctions between the new districts. As such, several new land uses are proposed. These new uses are predominantly commercial. Definitions are proposed for several of these new land uses whose meaning may be debatable.

In the draft amendments, the proposed new land uses are also reflected in the County's five existing zoning districts, as shown in Appendix C, Permitted Uses Table. In recommending the permitted use status of the proposed new uses in the existing districts, staff has made every effort to reflect the character of the existing zoning districts. For example, new land uses of an overall commercial character are shown as permitted in the Residential - Light Industrial - Commercial district, but not permitted in the Rural, Residential Growth, or Village Districts, consistent with the intent of these districts.

Other Associated Amendments

In addition to the proposed new districts, staff has recommended other associated amendments to the Zoning Ordinance. These amendments are described in the attached document entitled "List of Related Zoning Ordinance Amendments." All amendments are reflected in the body of the Zoning Ordinance text included with this memo, as well as Appendices A, B, and C and the list of definitions (Section 2.2).

Changes Following Planning Commission Action

Based on comments received from members of the public as well as County Commission members at the County Commission public hearing (or submitted in writing), staff has recommended several changes to the draft ordinance since the Planning Commission last reviewed it in June 2012. The revised version of the ordinance in the current Planning Commission packet reflects these recommended changes.

One of the most significant changes is to the proposed location criteria – i.e. the language specifying where in the County each district would be appropriate. As a result of feedback that the intended use of the districts should be clearly linked to the Comprehensive Plan, staff recommends deleting the detailed location criteria (proposed previously) and replacing it with language that specifies that each of the new zoning categories is intended for use on properties:

- in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
- in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

This language defers to the existing Comprehensive Plan, and also provides that a future land use map in a subsequent Comprehensive Plan will guide the appropriate locations of the land use categories that correspond to the zoning districts.

A document included in the agenda packet for this meeting provides a list of the significant changes, including those changes based on the input received at the County Commission hearing (in addition to written comments), as well as staff recommendations for edits to refine the draft ordinance. These changes are also highlighted in yellow in the draft ordinance.

Amendments to some sections will be addressed by the smaller set of amendments for which the Planning Commission will conduct a public hearing on June 11th, and have been so noted in the new draft of the New Commercial and Zoning Districts amendments.

Attached Information

In addition to this memo, the agenda packet for this item includes the following components:

1. A list of amendments related to the proposed new commercial zoning districts, including additional recommended changes following the County Commission public hearing.
2. A revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).
3. A memo providing staff recommendations regarding consistency of the proposed amendments with the Comprehensive Plan.
4. Study Area Map from the adopted 2004 Comprehensive Plan.

Next Steps

The amendments have been reviewed at a Planning Commission public hearing, as well as at a County Commission public hearing. If the Planning Commission finds it appropriate for the amendment to proceed, the Commission can recommend that the County Commission review the current version of the draft ordinance for possible action.

If the Planning Commission finds that there have been significant changes to the ordinance following the Commission's June 2012 affirmative vote to recommend the ordinance, it may choose to conduct an additional public hearing prior to making a new recommendation to the County Commission.

For more information, please contact me at zoning@jeffersoncountywv.org.

Att: Summary descriptions of each proposed zoning district
 Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes
 Revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).
 Study Area Map from the adopted 2004 Comprehensive Plan.

Neighborhood Commercial (NC)

Purpose:

The purpose of this district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the GC District would not be appropriate. Developments in the NC district should be appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses.

Location:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Permitted Uses:

Uses permitted include neighborhood-serving commercial uses such as some types of retail shops, services and offices that are compatible with adjacent residential areas. Uses are generally of a smaller scale than those allowed in the GC district. Some residential uses are also permitted, such as upper-floor residential uses in a commercial building. Other uses may be permitted by Conditional Use Permit or Special Exception.

Special Standards include:

1. No side yard setback required for non-residential uses abutting commercial or industrial uses.
2. Parking shall be located in rear or on side of building.
3. Limitation of 3,500 square feet of building footprint per building.
4. Designated 15' pedestrian zone including sidewalk/trail and landscaping.
5. One or more entrances facing principal street



General Commercial (GC)

Purpose:

The purpose of this district is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet), more intensive commercial activity, and more vehicular traffic than would be permitted in the NC district.

Location:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Permitted Uses:

The GC District allows uses permitted in the NC District, in addition to a broader variety of retail stores, repair shops, wholesale businesses, and offices. Residential uses are not permitted in the GC District.

Special Standards include:

1. Individual buildings with area over 100,000 sq. ft. require approval as a Special Exception by the Board of Zoning Appeals.



Highway Commercial (HC)

Purpose:

The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

Location:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Permitted Uses:

Uses in the HC District include most uses permitted in the General Commercial (GC) District, in addition to large gas stations and large retail stores.



Light Industrial (LI)

Purpose:

The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

Location:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Permitted Uses:

Uses in the LI District include most uses permitted in the General Commercial (GC) District, in addition to low impact industrial uses such as light manufacturing, assembling, and fabrication, in addition to warehousing, wholesale, and service uses where little or no nuisance effects are generated.

Special Standards include:

Larger setbacks required for Light Industrial uses located near a dwelling, school, church or institution for human care or a residential zoning district.



Major Industrial (MI)

Purpose:

This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial district.

Location:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Permitted Uses:

Permitted uses include Light Industrial and Major Industrial Uses. Some appropriate commercial uses that do not entail frequent customer traffic may be permitted, or established by Conditional Use Permit or Special Exception.

Special Standards include:

Larger setbacks required for Major Industrial uses located near a dwelling, school, church or institution for human care or a residential zoning district.



Planned Neighborhood Development (PND) District

Purpose:

The purpose of the PND District is to:

1. encourage flexibility in the development of land in order to promote its most appropriate use;
2. improve the design, character and quality of new developments;
3. provide and promote redevelopment and reuse opportunities;
4. encourage a harmonious and appropriate mixture of uses and/or housing types;
5. facilitate the adequate and economic provision of streets, utilities and city services;
6. preserve critical natural environmental and scenic features of the site;
7. encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
8. mitigate the problems which may be presented by specific site conditions.

Location:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Permitted Uses:

Uses in the PND District include those uses permitted in the General Commercial (GC) District, in addition to multi-family and townhouse residential uses, and small-lot single-family residential uses.

Special Standards include:

1. Planning Commission approval of a PND plan required
2. Mix of Uses Required:
 - 10-30% commercial
 - 10-30% high density residential
 - 20-40% medium density residential
 - 0-60% low density residential
3. Modification of Development Standards Allowed:
 - Height
 - Impervious surface
 - Setbacks
 - Other standards
 - Permitted uses
4. Open Space Requirements
5. Connectivity and Street Network Requirements



Office / Commercial (OC) Mixed-Use District

Purpose:

The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial, and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.

Location:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Permitted Uses:

Uses in the OC District include those uses permitted in the General Commercial (GC) District, in addition to multi-family and townhouse residential uses.

Special Standards include:

1. No side yard setback required for non-residential uses abutting commercial or industrial uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. Minimum of 75% of ground floor commercial space required.
4. Parking shall be located in rear or on side of building.
5. Designated 15' pedestrian zone including sidewalk/trail and landscaping.
6. One or more entrances facing the principal street.



Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes

At its June 12, 2012 meeting, the Jefferson County Planning Commission voted to recommend to the County Commission for adoption a set of Zoning Ordinance amendments regarding proposed commercial and industrial districts and related amendments. The draft of the ordinance recommended by the Planning Commission included proposed changes as a result of public comment associated with a public hearing that the Planning Commission conducted in April 2012.

The County Commission also conducted a public hearing, in addition to accepting written comments. Staff has recommended changes to the ordinance in response to these comments, as well as edits to refine the draft ordinance.

Significant proposed changes are listed below. Please see the draft ordinance (available in the Planning Commission agenda packet) for all changes, which are highlighted in yellow in the draft ordinance.

Section 2.2

- Changes to definitions, such as: Retail Food Store, Limited; School, College or University; Restaurant; Retail Store, Large; and Shooting Range, Outdoor
- New definitions, such as: Gross Floor Area; Horse Racing Facility; School, Vocational or Professional; and Shopping Center.

Section 4.6

- Clarify what is meant by a “residential district”.
- Clarify that parking is not subject to the distance setback for industrial and commercial uses.
- Relocation of sentence regarding applicability of section.

Section 4.11

- Additional text is added to this section to match the requirements shown in Table 4.11, such as the requirement of buffer yards for multi-family development and 20’ screened buffers for industrial development.
- Table 4.11: In response to public comments, staff is proposing to relocate to Appendix A and Appendix B all the requirements shown in Table 4.11. This move will consolidate setbacks, buffers, distance requirements and other site development standards into the same table.

Section 5.6

- Relocation of the yard requirements of Section 5.6D to Appendix A and B.

Sections 5.11 – 5.17

- The location criteria for each district has been deleted and replaced with language that specifies that each of the new zoning categories is intended for use on properties:
 - in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 - in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Section 5.11 (Neighborhood Commercial District)

- Purpose (5.11A) – amend language to better reflect the intent of the district.
- 5.11C - In order to clarify that a commercial building in the NC District may include residential units, add the following text: “3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.” (Please note that this district no longer allows standalone multi-family or townhouse uses.)
- 5.11E – add language to clarify that a landscaped buffer yard in the NC district need not screen the view of the development from the adjacent street(s).

Section 5.12 (General Commercial District)

- Purpose (5.12A) – amend language to state that the district allows retail stores of up to 100,000 square feet for an individual building.

Section 5.13 (Highway Commercial District)

- Purpose (5.13A) – amend language to state that the district allows retail stores that exceed 100,000 square feet for an individual building.

Section 5.14 (Light Industrial District)

- Purpose (5.14A) – amend language to remove specific references to road classifications.

Section 5.15 (Major Industrial District)

- Purpose (5.15A) – amend language to remove specific references to road classifications.

Section 5.16 (Planned Neighborhood Development District)

- 5.16A.8 – Amend to clarify the intent of “critical environmental features” and “scenic features”.
- Add language to Section 5.16D.1 to clarify that development standards in the PND District may be modified.
- Amend 5.16E.1 to define high, medium, and low densities.

- Amend open space requirements of Section 5.16E.2 to allow for inclusion of acreage of critical environmental features.
- Amend Section 5.16E.3 to clarify requirements for pedestrian and vehicular connections.
- Add new subsection 5.16E.6 to require dedication of a trail easement under certain circumstances.
- In order to clarify public notice requirements for a rezoning request for the PND District, amend Sections 5.16F.3.b and 5.16F.3.d to add, “In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.”

Section 5.17 (Office/Commercial Mixed Use District)

- Amend Section 5.17E.1 to require a percentage of office uses.

Section 6.3

- Add language to be more specific regarding the proposed exemption from the soils component of a LESA score for CUP developments that would entail little or no disturbed area.

Appendix A

- Add footnote to establish a more flexible rear setback for some small lots in townhome communities.
- Addition of Parking / Drive Aisle Setbacks and Screened Buffers to table (from Table 4.11-1).
- Addition of note stating that the requirements in this table are in addition to any other applicable requirements in the text of the Ordinance, and referring users to Article 8 for site development standards for certain land uses.
- Adds an allowance for reduced rear setbacks for decks in townhome developments with small lots in the Residential - Light Industrial - Commercial district. *[Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review].*

Appendix B

- Addition of Parking / Drive Aisle Setbacks, Screened Buffers, and Distance Requirements to table (from Table 4.11-1) in order to consolidate setback requirements into one table.
- Clarifies buffer requirements by adding (U) for “unscreened” and (S) for “screened”.
- Various changes to footnotes, including:
 - o Addition of note stating that the requirements in this table are in addition to any other applicable requirements in the text of the Ordinance, and referring users to Article 8 for site development standards for certain land uses.
 - o Clarification of applicability of standards to churches
 - o New or amended footnotes that reflect ordinance standards for uses in the Village District, Neighborhood Commercial District and Office/Commercial Mixed Use District.

Appendix C

- For NC district, show Multi-family, Townhouse, and Heliport as “NP” (not permitted).
- Show the land use “Gambling Facilities” as “C” (a conditional use) in the Industrial - Commercial District and the Major Industrial District, and “NP” (not permitted) in the Light Industrial District.
- Amend permitted status of Heavy Equipment Repair in the Industrial - Commercial District from “PC” to “P”
- Show Retail Sales and Services, General as “NP” (changed from “P”) in the Neighborhood Commercial District.
- Amend permitted status of Restaurant, Fast Food in the RLIC District from “P” to “PC” to accurately reflect existing requirements.
- Consolidation of General Standards column into Additional Standards column; addition of several ordinance section numbers.
- Continue to show the use “Commercial Uses” as a permitted use in the Residential - Light Industrial – Commercial district and the Industrial - Commercial District.
- Amend list of land uses to add land uses “School, College or University”; “School, Vocational or Professional”; “Horse Racing Facility”; and “Custom Manufacturing”; and indicate in which districts the uses are permitted.
- Changes to notes:
 - o Deletion of statement that table is for reference purposes only, and that the ordinance will prevail in the event of a conflict with the ordinance.
 - o Amendment of header notes regarding conditional uses, limited permitted uses, and accessory uses to a planned residential community.
 - o Addition of two footnotes regarding the PND District and the approval process for a Salvage Yard.

Other

In addition, staff has recommended additional minor changes to address formatting, grammar, consistency, numbering, typographical errors, and similar changes.

Draft Zoning and Land Development Ordinance Amendments

1. Ordinance Language
2. Appendices A, B, and C
3. Section 2.2 (Definitions)

Key to Formatting of Amendments:

Black text = Existing, unchanged ordinance text

Blue Text = Text proposed to be added

~~Red text~~ = Text proposed to be deleted

Highlighted text / ~~highlighted text~~ = Text changed following the most recent version of the draft ordinance amendments available to the public (in the 8/16/12 County Commission agenda packet)

[text in brackets] = Comments for the purpose of clarifying proposed amendments. These comments are not intended as changes to the ordinance and will not appear in the final version of the ordinance.

Residential ¹	Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.
Residential Care Home ²³	The use of a site for the provision of a family-based facility in a single-family dwelling unit providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from mobility, orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, emotional illness, or similar conditions.
Restaurant, Fast Food, Limited ²³	Takeout pizza/sandwich shops not exceeding 600 square feet.
Restaurant, Limited ²³	A food service establishment not exceeding 2000 square feet and where the primary mode of food distribution is by server.
Retail Food Convenience Store, Limited ²³	A <u>retail convenience food</u> store not exceeding 1500 square feet of retail floor space, <u>with hours of operation limited to the period between 6:00 AM and 11:00 PM.</u>
Right-of-Way	A right which grants passage across or through a property. A right-of-way is also the (usually dimensioned) path along which the right of passage is granted.
Road	A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.
School, Elementary or Secondary ²³	A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade twelve. Secondary schools consist of middle schools and high schools, generally grades six through twelve.
School, University or College ²³	An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining lots. <u>The land use School, Vocational or Professional is not included within this definition.</u>

Section 4.4 Prohibited Uses

[Note: Proposed changes in this Section are for the purpose of clarifying the permitted / conditional / not permitted status of various land uses in the new zoning districts.]

- A. Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of Jefferson County or law or regulation of the State of West Virginia or other governmental agency shall be prohibited even though such use may be allowed under the terms of this ordinance.
- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.
- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.
- F. Jails, prisons and/or penal institutions shall be prohibited in all ~~zones~~ zoning districts except the ~~Industrial~~ Commercial ~~zone~~ District and the Major Industrial District. The Development Review System does not supersede this prohibition.⁵
- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Provided, however, that such use shall only be permitted in the ~~Industrial~~ Commercial ~~Zone~~ District and the Major Industrial District and shall be processed through the Development Review System (Article 6 and 7).^{6, 23}

This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. The Development Review System shall not supersede this prohibition in any zoning district other than the Industrial - Commercial District or the Major Industrial District. ~~the Residential Growth Zone, the Rural Agricultural Zone, the Village Zone, or the Residential/Light Industrial/Commercial Zone.~~²³
- 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 22.504 of the Jefferson County Subdivision and Land Development Regulations.^{5, 23}

- I. No sales of fireworks are permitted outside ~~the commercial zones~~ of the Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.^{8, 23}
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.¹²
- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District and the Major Industrial District ~~not be permitted in the Rural, Village, Residential Growth and Residential Light Industrial Commercial Districts.~~²³
 No conditional use permit shall be approved for any of these adult uses in a zoning district other than the Industrial - Commercial District or the Major Industrial District. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.^{15, 16}
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.²³
- M. Heavy industrial uses listed in Section 5.6(B) of this Ordinance are permitted only in the Industrial - Commercial District and the Major Industrial District and require approval via the Development Review System.²³

Section 4.5 Agricultural Uses Permitted Generally

Except for compliance with distance requirements for a building set forth in Section 4.6, nothing in this ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

Section 4.6 Distance Requirements

- A. Industrial uses are subject to this subsection, unless otherwise specified in this ordinance. Any uses (not including parking) or buildings subject to compliance with this section shall be located at least 200 feet from:
 - 1. Any lot in ~~a the~~ Residential Growth district;
 - 2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;¹
 - 3. Any lot which is part of a recorded subdivision; and
 - 4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.~~4.5. Industrial uses are subject to this section, unless otherwise specified in this ordinance.~~

B. Commercial uses are subject to this subsection, unless otherwise specified in this ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this section shall be located at least 75 feet from:⁷

1. Any lot in the Residential Growth District;
2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³

~~3.~~

C. A commercial use (not including parking) located in the Neighborhood Commercial district or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6.B.1-3.

Section 4.7 Essential Utility Equipment

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.^{7, 22}

Section 4.8 Buildable Lot

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this ordinance.

Section 4.9 Traffic Visibility Across Corner Lots

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.²³

Section 4.10 Site Plan Requirements

- A. ~~A site plan shall be s~~ubmittal and approval of a site plan is required~~ed~~ for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.²³ [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]

- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.²³
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this ordinance, and are summarized in this section.

A. Commercial development.

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of 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.
2. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.⁵

B. Industrial development.

1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have ~~an unscreened~~ buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.

A screened buffer yard with a minimum width of fifteen (15) feet, which may be included within the 200-foot buffer required in this subsection; and

2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5, 7}

- ~~2.~~3. All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.

C. Multi-family development.

1. All multi-family adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have, along common property lines, screened green space buffers as follows:

a. Front and rear: a minimum of 15'

b. Side: a minimum of 12'

Table 4.11— 1 Setbacks, Buffers and Distance Requirements for Non-Residential Uses²³

[Note: Buffer standards in Table 4.11-1 relocated to Appendix A and Appendix B]

***15' screened buffer may be included within required 200' unscreened buffer.**

Note: When Table 4.11-1 is in conflict with another section of the Zoning & Development Review Ordinance, this table shall prevail. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.²³ [2nd sentence relocated to Appendix A and Appendix B]

B.D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

C.E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least four (4) feet in height.^{7, 23}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.

D.F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.²³

E.G. All buffer yards shall be maintained by the property owner.

F.H. All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9(A), 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 - **2-1** below:²³

Table 4.11 - **2-1 Wetland Size in Acres^{5, 8, 23}**

Greater Than	Less Than	Buffer Width in Feet
0.05	0.10	30
0.10	0.16	35
0.15	0.21	40
0.20	0.26	50

0.25	0.31	55
0.30	0.36	60
0.35	0.41	65
0.40	0.46	70
0.45	0.51	75
0.50	0.66	80
0.65	0.81	85
0.80	0.96	90
0.95	1.21	95
1.20	--	100

G.I. All required landscape plans shall contain the following elements:⁷

1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:²³
 - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
 - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
2. Evergreen buffer planting, as required, for full screening.
3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
4. Structure plants for aesthetics and limited shade.
5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.

J. Required landscape buffers for a non-residential use are indicated in **Table 4.11-1**
Appendix B.

Section 4.12 Design Standards for Multi-Family Developments²³

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.
- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed fifty (50) percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least twenty-five (25) feet from any street right-of-way.

Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers²³

ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES; DISTRICT REGULATIONS

Section 5.1 Establishment of Districts¹

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

- R-G Residential/Growth District
- I-C Industrial/Commercial District
- R-A Rural/Agricultural District
- R-L-C Residential/Light Industrial/Commercial District
- V Village District²³
- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- OC Office / Commercial Mixed-Use

Section 5.2 Boundaries of Districts

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

Section 5.3 District Maps

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.²³

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date

base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.²³

Section 5.4 Residential-Growth District

The Residential-Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages commercial growth provided that such growth is deemed to be appropriate and compatible by the Development Review System.

The following regulations govern development within the Residential-Growth District.

A. Principal Permitted Uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

- ~~1. Dwelling, Single Family~~
- ~~2. Dwelling, Duplex~~
- ~~3. Dwelling, Two Family~~
- ~~4. Dwelling, Townhouse~~
- ~~5. Dwelling, Multi-Family~~
- ~~6. Mobile Home Parks (Subject to the Jefferson County Subdivision and Land Development Regulations)~~
- ~~7. Elementary or Secondary school~~
- ~~8. Hospital~~
- ~~9. Vocational and/or Training Facility for Adults¹²~~
- ~~10. Church~~
- ~~11. Day Care Center, Small~~
- ~~12. Day Care Center, Large~~
- ~~13. Essential Utility Equipment~~
- ~~14. Public Safety Facility~~
- ~~15. Publicly Owned Facility²³~~
- ~~16. Accessory Uses~~

- ~~17. Group Residential Facility~~
- ~~18. Home Occupation, Level 1⁸~~
- ~~19. Home Occupation, Level 2⁸~~
- ~~20. Nursing or Retirement Home~~
- ~~21. Model Homes/Sales Office¹²~~
- ~~22. Preschool~~
- ~~23.1. Wireless Telecommunication Facilities pursuant to Article 4B~~

B. Minimum Lot Area, Height, and Yard Requirements

- 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4—1 below.~~ The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.²³
- 2. 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 the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) 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.^{5,23}
- ~~2.3.~~ All detached accessory structures under 144 square feet in size shall have a setback of 6'.

~~Table 5.4—1—Residential Growth District—Height and Yard Requirements~~^{5,19,23}
[Note: The standards in this table are relocated to Appendix A and B.]

	Development Type	Minimum Lot Area (MLA)	Required Yards (ft)				Maximum Building Height (ft)*
		Area per Dwelling Unit (ADU)	Front	Side	Street Side	Rear	
1	Single Family Dwelling	6,000 sq. ft. MLA**	25	12	15	20	40
	Public/Central water and sewer	10,000 sq. ft. ADU	"	"	"	"	"
	Public/Central water or sewer	20,000 sq. ft. MLA	"	"	"	"	"
	No Public/Central water or sewer	40,000 Sq. ft. MLA	"	"	"	"	"
2	Duplex Dwelling		25	15	15	20	40
	Public/Central water and sewer	3,200 sq. ft. MLA	"	"	"	"	"
	Public/Central water and sewer	7,500 sq. ft. ADU	"	"	"	"	"
	Public/Central water or sewer	10,000 sq. ft. ADU	"	"	"	"	"
3	Townhouse Dwelling		25	12	15	20	40
	Public/Central water and sewer	1,400 sq. ft. MLA	"	"	"	"	"
		3,500 sq. ft. ADU	"	"	"	"	"
			"	"	"	"	"
4	Multi Family Dwelling	20,000 sq. ft. MLA	25	12	15	30	40
	Public/Central water and sewer	2,000 sq. ft. ADU	"	"	"	"	"

*Subject to Section 9.2

~~NOTE: ALL detached accessory structures under 144 square feet in size—6' setback.~~ *[Note: Deleted text moved to 5.4.B.3]*

~~**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.~~ ⁵ *[Note: Deleted text moved to 5.4.B.2]*

C. Commercial Services in Residential Developments²³

1. 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.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Compatibility Assessment Meeting 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.⁵

D. Standards for Commercial or Light Industrial Uses²³

1. Commercial or Light Industrial uses are subject to the following access requirements:
 - a. Such uses will not use adjacent residential roads for through traffic; and
 - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.⁵
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

Section 5.5 Reserved²³

Section 5.6 Industrial - Commercial District²³

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

A. Principal Permitted Uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table and this section.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject the requirements of this section and to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Light Industrial Uses~~

~~2. Heavy Industrial Uses~~

~~3. Commercial Uses~~

~~4. Day Care Center, Small~~

~~5. Day Care Center, Large~~

~~6. Home Occupation, Level 1~~

~~7. Home Occupation, Level 2~~

~~8. Cottage Industry~~

~~9. Medical/Dental/Optical Office, Small~~

~~10. Barber/Beauty Shop, Limited~~

- ~~11. Antique Shop~~
- ~~12. ATM~~
- ~~13. Branch Bank~~
- ~~14. Kennel (subject to the requirements for such use in Article 8)~~
- ~~15. Dry Cleaner~~
- ~~16. Florist~~
- ~~17. Restaurant, Limited~~
- ~~18. Restaurant, Fast Food, Limited~~
- ~~19. Retail Food Store, Limited~~
- ~~20. Veterinary Services~~
- ~~21. Video Rental Store~~
- ~~22. Country Inn~~
- ~~23. Non/Not for Profit Commercial Uses~~
- ~~24. Non-profit Community Centers~~
- ~~25. Publicly Owned Facility~~
- ~~26. Public Safety Facility~~
- ~~27. Essential Utility Equipment~~
- ~~28. Wireless Telecommunications Facilities pursuant to Article 4B~~
- ~~29. Private or Public Shooting Ranges~~
- ~~30. Cultural Facility~~
- ~~31. Industrial related accessory uses including residential dwellings including a mobile home on site for a caretaker or watch keeper.~~
- 32.1. Adult Uses, subject to requirements set forth for such uses in Article 8.

B. The following uses shall be evaluated by the Development Review System and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.

1. Bituminous concrete mixing and recycling plants
2. Concrete and ceramic products manufacture, including ready mixed concrete plants
3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)²³
4. Commercial sawmills
5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
6. Garbage or dead animal reduction or processing
7. Slaughterhouses, Stockyards

8. Acid or heavy chemical manufacturer, processing or storage
9. Cement or lime manufacture
10. Explosive manufacture or storage
11. Foundries and/or casting facilities
12. Mineral extraction, mineral processing
13. Jails and Prisons (subject to requirements for this use in Article 8)²³

C. Height Regulations

No structure shall exceed seventy-five (75) feet in height except as provided in Section 9.2.

D. Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~Yard Requirements as follows: (These requirements are also for an approved commercial or industrial use proposed for any other zone.)~~^{5, 23}

1. Front yard building setback		
Commercial sites		25 feet
Industrial sites		50 feet
2. Side 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
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.
[Note: Setbacks and footnote relocated to Appendix B]*

2. ~~6~~-Compliance with Sections 4.11 and 8.9(A)(1-9)^{7, 23}

3. ~~7~~ Distance Requirements

- a. Commercial shall comply with Section 4.6(b)
- b. Industrial shall comply with Section 4.6(a)^{7, 23}

~~D.E.~~ Lot Area

A minimum lot size of three acres shall be required for any industrial use unless the site is located in an approved Industrial Park.²³

~~E.F.~~ Additional Commercial and Industrial Design Standards

1. Commercial Design Standards²³

- a. ~~Landscaping, screening, buffer yards, and setbacks for commercial development are subject to Section 4.11.~~

Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.

- b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11 ~~eF.~~
- c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
- d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.

2. Industrial Design Standards

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.²³
- b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11 ~~eF.~~
- c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

Section 5.7 Rural District²³

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7d. The Development Review System does allow for higher density by issuance of a Conditional Use Permit.^{8, 23}

A. Principal Permitted Uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.

2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Agricultural uses as defined in Article 2⁷~~

~~2. Church~~

~~3. Elementary or Secondary School~~

~~4. Vocational and/or Training Facility for Adults^{12, 20}~~

~~5. Dwelling, Single Family~~

~~6. Mobile Home (subject to the Jefferson County Subdivision and Land Development Regulations)~~

~~7. Dwelling, Two Family⁸~~

~~8. Cottage Industry⁸~~

~~9. Home Occupation, Level 1⁸~~

~~10. Home Occupation, Level 2⁸~~

~~11. Day Care Center, Small^{12, 11, 15}~~

~~12. Public Safety Facility~~

~~13. Cultural Facility~~

~~14. Farm Market (subject to the requirements for such a use in Article 8)⁸~~

~~15. Horticultural nurseries and commercial greenhouses~~

~~16. Hospital~~

- ~~17. Essential Utility Equipment~~
- ~~18. Accessory uses~~
- ~~19. Group Residential Facility~~
- ~~20. Bed and Breakfast (subject to the requirements for such a use in Article 8)^{7,15}~~
- ~~21. Publicly Owned Facility⁸~~
- ~~22. Wireless Telecommunications Facilities pursuant to Article 4B.¹⁰~~
- ~~23. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)¹²~~
- ~~24. Non-profit Community Centers¹⁵~~
- ~~25. Landscaping business outside of Planning Commission approved subdivisions¹⁵~~
- ~~26. Veterinary services outside of Planning Commission approved subdivisions¹⁵~~
- ~~27. Feed and/or Farm Supply Center~~
- ~~28. Agricultural Repair Center¹⁵~~
- ~~29. Kennels (subject to the requirements for such a use in Article 8)¹⁵~~
- ~~30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)²⁰~~
- ~~31. Agricultural Tourism~~
- ~~32. Farm Vacation Enterprise~~
- ~~33. Farm Brewery or Winery~~
- ~~34. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)~~
- ~~35.1. Preschool~~

B. Minimum Lot Area, Lot Width and Yard Requirements²³

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
2. ~~For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.⁵~~

Table 5.7-1—Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District

Land Use	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50

Churches	2-acres	200	25	50	50
Schools, Grades K-4	10-acres +	500	100	100	100
Schools, Grades 5-8	20-acres +	500	100	100	100
Schools, Grades 9-12	30-acres +	500	100	100	100
Hospitals	10-acres	500	100	100	100
Other permitted uses	40,000 sq. ft.	100	40	50	50

~~3. Lot area for schools (K-12) as shown in Table 5.7-1 shall be increased by one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewage treatment plant and retention ponds are required, acreage shall be increased accordingly.~~^{1,23}

~~4.~~² Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.²³

~~5.~~³ Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6(a).²³

C. Height Regulations

No structure shall exceed thirty five (35) feet in height as provided in Section 9.2.

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7(d)1, 5.7(d)2 or 5.7(d)3 below. A property owner may use a combination of these subsections, provided that the number of lots are prorated by density.⁸

1. A property owner may create one (1) lot for every fifteen (15) acres with a minimum lot size of three (3) acres.^{17, 21}

a. Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.

b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}

2. Clustering

a. Purpose and Intent

i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract.

ii. To provide for a well planned development while minimizing the use of prime agricultural land.

b. Requirements

- i. One (1) lot may be subdivided for every ten (10) acres.^{17, 21, 23}
 - (a) Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.
- ii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.^{17, 21}
 - (a) Setbacks shall be 25' front, 12' sides and 20' rear.
 - (b) All clusters of three (3) or more lots shall be served by an internal road.²³
 - (c) Clusters of three (3) or more lots shall not be along an existing public road.
 - (d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}
 - (e) Maximum lot size shall be 3 acres.^{17, 21}
- iii. Procedures²³
 - (a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.^{17, 21, 23}
 - (b) The Staff will have final approval over the location layout of the proposed clustering of lots. The Staff shall consider the following when reviewing concept plans:
 - (1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
 - (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
 - (c) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating "The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation".²³

3. Not in addition to subsections 5.7(d)1 and 5.7(d)2 above, any property that was a lot of record as of October 5, 1988 may create 3 total lots (including the residue) during any five year period. Applications which exceed this number during any five year period shall be processed utilizing the Development Review System. Subdivisions involving transfers of land between parent and child shall not be subject to this section. All lots that qualify under this section must meet subdivision requirements. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. Parent to child or child to parent lots are not entitled to further subdivide except as another parent to child or child to parent transfer.
4. Once the maximum number of lots are created under 5.7(d), the property cannot be further subdivided unless the Ordinance is amended to allow such.

Section 5.8 Residential/Light Industrial/Commercial District¹

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.²³

A. Principal Permitted Uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

- ~~1. Light Industrial Uses~~
- ~~2. Commercial Uses~~
- ~~3. Medical/Dental/Optical Office, Small~~
- ~~4. Barber/Beauty Shop, Limited~~
- ~~5. Antique Shop~~
- ~~6. ATM~~
- ~~7. Branch Bank~~
- ~~8. Kennel (subject to the requirements for such use in Article 8)~~
- ~~9. Dry Cleaner~~
- ~~10. Florist~~
- ~~11. Restaurant, Limited~~
- ~~12. Restaurant, Fast Food, Limited~~
- ~~13. Veterinary Services~~

- ~~14. Video Rental Store~~
- ~~15. Country Inn~~
- ~~16. Dwelling, Single-Family~~
- ~~17. Dwelling, Two-Family~~
- ~~18. Dwelling, Duplex~~
- ~~19. Dwelling, Townhouse~~
- ~~20. Dwelling, Multi-Family~~
- ~~21. Mobile Home Parks~~
- ~~22. Home Occupation, Level 1~~
- ~~23. Home Occupation, Level 2~~
- ~~24. Cottage Industry~~
- ~~25. Elementary or Secondary School~~
- ~~26. Hospital~~
- ~~27. Vocational and/or Training Facility for Adults¹²~~
- ~~28. Church~~
- ~~29. Cultural Facility~~
- ~~30. Day-Care Center, Small~~
- ~~31. Day-Care Center, Large~~
- ~~32. Essential Utility Equipment~~
- ~~33. Publicly Owned Facility~~
- ~~34. Public Safety Facility~~
- ~~35. Accessory Uses~~
- ~~36. Group Residential Facility~~
- ~~37. Nursing or Retirement Home~~
- ~~38. Model Home/Sales Office (subject to requirements for this use in Article 8)¹²~~
- ~~39. Non-Profit Community Center~~
- ~~40. Non/Not for Profit Commercial Uses¹²~~
- ~~41. Preschool~~
- ~~42. 1. Wireless Telecommunications Facilities pursuant to Article 4B~~

B. Standards²³

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.

2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.²³

~~2.3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.~~

C. Site Development Standards ~~Other Regulations~~²³

1. All sections of this ordinance applying to the ~~Residential~~ Growth district with the exception of Section 5.4(a) will apply to residential uses in this District.
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a).~~ All commercial or industrial uses ~~Either use~~ must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate 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.^{5, 7, 23}
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.²³ This requirement shall not apply to a building located within a shopping center shown on an approved site plan. [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]
4. Proposed uses in this zone ~~do not have to comply with~~ are exempt from the distance requirements in Sections 4.6 (a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.⁷

Section 5.9 Reserved²³

Section 5.10 Village District^{8, 23}

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries.

A. Principal permitted uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.

~~1. Dwelling, Single Family~~

~~2. Dwelling, Duplex~~

- ~~3. Dwelling, Two Family~~
- ~~4. Home Occupation, Level 1~~
- ~~5. Home Occupation, Level 2~~
- ~~6. Cottage Industry~~
- ~~7. Public Safety Facility¹²~~
- ~~8. Essential Utility Equipment~~
- ~~9. Medical/Dental/Optical Office, Small¹²~~
- ~~10. Group Residential Facility~~
- ~~11. Cultural Facility¹²~~
- ~~12.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

B. Conditional Uses²³

1. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~The following uses may be approved after being evaluated by the Development Review System (Article 7). The LESA point system would not apply.~~

- ~~1. Barber/Beauty Shop, Limited~~
- ~~2. Dry Cleaners~~
- ~~3. Video Rental Stores~~
- ~~4. Retail Food Store, Limited~~
- ~~5. Church~~
- ~~6. Day Care Center, Large~~
- ~~7. Country Inn~~
- ~~8. Bed and Breakfast (subject to the requirements for such a use in Article 8)~~
- ~~9. Restaurant, Limited~~
- ~~10. ATM~~
- ~~11. Branch Bank~~
- ~~12. Antique Shop~~
- ~~13. Florist~~
- ~~14.1. Restaurant, Fast Food, Limited¹²~~

C. Setbacks

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-

Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~Residential~~

~~a. Section 9.7, Residential Growth standards²³~~

~~2. Commercial~~

~~a. 25' front, 10' side and 40' rear~~

[combine sentence with 1. above:] Setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood.²³

~~3.2.~~ Existing Structures

a. ~~As exists not less than 6' on~~ The sides and rear yard setbacks are 6' for an existing structure to be used for a land use as provided in this article.

- D. Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.
- E. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.²³
- F. There will be no outdoor storage of equipment, materials or other stock.
- G. Parking requirements may be modified as a result of a compatibility meeting.²³
- H. Other Requirements²³
 - 1. With the exception of setback requirements as specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

Section 5.11 Neighborhood Commercial (NC) District

A. Purpose. The purpose of this district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the GC District (and not otherwise permitted in the NC District) is not appropriate. which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the commercial use. Developments in the NC district should be appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses development. Uses should be appropriate in scale to the residential character of their context.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties located on Primary or Secondary roads as shown on the Highway Classification map in the Jefferson County Comprehensive Plan
2. Locations within ¼ mile of an existing residential subdivision or development of at least 20 dwelling units
3. Locations adjacent to existing non-residential development
4. Locations with safe vehicular access on roads that function as collector roads
5. Properties currently zoned Residential-Light Industrial-Commercial or Industrial-Commercial.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.
3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
 - a. No side yard building setback is required, unless required by Building Code or other law or regulation
 - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
 - a. A rear yard building setback may be reduced to 10 feet
 - b. Section 4.11A-B does not apply to the rear property line
4. Section 4.11A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this ordinance.

6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this ordinance.

E. Additional Requirements

1. Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.
2. Each building shall be limited to a maximum building footprint of 3,500 square feet.
3. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of buildings from the adjacent street(s). The landscaping requirements in this subsection are in addition to any other applicable landscaping requirements of this ordinance. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail meeting any applicable county requirements may be installed.
4. One bicycle parking space shall be provided for each ten vehicular parking spaces.
5. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
6. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.12 General Commercial (GC) District

A. Purpose. The purpose of this district is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 50,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties located on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.

2. Properties currently zoned Residential Light Industrial Commercial or Industrial Commercial.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.13 Highway Commercial District

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large including buildings that exceed 50,000 100,000 square feet of gross floor area for

an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties located within 1000' feet of major intersections on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.
2. Properties designated for Highway Commercial uses in the Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.14 Light Industrial District

- A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. Properties with this designation are generally located within 1,000 feet of four lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan. In this district, most manufacturing is composed of processing or assembly of previously processed materials.
- B. Location. This zoning category is intended for use in the following locations on properties:
1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
1. Properties located in Industrial Parks
 2. Properties with Industrial-Commercial zoning
 3. Properties designated as appropriate for either Light or Major Industrial land uses in the Comprehensive Plan
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
 2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
- E. Additional Requirements
1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.15 Major Industrial District

A. Purpose. This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities, generally located within 1,000 feet of four lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial district.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties located in Industrial Parks
2. Properties with Industrial-Commercial zoning
3. Properties designated as appropriate for Major Industrial land uses in the Comprehensive Plan

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.

E. Additional Requirements

1. Heavy industrial land uses shall not be located less than 1000 feet from an adjacent property with a dwelling, school, church or institution for human care or a residential zoning district.
2. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.16 Planned Neighborhood Development District

A. Purpose. The purpose of the PND District is to:

1. Encourage flexibility in the development of land in order to promote its most appropriate use;
2. Improve the design, character and quality of new developments;
3. Provide and promote redevelopment and reuse opportunities;
4. Encourage a harmonious and appropriate mixture of uses and/or housing types;
5. Facilitate the adequate and economic provision of streets, utilities and services;
6. Promote safe and convenient travel for pedestrians, bicyclists, transit users, and motorists;
7. Promote connections to adjacent properties, developments, and transportation routes;
8. Preserve critical natural environmental features of the site (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourses, and karst topography) and scenic features of the site (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes);
9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
10. Mitigate the problems which may be presented by specific site conditions.

B. Location. This zoning category is intended for use in the following location(s) on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
1. Properties identified as being located in the Growth Area in the Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. The Planning Commission may restrict land uses shown as permitted or conditional uses in Appendix C, Principal Permitted Uses Table, as part of the approval of a Preliminary PND Plan.
3. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.
2. Modification of Development Standards Allowed
 - a. The Planning Commission may approve modification of the development standards of this ordinance and the Jefferson County Subdivision and Land Development Regulations may as part of the approval of a Preliminary PND Plan.
 - b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.
3. The minimum site area for a PND development is three acres.

E. Additional Requirements

1. A PND development shall include the following mix of uses, as measured in gross floor area:
 - a. 10-30% commercial
 - b. 10-30% high density residential (7+ dwelling units per acre)
 - c. 20-40% medium density residential (4-6 dwelling units per acre)
 - d. 0-60% low density residential (1-3 dwelling units per acre)
2. Open Space Requirements
 - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural

environmental features (as defined in this article), may constitute up to 25% 50% of the required common and open space area.

- b. At least 20% of the total of the site's existing tree canopy area shall remain undisturbed and shall be so noted on any site plan or subdivision approval associated with the development.

3. Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection.

4. Street Network. An interconnecting network of internal streets shall be designed to accommodate the various uses found within a PND development. Where possible, all access to sites shall be from these internal streets.

5. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

6. For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, establishment of a trail easement shall be required prior to site plan approval.

F. Review and Approval Process

The review and approval of a development in the PND district includes the following steps:

1. Pre-Application Conference. Prior to filing a formal application for a Zoning Map Amendment for a PND district, the applicant shall schedule and attend a Pre-Application Conference with staff of the Planning, Zoning, and Engineering Departments. The purpose of the conference is for the applicant to present a general concept for the development, and for staff to inform the applicant of relevant policies, requirements, adopted plans, planning principles, and recommendations. This conference is informal and has no binding effect.
2. Preliminary PND Plan. Submittal of a Preliminary PND Plan is required prior to submittal of a petition for a map amendment to change the zoning designation of a property to the Planned Neighborhood Development district.
 - a. The format and content requirements for a Preliminary PND Plan shall be the same as the Submission and Completeness Review requirements for a Major Site Plan Concept Plan as described in the Jefferson County Subdivision and Land

Development Regulations, with the exception of the public workshop and advertising requirements. Additionally, a Preliminary PND Plan shall include the following:

- i. Graphic illustration of locations of proposed land uses; landscaping areas; pedestrian amenities; interconnectivity of roads, trails, sidewalks, and adjacent parcels; open space areas and areas of undisturbed tree canopy; passive or active recreational areas; setbacks for buildings, parking, drive aisles, and other features associated with the proposed development.
- ii. Proposed square footages of development by type and proposed residential densities
- iii. Proposed building heights
- iv. Any requested modifications to the standards of the Zoning Ordinance or the Subdivision and Land Development Regulations.

b. Following a staff determination that the Preliminary PND Plan is sufficient, the applicant may present a petition for a zoning map amendment to the Planning Commission. The Preliminary PND Plan is a required component of the petition submission.

3. Zoning Map Amendment. The procedure for processing a map amendment petition shall be in accordance with the requirements of Article 12 and this Article.

a. Presentation of petition for map amendment. The applicant shall present the petition for map amendment to the Planning Commission. As part of the petition, the applicant shall provide a Preliminary PND Plan to the Planning Commission, as described in this article.

b. Planning Commission review and public hearing. The Planning Commission shall conduct a public hearing on the proposed zoning map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements. The Preliminary PND Plan shall be considered during the public hearing. In addition to the review criteria for a Concept Plan as required by the Subdivision and Land Development Regulations, the Planning Commission shall utilize the following criteria in its consideration of a Preliminary PND Plan and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations:

- i. Consistency with the purpose of the PND district as described in this Article;
- ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards;
- iii. Consistency with the Comprehensive Plan

- c. As part of its recommendation to the County Commission regarding approval or disapproval of a zoning map amendment as described in Article 12, the Planning Commission shall make a recommendation to the County Commission regarding the Preliminary PND Plan, including any changes proposed by the Planning Commission.
 - d. County Commission review and public hearing. The County Commission shall conduct a public hearing on the proposed map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.
 - e. In its deliberation of a proposed map amendment to change a zoning designation to a PND district and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations, the County Commission shall consider:
 - i. Consistency with the purpose of the PND district as described in this Article
 - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards
 - iii. Consistency with the Comprehensive Plan
 - f. The County Commission shall approve, amend, or deny the Preliminary PND Plan and the zoning map amendment request; and may apply conditions to the approval of a zoning map amendment to a PND district.
 - g. County Commission approval of a zoning map amendment to change the zoning designation of a property to a PND district shall have the following effect:
 - i. Approval of the change in zoning designation;
 - ii. Approval of the Preliminary PND Plan;
 - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
 - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other

County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.

b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.

c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.

5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Planning and Zoning Department determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by the Planning and Zoning Department shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.

a. A change in total square footage of the development by $\pm 10\%$

b. A change in the area of any land use by $\pm 10\%$

c. A change in the residential density by $\pm 5\%$

Section 5.17 Office / Commercial Mixed-Use District

A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.

B. Location. This zoning category is intended for use in the following location(s) on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or

2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties designated by the Comprehensive Plan as appropriate for Office/Commercial development.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
 - a. No side yard building setback is required, unless required by the Building Code or other law or regulation
 - b. Section 4.11.A-B does not apply to the side property line that abuts a commercial or industrial use
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
 - a. A rear yard building setback may be reduced to 10 feet
 - b. Section 4.11.A-B does not apply to the rear property line
4. Section 4.11.A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this ordinance.

E. Additional Requirements

1. At least 75% Of the gross floor area of land uses in a development in this district, at least 75% shall be non-residential uses, and at least 50% shall be office uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. A minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space
4. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
5. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent

street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.

6. One bicycle parking space shall be provided for each ten vehicular parking spaces.

7. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.

8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

ARTICLE 6: DEVELOPMENT REVIEW SYSTEM

Section 6.1 Development Review System (DRS)

The purpose of the Development Review System (also referred to as DRS) is to assess a particular site's development potential based on criteria which determine the agricultural longevity of the parcel in combination with the presence of and compatibility with public services adjacent to and in close proximity to the site. The DRS is a numerical rating system designed to function within the framework of the traditional zoning districts referenced in this ordinance. All commercial uses and those uses which are not permitted in zoning districts shall be governed by the procedures set forth in Article 7 and all sections that reference requirements to obtain a conditional use permit. It shall be unlawful to commence construction of any commercial uses or uses which are not permitted uses in a zoning district without obtaining conditional use permit approval.

Section 6.2 Issuance of a Conditional Use Permit

Application for a conditional use permit shall be made before construction of any uses not listed as permitted uses within the appropriate zoning district. Upon receipt of an application, the site will be evaluated by the Departments of Planning and Zoning Staff using the Development Review System. The two major components of the System, the Soils Assessment and the Amenities Assessment, consist of criterion which each possess a numerical value that is weighted relative to its importance as an indicator of a parcel's agricultural significance or its development potential. The total numerical value of the combined criteria is 100 points: the Soil Assessment contributes 25 points and the Amenities Assessment contributes 75 points. The highest total numerical value of the combined criteria indicates that a parcel is more suitable for agriculture, whereas, the lowest numerical value indicates that development is more appropriate for the site. A score of 60 points or less advances the application to the Compatibility Assessment as provided in Section 7.6.^{14, 17, 21, 23}

Section 6.3 The Soils Assessment

- A. The Soils Assessment evaluates a particular parcel for development based on the soil types it possesses.
- B. The Soils Assessment of a proposed development is not applied applicable when one or more of the following circumstances applies:
 - 1. the development proposal is located within the Residential/Growth District or the Industrial/Commercial District; or [note: Moved from Section 6.5D]
 - 2. the proposed land use will be development is proposed to be completely contained:
 - i. located in an existing building, and/or
 - ii. on an existing paved or disturbed area installed prior to the effective date of this Ordinance, and/or
 - iii. on an existing paved area installed at any time, for a non-residential purpose, in compliance with County regulations in existence at the time of the installation; or

3. a land use that complies with Sec. 6.3B.2 with the exception of entails on a one-time expansion of an existing paved area that meets the criteria described in Sec. 6.3B.2 and/or a one-time expansion of an existing building footprint by the lesser of either:
 - i. less than up to 1,000 square feet total, or
 - ii. up to 50% of the building footprint of an existing building and/or an existing paved area that meets the criteria described in Sec. 6.3B.2

A.C. The following soils types will be combined into soil groups.

G. Emergency Service Availability

The purpose of this criterion is to assess the distance of potential site development to emergency services: fire department (4.5 points) and ambulance service (4.5 points).

Distance to Emergency Services

Distance to Fire	Points	Distance to Ambulance	Points
Less than 2 miles	0 points	Less than 2 miles	0 points
2 to 5 miles	2.5 points	2 to 5 miles	2.5 points
Over 5 miles	4.5 points	Over 5 miles	4.5 points

Distances for Fire and Ambulance will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest entrance of the appropriate fire or ambulance station.

Section 6.5 Computation of Soils/Amenities Assessment

- A. At the completion of evaluation of a site with the Soils and Amenities Assessment Criteria, there should be a total number of points awarded to each Assessment. Since the Soils Assessment utilized was based on a 100 points relative point value in itself, a minor conversion must be made to the total relative value. The Development Review System allots a maximum of 25 points to the Soils Assessment therefore the conversion to be made is expressed as follows: $100 \times .25 = 25$ pts. (For example, if a parcel receives the maximum point value of 100 points, in actuality only 25 points will be awarded for the Soils Component of the Development Review System.)
- B. The Amenities Assessment has a 75 point maximum point value.
- C. The combined maximum total for both Assessments is 100 points. The most agriculturally significant parcel would rate 100; the most developable parcel would rate 0. A total of 60 points or less advances the application to the Compatibility Assessment Meeting.^{14, 17, 21}
- ~~D. The Soils Assessment of a proposed development is not applied when the development proposal is located within the Residential/Growth District or the Industrial/Commercial District. [Note: moved to Section 6.3]~~
- ~~E.D.~~ Any land in the Rural District that is located on a primary or secondary road, as defined in the Comprehensive Plan, shall not have to process through the LESA points process for a commercial or industrial project and shall be advanced directly to the Compatibility Assessment Meeting.^{17, 21}

6. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.¹

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

9. Frontage Road

Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this ordinance.

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)

ROW LIMITS OF
CONTROLLED ACCESS
HIGHWAY



- * Maximum 60' easement or dedication for frontage road
- ** 50' landscaped buffer strip
- *** Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵

Section 8.10 Model Homes/Sales Offices²³

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.^{17, 21}

Model homes without staffed sales offices are permitted internally within the subdivision.¹²

Section 8.11 Petroleum Products Refining or Storage²³

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

Section 8.12 West Virginia Legal Fireworks²³

Sales of fireworks are ~~only~~ permitted in the ~~commercial~~-Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts~~zones~~ provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.⁸

Section 8.13 Dormitory²³

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

ARTICLE 12: MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.^{17, 21, 23, 25}

Section 12.2 Procedure for Amendment by County Commission^{1, 25}

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.^{17, 21}
- B. Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.^{17, 21, 25}
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

- 1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:

- a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;

[Note: the amendment to the following subsections is also under consideration in Agricultural Uses and Related Amendments currently under review]

- a.b. Any property affected by the proposed zoning map amendment shall be posted ~~at least 30~~ not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and

- b.c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 ~~at least 30~~ days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as

well as, what new zone is being requested on this particular property. The letter shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.

2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.
- D. All amendments to the Zoning Ordinance Text require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended text amendments require a Public Hearing before the County Commission prior to a final determination.
 1. Public Notice of the Public Hearing for a Zoning Text Amendment before the Planning Commission requires the following:
 - a. A legal advertisement describing the Sections of the Ordinance proposed to be revised, with a summary of the revision(s), and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.
 2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.

Section 12.3 Procedure for Map Amendment by Petition²⁵

A. Map Amendments by Landowners

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

[The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.](#)

Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission and shall contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.^{17, 21}

7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development (PND) district shall include a Preliminary PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this ordinance.

Planning Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission meeting. A complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, the Departments of Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

Notice of the Planning's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forward to the County Commission within four weeks of final Planning Commission action.

B. Map Amendments by the Planning Commission

The procedure for processing a formal map amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. On such petitions a map amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.^{17, 21}

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of the meeting at which the petition is presented to the County Commission. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least

Appendix A, Residential Site Development Standards Table [DRAFT 6/5/13]

Zoning District	Land use	Land Use Subtype	Minimum Lot Area (MLA) in sq. ft.***	Area per Dwelling Unit (ADU) in sq. ft.	Min. Lot Width	Maximum Building Height (feet)*	Setbacks (feet)				Parking / Drive Aisle Setbacks	Screened buffers (Sec. 4.11)	
							Front	Side	Street Side	Rear			
Residential Growth	Single family detached dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A	
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"			
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"			
	Small lot single-family detached dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20			
	Duplex dwelling unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20			
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"			
		Townhouse	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	12' side, 15' front & rear	12' side, 15' front & rear
		Multi-family dwelling (See also Section 4.12)	Public/Central water and sewer										
		Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 square feet -- 30,000 sq. ft. to 40,000 sq. ft.-- Under 30,000 square feet --	N/A	N/A	N/A	40	25	12	15	30	N/A	N/A
				N/A	N/A	N/A	40	20	10	10	12		
			N/A	N/A	N/A	40	20	8	8	12			
Rural (See also Sec. 5.7)	Dwellings		40,000	N/A	100	35	40	15	15	50	N/A	N/A	
	Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres -- 40,000 sq. ft. to 2 acres -- 30,000 sq. ft. to 39,999 sq. ft. -- under 30,000 sq. ft. --	N/A	N/A	N/A	35	40	15	15	50			
			N/A	N/A	N/A	35	25	12	10	12			
			N/A	N/A	N/A	35	20	10	10	12			
			N/A	N/A	N/A	35	20	8	8	12			
	Cluster Subdivision		See Residential Growth										
	Residential use that complies with the Development Review System		See Residential Growth										
Village	Residential uses		See Residential Growth										
Residential / Light Industrial / Commercial	Residential uses		See Residential Growth [Ⓢ]										
Industrial-Commercial	Residential uses		See Residential Growth										
Neighborhood Commercial	Residential uses		See Residential Growth. Article 5 also provide supplemental standards for certain development types in this district.										
General Commercial	Residential uses		See Residential Growth. Article 5 also provide supplemental standards for certain development types in this district.										
Highway Commercial	Residential uses		N/A										
Light Industrial	Residential uses		N/A										
Major Industrial	Residential uses		N/A										
Office / Commercial Mixed Use	Residential uses		See Residential Growth										
Planned Development	Residential uses		See Residential Growth. Note: the Planning Commission may amend site development standards for a land use in the Planned Neighborhood Development district pursuant to Article 5 of this Ordinance.										

Appendix B, Non-residential Site Development Standards Table [DRAFT 6/5/13]

Zoning District	Development Type ^e	Min. Lot Area (MLA)	Min. Lot Width	Max. Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks ^g			Distance (if Sec. 4.6 applies)	Buffers (Sec. 4.11) (Screened/Unscreened)			
						Front	Side	Rear	Front	Side	Rear		Front	Side	Rear	Front, Side, Rear
Industrial - Commercial ^{h,i}	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25'			15	4	4	75	50(U) or 15(S)	N/A	10(S)	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25'	50' (or 25' if adjacent to industrial use)			15	10	10	75	50(U) or 15(S)	N/A	10(S)
	Industrial	3 acres***	N/A	75	10%	50' (or 25' if adjacent to industrial use)	25			25	25 (or 20' if adjacent to industrial use)	200	200(U) and 20(S)	25(S)	20(S)	20(S)
Residential / Light Industrial / Commercial	Commercial or Industrial	N/A	N/A	60	80%				See Industrial - Commercial District			See Industrial - Commercial District				
Rural	Churches	2 acres	200	35	N/A	25	50	50				N/A	50(U) or 15(S)	N/A	10(S)	10(S)
	Schools, 10-12	10-40 acres 10-20 acres 10-30 acres	500	35	N/A	100			See Parking/Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, based on lot size) in the Industrial - Commercial District.			N/A				
	Hospitals	10 acres	500	35	N/A	100						N/A	N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000 sq ft	100	35	N/A	40	50	50				N/A	If a commercial or industrial use, see Industrial - Commercial District; otherwise N/A			
Village District	Commercial or Industrial**	N/A	N/A	35	N/A	25	10	40	See Industrial-Commercial District							
Residential Growth	Commercial or Industrial**					See Industrial-Commercial District										
Neighborhood Commercial ^{j,k}	Commercial	N/A	N/A	35	70%	15' (min) 25' (max)	10 ⁶	10 ⁶	See Industrial-Commercial District			25	See Industrial - Commercial District			
General Commercial ^k	Commercial	N/A	N/A	60	80%	20	10	25								
Highway Commercial	Commercial	N/A	N/A	60	80%	25	25	25								
Light Industrial	Commercial or Industrial	N/A	N/A	60	80%	25	25	25								
Major Industrial	Commercial	N/A	N/A	75	90%	25	10	50								
Office / Commercial	Industrial	3 acres***	N/A	75	90%	25	50	50								
Mixed Use	Commercial	N/A	N/A	60	80%	15' (min) 25' (max)	10 ⁶	10 ⁶								
Planned Development	Commercial	3 acres	See General Commercial District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).													

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the ordinance for site development standards for certain land uses.

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance this table shall prevail.

* Maximum building height is subject to Section 9.2. † These yard requirements are also for an approved commercial or industrial use proposed for any other zone. [Source: Section 5.6(d)]

**If land use(s) approved via Neighborhood Compatibility Meeting process or Development Review System process in accordance with the Zoning and Development Review this Ordinance.

***MLA for Industrial uses does not apply if the site is located in an approved Industrial Park (Source: Section 5.6(e))

****For schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly. [Source: 5.7(b)]

† Village Commercial setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood. Side and rear yard setbacks - 6' for an existing structure to be used for a land use as provided in Sec. 5.10 [Source: 5.10c]

‡ Setback may be reduced if adjacent to industrial use.

§ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

¶ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line.

‡ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

§ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) Distance requirements do not apply.

¶ Article 5 also provide supplemental standards for certain development types in this district.

APPENDIX C: PERMITTED USES TABLE [DRAFT 6/6/13]

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance shall prevail.

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.

** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Residential Uses													
Dwelling, Single Family	P	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	P	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Two Family	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	~~NP~~	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	~~NP~~	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	~~NP~~ P	P	~~NP~~ P	
Mobile Home	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	PC	NP	NP	NP	P	P	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
Cottage Industry	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Article 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	NP	NP	NP	PC	NP	
Church	P	P	P	P	PC	P	P	P	P	P	NP	~~PC~~ P	
Convention Center	NP	P	P	P	PC	P	P	NP	NP	P	PC	NP	
Cultural Facility	P	P	P	P	PC	P	P	P	NP	P	P	P	
Day Care Center, Large	P	P	P	P	PC	P	P	NP	P	P	P	PC	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Elementary or Secondary School	P	P	PC	PC	NP	P	P	P	P	P	NP	NP	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	P	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	P	P	P	P	NP	P	
Heliport	~~NP~~	PC	PC	P	P	PC	PC	NP	NP	PC	PC	NP	
Hospital	NP	P	P	P	PC	P	P	P	P	P	NP	NP	
Nursing or Retirement Home	PC	P	P	P	NP	P	P	NP	P	P	NP	NP	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Preschool	P	P	PC	PC	PC	P	P	P	P	P	NP	NP	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	~~NP~~ PC	
Recycling Drop-Off Center	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	P	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	NP	NP	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
Industrial													Sec. 8.9
Heavy Equipment Repair	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	~~PC~~	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE /DRAFT 6/6/13/

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance shall prevail.

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.

** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP	
Manufacturing, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	PC ²	NP	NP	NP	NP	NP	PC ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP	
Shooting Range, Outdoor	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	P PC	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	PC	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Commercial Sawmills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Explosive manufacture or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Garbage or dead animal reduction or processing; Landfills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Jails and Prisons	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Petroleum products refining or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	PNP	P	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Appliance Sales	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
ATM	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Automobile repair, sales and service	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	P	NP	NP	P	P	NP	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE [DRAFT 6/6/13]

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance shall prevail.

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.

** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Bail Bond Services	NP	P	P	P	P	NP	NP	NP	NP	PC	P	NP	
~~Branch~~ Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with drive-through facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar / Nightclub	PC	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Campground	PC	P	NP	NP	NP	P	P	NP	NP	P	P	NP	
Commercial Uses <i>[use was formerly shown as deleted]</i>	*	*	*	*	*	*	*	*	**	P	P	*	Sec. 8.9
Car Wash	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	P	PC	PC	NP	NP	PC	P	NP	
Contractor with no outdoor storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with outdoor storage	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
~~Retail Food~~ Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	P	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and laundry services ~~pick-up station; laundromat~~	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and laundry facility services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	P	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	P	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile home, boat and trailer sales	NP	P	P	P	P	P	P	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Non-Profit Commercial Uses	P	P	P	P	PC	P	P	NP	NP	P	P	NP	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

APPENDIX C: PERMITTED USES TABLE [DRAFT 6/6/13]

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance shall prevail.

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

* = Limited permitted or conditional uses listed in Permitted Uses Table.

** = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Non-Profit Community Centers	P	P	P	P	PC	P	P	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Personal Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Professional Office	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food	PC	P	P	P	PC	P	P	NP	NP	PPC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	PPC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail Sales Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail ~~Store~~ Sales and Services, General	~~PNP~~	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail Store, Large	NP	PC	P	PC	PC	PC	PC	NP	NP	PC	PC	NP	
Shipping and Mailing Services	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Storage, Commercial	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Veterinary Services	P	P	P	P	PC	P	P	P	NP	P	P	NP	
Wireless telecommunications facilities	P	P	P	P	P	P	P	P	P	P	P	P	Article 4B
Agricultural Uses													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	PC	P	P	P	NP	P	P	~~NP~~ PC	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	PC	P	P	P	P	P	P	P	NP	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	NP	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	NP	P	P	NP	
Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years)	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

¹ Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

² Approval process is per the Salvage Yard Ordinance.

Proposed New Commercial Zoning Districts and Related Amendments to the Zoning and Land Development Ordinance

Section 2.2: Definitions

Add (or amend) the following definitions:

Airport	Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities, and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.
Appliance Sales	Use of a site for indoor sale of nonportable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.
Art Gallery or Artist Studio	The use of a site for (a) an establishment engaged in the sale or exhibit of art works including but not limited to paintings, sculpture, knitted goods, or pottery; and/or (b) work space for one or more artists, artisans, or craftspersons, who may offer instruction in the creation of art works.
Automobile parts, supplies and tire stores	Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.
Automobile repair, sales and service	The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.
Automobile, light truck and light trailer rentals, indoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas. This use is conducted indoors with no outdoor storage of vehicles to be rented.
Automobile, light truck and light trailer rentals, outdoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.
Bail Bond Services	An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.
Bank with drive-through facility	A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.
Bar / Nightclub	An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.

Bicycle Parking Space	A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.
Bank	A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. A bank does not include the Pawn Shop Services land use.
Building Maintenance Services	An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
Building Materials and Supplies	An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.
Business Equipment Sales and Service	An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
Campground	An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents, cabins and/or lodges. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park as defined in this ordinance.
Car Wash	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Commercial Blood Plasma Center	The use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. This land use does not include a blood bank.
Contractor with no outdoor storage	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area other than incidental storage.
Contractor with outdoor storage	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.

Convenience Store	An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.
Convention Center	A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
Custom Manufacturing	Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.
Dry cleaning and laundry facility	A facility at which clothing and other fabrics are dry-cleaned or laundered for customers, utilizing processes which are in compliance with applicable state and federal laws.
~~Dry cleaning and laundry pick-up station; laundromat~~	~~An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry, and/or that provides self-service machines for use by customers for the washing or drying of clothes or other fabrics. This use does not include the maintenance or operation of any other types of laundry or dry-cleaning equipment or machinery on the premises. [Note: redundant definition]~~
Dry cleaning and laundry services	The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.
Dwelling, Single Family, Small Lot	A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot as required by this ordinance.
Electric Vehicle Charging Station	A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
Equipment Rental, Sales, or Service	The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships and construction equipment dealerships, ~~and mobile home sales establishments.~~
Exterminating Services	The use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.
Food Preparation	An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. This use includes food preparation for catering.
Gambling Facilities	The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance

	operated by charitable organizations licensed under West Virginia state law.
Gas Station	Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a "Gas Station, Large" if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Large	A gas station (as defined in this ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Limited	A gas station (as defined in this ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet ~~gross floor area~~ .
Golf Course	A facility ~~other than a miniature golf course~~ for the playing of golf. A golf course may include a clubhouse with rest rooms and locker rooms, may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.
Grocery Store	An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores. ~~A grocery store may include a pharmacy as an accessory use.~~ ~~[unnecessary]~~
Gross Floor Area	The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.
Heavy Industrial Use	Manufacturing or other enterprises with significant external effects ~~including but not limited to noise, dust, glare, odors or vibrations~~ , or which ~~oppose~~ significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.
Helipad	A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.
Heliport	An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
Horse Racing Facility	A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals

	incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.
Hotel/Motel	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn as defined in this ordinance. A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.
Kennel (replaces existing definition in ordinance)	The boarding, breeding, raising, grooming, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.
Manufacturing, Heavy	An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use.
Manufacturing, Limited	The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.
Medical/Dental/Optical Office	A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.
Mobile home, boat and trailer sales	Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.
Movie Theater	A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.
Parking, Commercial Offsite Accessory	Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.
Pawn Shop Services	An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.
Performing Arts	An establishment for the performing arts with seating for audiences. Such establishments may

Theater	include related services such as food and beverage sales and other concessions. Incidental use of a performing arts theater for community events is permitted. This use does not include an adult use or a bar/nightclub.
Personal services	Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services (as defined in this ordinance) ; duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.
Printing and Publishing	A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.
Professional Office	A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.
Recycling Drop-Off Center	A building or site used for a drop-off location for temporary storage of recyclable, recoverable or reuseable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use. ~~The area dedicated a Recycling Drop-Off Center is limited to 1,000 square feet.~~
Restaurant	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building. and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.
Restaurant, Fast Food	Any establishment whose principal business is the sale of foods and/or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through. This use may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.
Restaurant, Fast Food, Drive Through	A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.
Retail sales, limited	Establishments of up to 10,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service;

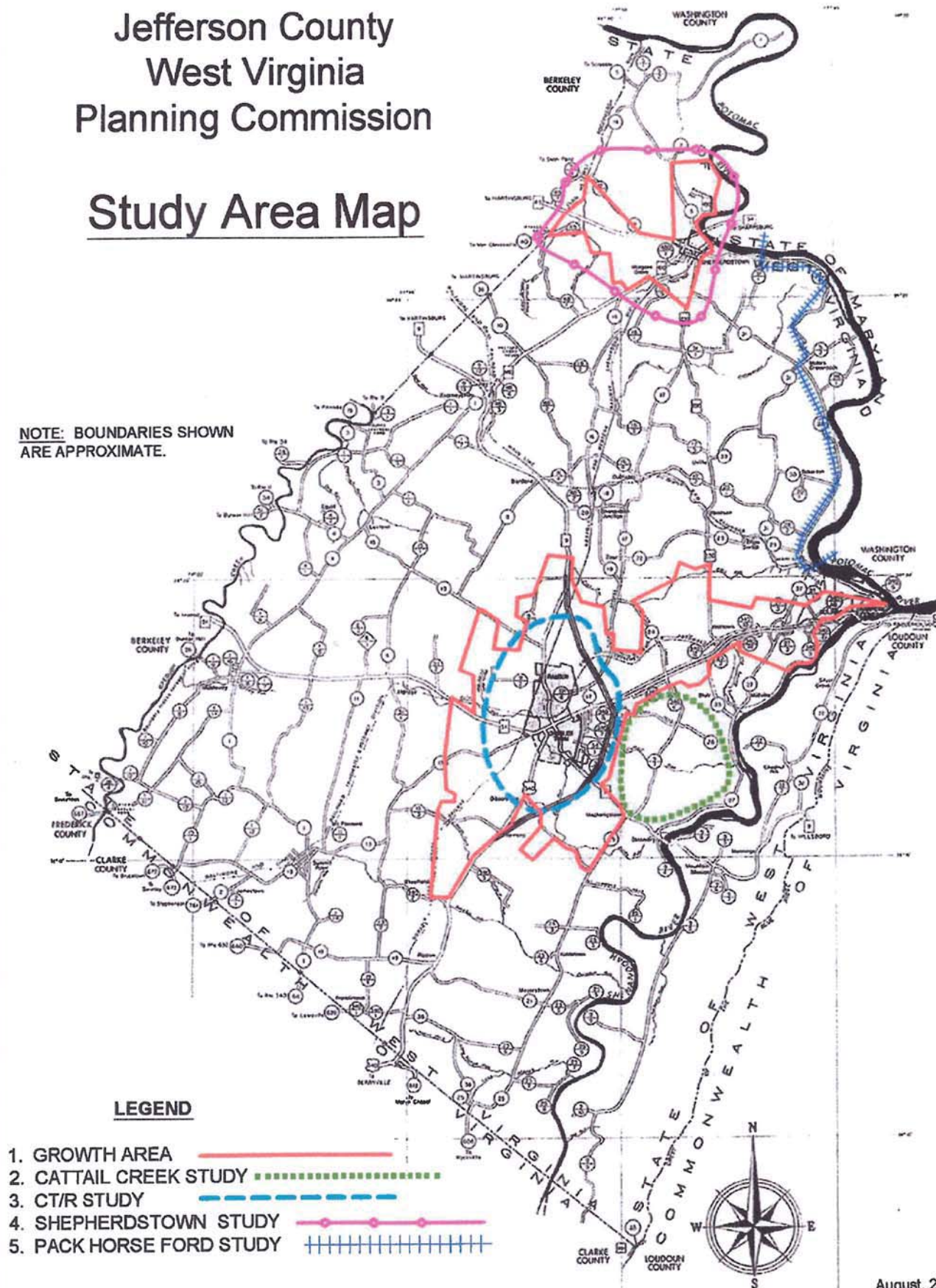
	building materials and/or supplies, sales, or rental; and food sales or markets. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.
Retail Sales and Services, General	A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.
Retail Store, Large	A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A Retail Store, Large that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores which would not otherwise be classified as a Retail Store, Large that are connected by common walls as part of a shopping center with shared parking facilities are not included in this definition. If a shopping center includes a store which meets the definition of Retail Store, Large, the entire shopping center shall be treated as a Retail Store, Large for the purposes of applicable ordinances.
School, Vocational or Professional	A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.
Shipping and Mailing Services	Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. This use does not include major processing of mail or packages or bulk mailing distribution centers, and does not include facilities owned or operated by governmental agencies such as the United States Postal Service.
Shooting Range, Indoor	A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards.
Shooting Range, Outdoor	The use of land for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of target practice, sport shooting, military/law enforcement training, mock war games, or temporary competitions. The operations and design and design of an outdoor shooting range meet all applicable National

	Rifle Association standards, and the range must shall the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this ordinance. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.
Shopping Center	A group of retail and/or other commercial establishments that is planned, constructed and managed as a total entity.
Storage, Commercial	An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.
Transportation Terminal	The use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or shipped materials between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities. This use does not include long-term storage of shipped items.
Vehicle Storage	The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.
Warehousing and Distribution, General	Use of a site for the storage of goods, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. This use includes major distribution centers, frozen food lockers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities. Facilities may be characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors.
Warehousing and Distribution, Limited	Use of a site for the small scale storage of goods, and sale of goods to other businesses for resale. Wholesale and warehouse areas are will be no more than 50,000 square feet in area and operate during conventional business hours. Outdoor storage is limited to an area of 1,000 square feet. This use does not include major distribution centers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities, or a use described as a Storage, Commercial facility.

Jefferson County West Virginia Planning Commission

Study Area Map

NOTE: BOUNDARIES SHOWN
ARE APPROXIMATE.



August, 2003
NOT TO SCALE

This information is
Tab #10 in your
binder.

In the Circuit Court of Jefferson County, West Virginia

Cedar Air Park Holdings, LLC
Petitioner

v. 11-C-460
Judge Sanders

Jefferson County Planning Commission, a public body,
Respondent

Opposition to Certiorari and Motion to Dismiss

COMES NOW THE RESPONDENT the Jefferson County Planning Commission in
opposition to the petition for Certiorari. In support thereof the respondent avers:

Motion to Dismiss for Failure to Serve All Adverse Parties

1. West Virginia Code §8A-9-2 requires notice to all adverse parties to sustain an appeal. West Virginia Code §8A-9-2 requires service on the Planning Commission and also personal service upon “any property owner appearing at the hearing before the planning commission . . . in opposition to the petitioner.”
2. The information transcript provided by the Petition clearly shows that various landowners appeared and opposed the matter. At the hearing below, strong opposition was raised. A large part of the opposition was by Timothy Foltz, in whose name the application was filed, noticed and advertised, who appeared to dispute the use of his name as petitioner and to dispute legal ownership by the

instant Petitioner. In addition, several landowners in the subdivision appeared and disputed various aspects of the application. [Official Application File Pages 18-20]

3. Neither Foltz nor any of the people who appeared in opposition have been served with the instant Petition.
4. The Petitioner¹ has failed to provide such service and notice as required under the Code to all adverse parties. Since the matter was filed on the 7th day of December 2011, more than 18 months have passed and proper service has not been made upon any adverse party other than the Respondent. More than 120 days has passed since this matter was initiated and the Petitioner has failed to serve all parties are required by statute. Pursuant to WVRCP 4(k)² that Court “shall dismiss the action without prejudice” as to that defendant. The instant matter is not a simple civil action demanding money damages where a theory of joint and several liability would allow judgment to be entered against less than all parties involved. This matter requests a statutory remedy which would affect all adverse parties. Thus, failure to follow the statutory notice and service requirements requires this Court dismiss the action.

Opposition to Certiorari

5. West Virginia Code §8A-9-1 et seq. grants this Court the authority to review decisions of the Respondent Planning Commission to determine if its actions were

¹ This is certainly not the fault of current counsel only recently entered his appearance. Prior counsel had more than 120 days until their appearance was struck by the court to obtain service.

² *Time limit for Service.*—If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. WVRCP 4(k)

“illegal in whole or in part.” §8A-9-1(b)(1). Our general standard of review presumes that the actions of a board of zoning appeals were proper. The West Virginia Supreme Court of Appeals held that “on appeal there is a presumption that a board of zoning appeals acted correctly, a reviewing court should reverse the administrative decision where the board has applied an erroneous principle of law, was plainly wrong in its factual findings, or has acted beyond its jurisdiction.” Syl. pt. 5, Wolfe v. Forbes, *quoted in* Maplewood Estates Homeowners Ass'n v. Putnam Cnty. Planning Comm'n, 218 W. Va. 719, 720, 629 S.E.2d 778, 779 (2006).

6. As to legal error, the Respondent Planning Commission committed not legal error. The Petition asserts a faulty legal theory: “West Virginia Law, which requires that an application be approved unless the Staff Report finds violations of the Subdivision Regulations.” This incorrect statement turns the law on this head: the Planning Commission is the body appointed by the County Commission and charged by law to make determination as to whether a plat meets all legal requirements for approval. WV Code §8A-5-6. The Petitioner’s misstatement of the law would make the Planning Commission utterly superfluous: if the Planning Commission’s own employees decide an application is complete, then the Planning Commission must approve the application regardless of testimony received at the public hearing, regardless of any legal or factual disputes raised at the meeting and regardless of the actual state of the application.
7. The Court must presume the Planning Commission acted correctly “and must accept the Planning Commissions factual findings unless they are “plainly wrong.” The Planning Commission was substantively correct: The Petitioner never met its burden before the Planning Commission to demonstrate that the proposal satisfied the requirements of the Ordinance as the staff report (upon which the Petitioners erroneously believe controls the actions of the Planning Commission) demonstrates that the Petitioner’s application was insufficient. The Planning Commission correctly denied the application for “insufficient information” as to ownership, issues surrounding who was the proper applicant. [Official Application Page 20]

8. During a contentious late night hearing the Planning Commission heard from various members of the community on both sides of the issue. Staff explained that the public agenda, published notice and posted notice on the property were in the name of Foltz since that ownership information was provided by the applicant's engineer [Official Application Page 20] During the testimony a heated dispute arose between "Timothy Foltz" and the instant Petitioner with each claiming they were the lawful owner.
9. The Petitioner mischaracterizes the staff report itself. The report itself indicated that the request lacked sufficient information for approval when it had "conditions" including "address all remaining unresolved staff comments" and "the applicant must be the legal owner of the property." Both of the staff "conditions" clearly indicate that the application did not meet all the requirements of the ordinance.
10. The requirement that the applicant satisfy all "unresolved staff comments" on its face indicates further information and details were required from the applicant. (Setting aside the further unresolved issue as to who was the applicant) no evidence was presented by the applicant which would demonstrate that the staff comments were resolved.
11. The Petitioner failed to meet its burden to demonstrate that it owns the land for which the application was submitted:
 - a. The application itself was filed in the name of Timothy Foltz. [Official Application File Pages 33, 41, 49]
 - b. Certified mail notifying "the applicant" that his matter had been set for the November 2011 agenda was mailed to "Timothy Foltz." [Official Application File Page 49]
 - c. The official agenda listed Timothy Foltz as the property owner. [Official Application File Page 53]

- d. The required legal notice published in the Spirit of Jefferson listed Timothy Foltz as the owner.
 - e. Timothy Foltz objected in writing to the Planning Commission prior to the hearing that he, as the owner, did not submit the application. [Official Application File Page 23] (“I Timothy Foltz owner of [the subject property] . . . did not submit the application and request that the application be withdrawn.)
 - f. Timothy Foltz appeared in person, opposed the application and stated that he was the owner of the subject property.
 - g. The records of the Treasurer of Jefferson County submitted as part of the official application list Timothy Foltz and “Haynes-Foltz LC” but do not list the Petitioner.
 - h. Members of the public appeared at the hearing because they believed Timothy Foltz made application. (Had an out-of-state corporation been listed as the applicant member of the public might have responded differently to the request. That is why publication is required so that a meaningful public hearing can occur.)
 - i. The Petitioner attached various documents to the instant petition in an attempt to demonstrate after the fact they are the owners. None of the documents submitted with the Petition were submitted at the hearing before the Planning Commission.
12. The Petitioner attached various documents to the instant petition in an attempt to demonstrate --after the fact-- they are the owners. On Certiorari, this Court must accept the factual findings of the body below unless the findings are ‘plainly wrong.’ Maplewood Estates Homeowners Ass'n v. Putnam Cnty. Planning Comm'n, 218 W. Va. 719, 629 S.E.2d 778 (2006). The West Virginia Supreme Court explained that “the plainly wrong standard of review is a deferential one, which presumes an administrative tribunal's actions are valid as long as the decision is supported by substantial evidence.” Conley v. Workers' Compensation Division, 199 W.Va. 196, 199, 483 S.E.2d 542, 545 (1997). “A factual finding that is supported by substantial evidence

is conclusive. Consequently, '[n]either this Court nor the circuit court may supplant a factual finding of [the Commission] merely by identifying an alternative conclusion that could be supported by substantial evidence.' " In re, Queen, 196 W.Va. 442, 446, 473 S.E.2d 483, 487 (1996).

13. In the instant case, the very lack of any evidence as to ownership below supports the Planning Commission's finding of "insufficient evidence." None of the documents submitted to this Court with the Petition were submitted to the Planning Commission (with the exception of exhibit A which does not prove ownership but merely asserts it.³) They part of the Official Application (A certified copy of the application which includes all documents submitted and the official minutes of the proceedings is attached hereto as an exhibit). The minutes of the meeting do not indicate that such documents were submitted. [Official Application File Pages 18-20] Evidence that was not presented below cannot be submitted upon appeal as a basis urge this Court to find after the fact that "substantial evidence" supports the Petitioner.

14. The act of submitting ex-post ownership documents itself supports the Planning Commission's decision to deny the application on the grounds that "insufficient information" was submitted below. If sufficient information had been submitted the Petitioners would not need to submit further documentation to support the Petition because Petitioner could merely cite to the official record of the meeting or the official application neither of which contain the needed information.

15. Accepting for the sake of argument the Petitioner's assertion that it is the lawful owner of the subject property, the Planning Commission was correct to reject the application because the application, the published agenda and the required legal notice all listed "Timothy Foltz" as the owner. Upon written request by "the applicant," West Virginia

³ Exhibit A claims ownership but offers no proof of same. It was submitted on 11-1-11, 7 days before the meeting. The original application was formally submitted under the name Foltz on 9-16-11 [Official Record Page 59] the Notice of Hearing was published in the Spirit of Jefferson on 10-5-11 under the name Foltz and after the official agenda was prepared under the name Foltz.

Code requires that advanced notice of all final plat public hearings. W.V Code 8A-5-8(c) In addition, the Open Meetings Act requires proper advanced notice for lawful action upon an agenda item. WV Code §6-9A-3. Assuming the Petitioner was the lawful owner of the property at the time of the meeting, the Planning Commission was correct as a matter of law to deny the application for “insufficient information” regarding ownership because the application and all public notices stated that the Petitioner was not the owner.

16. While the Respondent believes it was completely correct, at the very least, a review of the official record shows that the Planning Commission was not clearly erroneous when it denied the application for insufficient information. The Court may not substitute its own judgment from that of the Planning Commission. Based upon the evidence before the Planning Commission, the application was factually insufficient as to “unresolved staff comments.”

17. In addition, the legal ownership of the subject property is not clear because (upon information and belief) several separate unresolved legal actions pertaining to the ownership of the subject parcel are still pending, before this Court and a court in the Commonwealth of Virginia. This independent litigation over ownership bolsters the Planning Commission’s decision to deny the application because of insufficient proof of ownership. In the alternative, the separate legal disputes over ownership prevents the Petitioner from receiving the relief it requests at this time because the Court cannot order the approval of a plat application unless the Petitioner owns the subject property.

18. The Respondent submits that because more than one year has passed since this application has been denied, the Petitioner has the option to submit a proper application in the name of the actual owner of the property (together with supporting documentation) and attempt to obtain approval from the Planning Commission.

WHEREFORE, the Respondent respectfully requests this Court Dismiss the Petition for

failure to timely serve all adverse parties are required by law or Decline to Issue a Rule to Show Cause and strike the Petition and provide such other relief as the Court deems just and Equitable.

Respectfully submitted,

Jefferson County Planning Commission by,

STEPHEN V. GROH,
ASSISTANT PROSECUTING ATTORNEY
West Virginia State Bar Number 6831
Jefferson County Prosecutor's Office
Post Office Box 729
Charles Town, West Virginia 25414
304-728-3243 Telephone
304-728-3293 Facsimile

KRATOVIL LAW OFFICES

JAMES T. KRATOVIL, ESQ., *Licensed in West Virginia & Maryland*

June 18, 2013

Stephen Groh
Assistant Prosecuting Attorney
Jefferson County
P. O. Box 729
Charles Town, WV 25414

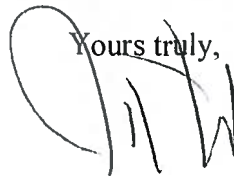
Dear Mr. Groh:

My client Cedar Air Park merely wants the Planning Commission to adopt the staff's recommendation. That recommendation includes proving ownership.

As you know, the record ownership is not in question. The only problem is a claim by another. That claim will be resolved this Fall in a Virginia court, but should have no bearing on the proposal to finish the subdivision.

Please review the documents and call me if you have any questions.

Yours truly,



James T. Kratovil
Attorney at Law

RECEIVED

JUN 25 2013

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Copies mailed to PC member
in agenda packets for
July 9, 2013 PC meeting AB

This information is
Tab #11 in your
binder.



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

Director's Report July 9, 2013 Planning Commission Meeting

1) West Virginia Blue Ribbon Highway Commission -- FYI

The West Virginia Blue Ribbon Highway Commission is holding nine public hearings around the state in July and August which may be of interest to Planning Commission members. Officials will outline the findings so far from the nearly yearlong study of state road conditions, needs, and future funding options. The public can comment at the meetings, through a suggestion box and by filling out a survey or through the survey available online at www.WVBRC.com.

The first meeting will be held Thursday, July 11 in Martinsburg at the Holiday Inn. There will be two identical meetings -- one starting at 4:00 PM and the other around 5:30 PM (same agenda). Governor Earl Ray Tomblin, who appointed the 25-member commission last year, said public comments will shape the study's final report.

2) 4th Quarterly Report/Annual Report FY 2013 To be distributed at meeting.

3) Upcoming CC Actions relevant to Planning:

- a) Discussion and Possible Action Related to a Budget Amendment to Allow the Development of an Access Management Study and Draft Ordinance for US 340 South (tentative: 07/11/13)

4) Envision Jefferson 2035 Update -- See Attached Memo

HOLD THE DATES:

- **Thursday, July 18, 2013, 7:00 PM**, Joint Meeting between Envision Jefferson 2035 Steering Committee and County Commission. RE: Status of Comprehensive Plan effort – Planning Commission members are encouraged to attend.
- **Saturday, July 27, 2013, 9:30 AM – 12:00 PM**, Sam Michaels Park gymnasium. 2nd Round Public Input Meeting – Goals and Objectives and Future Land Use Input (1 of 2)
- **Tuesday, July 30, 2013, 6:30 – 9:00 PM**, Community Club Meeting Room of the War Memorial Building in Shepherdstown. 2nd Round Public Input Meeting – Goals and Objectives and Future Land Use Input (2 of 2).

5) Upcoming PC meetings

a) July 23, 2013

- Special Called Planning Commission Meeting RE: US Coast Guard Waiver Request (3 applications).

b) August 13, 2013

- Possible Public Hearing for the Allstadts Corner revised Community Impact Statement.

c) Need to schedule required Planning Commissioner Training.



JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMORANDUM

TO: Planning Commission
FROM: Jennifer M. Brockman
Director, Planning and Zoning
DATE: July 9, 2013
RE: Envision Jefferson 2035 (2014 Comprehensive Plan) Update

1) Steering Committee (15 members):

a) Monthly Meetings:

06/18/13 - (Natural Resources; Recreation; Financing)

07/08/13 - (final review of all Goals and Objectives)

b) Next Joint Meeting with County Commission:

Thursday, 07/18/13, 7:00 PM -- PC Members Invited to Attend

3) Public Input Meetings **PC Members encouraged to attend**

a) Second series of public meetings scheduled (Goals and Objectives and Future Land Use Exercise):

- Saturday July 27, 2013 9:30 AM – 12:00 PM (Sam Michaels)
- Tuesday July 30, 2013 6:30 PM – 9:00 PM (War Memorial Building)

b) County Fair booth (Future Land Use Exercise) –volunteers needed

- Monday, August 19 – Friday, August 23, 2013, 3:00 PM – 7:00 PM

4) Next Steps

a) Finalizing Goals and Objectives and preparation for Joint Meeting with CC (07/18/13) and July 27 and July 30 Public Meetings -- topic areas:

- Economic Development
- Land Use/Growth Management
- Natural Resources
- Historic Resources, Preservation and Viewsheds
- Housing
- Infrastructure, Public Services, and Safety
- Recreation
- Transportation
- Financing

This information is
Tab #15 in your
binder.

RECEIVED
JUN 27 2013
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Stephanie C. Boylan
345 Pointfield Drive
Harpers Ferry, WV 25425
304-535-1427
June 20, 2013

Mr. Paul Taylor, President
Jefferson County Planning Commission
P.O. Box 250
Charles Town, WV 25414

RE: Rezoning request #Z12-02

Dear Mr. Taylor and
County Commissioners:

I am writing to express my opposition to the rezoning of the land parcel located at US 340 and Washington Street. This rezoning would further diminish the historical and rural landscape of this national park area. The park is being closed in upon and a business does not fit in with the current landmarks and preservation.

The amount of traffic going through on Route 340 at this intersection does not have the capacity nor safety enforcement it needs now. This land is literally in our backyard as our house backs up to US 340. The current truck traffic is bothersome, unsafe and very noisy. There is also traffic roaring through 24 hours per day now to and from the racetrack. There is no control now for this noise and volume we experience. I cannot even count the number of times we must sit at the light for all the cars & 18 wheelers to run the red light before we can even proceed. There have been fatal accidents at this intersection before and aside from the historic landscape; the highway there at this location is not safe to be rezoned for commercial use.

Your consideration of our comments & concerns in this matter is greatly appreciated. If you have any further questions, please do not hesitate to contact me.

Respectfully,


Stephanie C. Boylan

cc: Mayor Joe Anderson, Harpers Ferry, WV 25425
Andrew Lee, Lands Management Specialist, National Park Service, P.O. Box 65, Harpers Ferry, WV 25425