

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, SEPTEMBER 5, 2013
9:30 A.M.

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF PURCHASE ORDERS

- September 5, 2013

APPROVAL OF ACCOUNTS PAYABLE

- September 5, 2013

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. The Honorable John Unger, West Virginia State Senate
- Presentation of Community Participation Grant to Good Shepherd Caregivers
in the amount of \$10,000
2. 10:00 a.m. Angie Banks, Assessor
- Exonerations - Discussion/Action
3. 10:10 a.m. John Galloway, Location Scout/Location Manager Feature
Film/Television/Commercials
- Requesting use of the Jefferson County Courthouse for the filming of a
WWI, WWII Mini Series Documentary - Discussion/Action
4. 10:20 a.m. The Honorable Peggy Smith, Mayor of Charles Town
- Requesting to have the Courthouse open for tours Saturday, September 21st
& 28th and Saturdays in October, 2013 - Discussion/Action
5. 10:30 a.m. Don J. Orser
- Exonerations of Back Taxing for Sale of Non-Entered (WV State Owned)
Parcels in the Name of Orser - Discussion/Action
6. 10:45 a.m. Roger Goodwin, Chief County Engineer

- Chesapeake Bay Initiative - Update on the adoption of the new Stormwater Management Ordinance and related text amendments to the Subdivision and Land Development Regulations - Discussion/Action

7. 11:00 a.m. BREAK

8. 11:15 a.m. Debbie Keyser, County Administrator
- IT Update/IT Position - Discussion/Action

9. 11:30 a.m. Jennifer Brockman, Director of Planning & Zoning
- Request by the Planning Commission that the County Commission reconsider their motion of 10/25/2013 regarding the Proposed Zoning Ordinance Text Amendment related to new Commercial and Industrial Zoning categories - Discussion/Action

- Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15(new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments) - Discussion/Action

UNFINISHED BUSINESS:

10. Follow-up discussion regarding contracting the position of the Financial Consultant for the Jefferson County Commission - Discussion/Action (Executive Session) (PN)

11. Debbie Keyser, County Administrator
- Bidding and Contract Policy - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Vehicle & Fleet Policy - Discussion/Action

COUNTY COMMISSION REPORTS

12. 12:00 p.m. **Break for Lunch**

~~~~~ AFTERNOON SESSION ~~~~~

13. 1:30 p.m. Jefferson County Emergency Services Agency Board Members, Jefferson County Emergency Services Management, Jefferson County Fire & Rescue Association President - Ambulance Ordinance - Discussion/Action

- **ADJOURN**

CORRESPONDENCE:

Invitation from MADD and the Governor's Highway Safety Office to the Annual Law Enforcement Appreciation Breakfast - September 7, 2013.

Announcement of 12th Annual 9/11 Remembrance Ceremony hosted by the Independent Fire Company - Wednesday, September 11, 2013 - 9:58 a.m. to be held at the fire station.

Letter from the WVCoRP regarding the Annual Business Meeting and Board Member Election on Friday, September 13, 2013 at 10:00 a.m.

Notice of Public Hearing on Proposed Stormwater Management Ordinance and Text Amendments - September 19, 2013 - 1:30 p.m.

South Jefferson Public Library announces a "Love Your Heart Movement Walk" on September 28, 2013 from 10 a.m. - 2 p.m.

Letter from the Jefferson County Development Authority regarding the Stormwater Ordinance.

Letter from the West Virginia Division of Culture & History regarding the consideration of Potomac Mills for the National Register of Historic Places.

Press Release from FirstEnergy Corp. - Comprehensive Settlement with Majority of Parties Achieved on Mon Power and Potomac Edison Generation Transaction - Residential Customers Would See Monthly Bill Decrease.

West Virginia Lottery Weekly Settlement for Charles Town week ending August 24, 2013.

At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.

PURCHASE ORDERS TO BE APPROVED**September 5, 2013**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
COUNTY CLERK	51796	\$ 249.52	The Spirit	Notice of Admin
SHERIFF TAX OFFICE	52112	\$ 597.00	Specialty Business	Material/Supplies
	52113	\$ 234.19	Specialty Business	Material/Supplies
PROSECUTING ATTORNEY	51650	\$ 2,163.35	Haryy A. Milmam, Ph.D	Expert Witness Fee
ZONING DEPARTMENT	50343	\$ 162.20	Jefferson Publishing Company	Notice of Public Hearing
GRAND TOTAL		\$ 3,406.26		

AGENDA REQUEST FORM

Name: The Honorable John Unger, West Virginia State Senator

Department or Entity: _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: Presentation of Community Participation Grant to Good Shepherd Caregivers

Please provide the County Commission with a description of your request or presentation, including any background information:

As the Jefferson County Commission is the fiscal agent for most Community Participation Grants, Senator Unger requested the opportunity to present the grant to Good Shepherd Caregivers in the amount \$10,000 at the Jefferson County Commission meeting.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Are documents attached? Yes

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



State of West Virginia
Earl Ray Tomblin
Governor

Office of the Governor
State Capitol
1900 Kanawha Boulevard, East
Charleston, WV 25305

Telephone: (304) 558-2000
Toll Free: 1-888-438-2731
FAX: (304) 342-7025
www.governor.wv.gov

July 29, 2013

The Honorable Dale Manuel
President
Jefferson County Commission
Post Office Box 250
Charles Town, West Virginia 25414

Dear Commissioner Manuel:

Thank you for your application to the Governor's Community Participation Grant Program.

I, along with Senator Unger, am pleased to approve your request in the amount of \$10,000. These funds are to assist the Good Shepherd Caregivers with capital improvements and program expansion.

To proceed with this project, please fax this letter to 304-558-2246, or mail a copy to: Community Participation Program, West Virginia Development Office, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305. Please note that funds should not be obligated prior to the full execution of a contract with the State of West Virginia.

We are pleased to work with you to make this improvement a reality for the citizens of Jefferson County.

Sincerely,

A handwritten signature in blue ink that reads "Earl Ray Tomblin".

Earl Ray Tomblin
Governor

ERT:kf

Project Number: 13LEDA0105

STATE OF WEST VIRGINIA



GOVERNOR'S COMMUNITY PARTICIPATION GRANT AWARD

**THIS IS TO CERTIFY THAT A GRANT OF \$10,000 HAS BEEN
AWARDED TO THE JEFFERSON COUNTY COMMISSION TO ASSIST THE GOOD SHEPHERD
CAREGIVERS WITH CAPITAL IMPROVEMENTS AND PROGRAM EXPANSION**

A handwritten signature in blue ink that reads "Earl Ray Tomblin".

**EARL RAY TOMBLIN
GOVERNOR**

PROJECT NUMBER: 13LEDA0105

AGENDA REQUEST FORM

Name: Angie Banks

Department or Entity: Assessor

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: _____

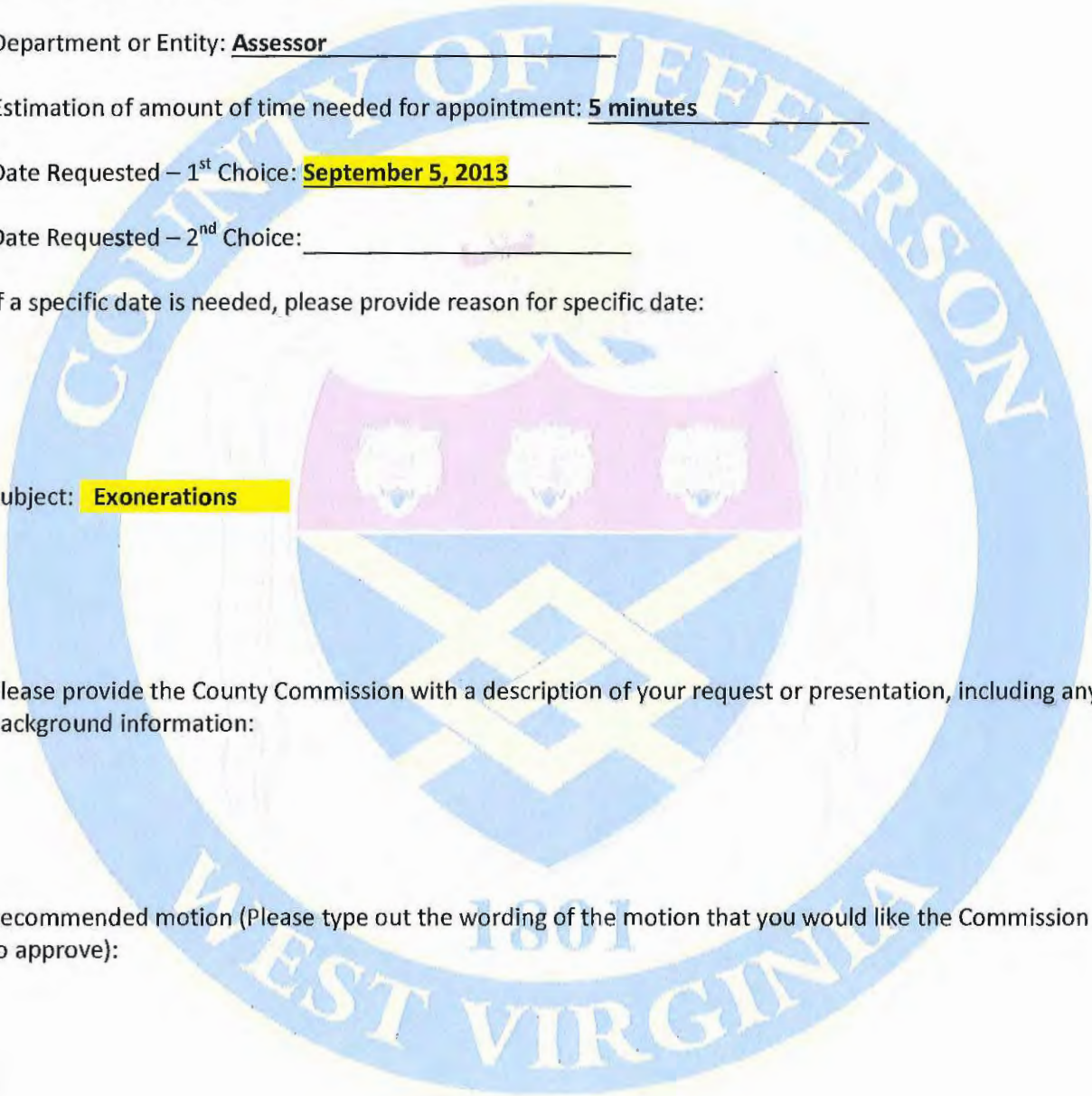
If a specific date is needed, please provide reason for specific date:

Subject: Exonerations

Please provide the County Commission with a description of your request or presentation, including any background information:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Attachments:



AGENDA REQUEST FORM

Name John Galloway

Department or Entity: Location Scout/Location Manager

Estimation of amount of time needed for appointment: 20 min.

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject:

Requesting use of the Jefferson County Courthouse for filming of a WWI, WWII Mini Series Documentary

Please provide the County Commission with a description of your request or presentation, including any background information:

Stephen David Entertainment Production Company is filming a WWI, WWII Mini Series Documentary. He would like to film in the Jefferson County Courthouse at some point during the three week period of Monday September 30th, through Friday October 18, 2013.

1st step would be to photograph (still photos) the Courthouse.

2nd step would be a site visit with the Director – from that point a determination of the amount of time needed for filming.

3rd step – after site visit, after determination of the scope of work, a location agreement would be worked out with the County.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Move to approve the use of the Courthouse for filming of a WWI, WWII Mini Series Documentary by Stephen David Entertainment Production Company with the understanding a location agreement will be reviewed by our legal staff.

Are documents attached?

If not, please explain:

Is a projector needed?

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Peggy Smith, Mayor

Department or Organization: City of Charles Town

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject (Wording to be placed on agenda):

Request to open the Courthouse for tours on September 21, September 28 and Saturdays in October, 2013

Please provide the County Commission with a description of your request or presentation, including any background information: **tours will be given by CVB staff – spoke with Sheriff Dougherty and would provide bailiffs**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Motion to approve the request as presented by Mayor Smith, City of Charles Town

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Don J. Orser

Department or Organization: SELF

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: September 12, 2013

If a specific date is needed, please provide reason for specific date:

Subject (Wording to be placed on agenda): Exoneration of Back Taxing for Sale of Non-Entered (WV State Owned) Parcels in Name of Orser.

Please provide the County Commission with a description of your request or presentation, including any background information: **Please see attached memorandum dated July 31, 2013 and Exhibits A through F.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): In order of preference, **Motion for Order as needed by the Assessor to direct her to Exonerate Tax Year 2012 "back Tax" for parcels listed in memorandum, or alternatively, Motion for Order requesting of Assessor's Counsel, written legal justification for "back taxing", or alternatively, Motion to request updated opinion from Attorney General's Office regarding this issue.**

Are documents attachments? **Yes**

If not, explain:

Is a projector needed? **No**

Contact information:

Email address: **djorser@comcast.net**

Phone number: **304-268-3640** (cell)

Don J. Orser

250 Blue Ridge Acres, Harpers Ferry, West Virginia 25425

djorser@comcast.net

July 31, 2012

The County Commission of Jefferson County,
124 E. Washington Street
Charles Town, West Virginia 25414

Subject: Request for Exoneration of TY 2012 "Back Taxes" Assessed to a Certain Four
Parcels in Name of Orser

Dear President Manuel and Honorable Commissioners:

This is to request the County Commission to "Exonerate" improper Tax Year 2012 "back taxing" for four nonentered parcels conveyed to me by deeds dated January 24, 2012 from Russell Rollyson, *Deputy Commissioner of Delinquent and Nonentered Lands*. Note that this is not the annual Sheriff's sale, but rather the sale of parcels which were effectively held by the state as "nonentered" on July 1, 2011 when Tax Year 2012 parcels were assessed July 1, 2011. By "Exoneration" I mean the elimination of the entire 2012 "back tax" assessment as there appears to be no legal basis other than a legacy of improper procedures going back to "Ginger" Bordier. I would note that at the bid solicitation sale on September 14, 2011, representation was made by the agent for Deputy Rollyson that there would be no "back taxing" of tax year 2012 or prior years.

The certain four parcels in question are:

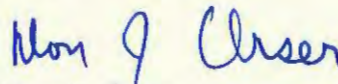
District/Map/Parcel	Legal Description
CTD/23F/0149	Section 15J, Lot 55, Shannondale
HFD/13H/0153	Section B, Lot 209, Westridge Hills
HFD/13H/0154	Section B, Lot 210, Westridge Hills
HFD/13H/0177	Section B, Lot 116, Westridge Hills
HFD/13H/0178	Section B, Lot 115, Westridge Hills
HFD/13H/0179	Section B, Lot 114, Westridge Hills

I have attempted under a FOIA request directed to the Assessor to understand her reasoning in support of this back tax, but was referred to Steven Sluss, Esq., who I believe was a prior Deputy Commissioner for "nonentered" lands, and he appears to agree with the current Deputy Commissioner that this "back taxing" is improper.

I would note that the four parcels in the name of James and Angela Joynt the Commission Exonerated in the amount of \$832.46 on July 11, 2013, were also "nonentered". These parcels were sold at the same sale as those four above of mine. The Assessor's Exoneration request appears to be a negotiated settlement with the Joynts resulting from acknowledgement by her of the septic denials I coincidentally personally obtained and provided to the Assessor some 20 years ago. These septic denials were "lost" by her after I sold the parcels to Connell resulting in major tax bill valuation increases resulting in the parcel's default to State "ownership" due to unpaid/unsold tax liabilities.

Thanks very much for your help in this matter.

Respectfully,



Don J. Orser

cc: Angela L. Banks, Jefferson County Assessor
Aaron E. and Sarah B. Fox

encl: **Exhibits A through F in support of Request for Exoneration of Said Parcels
in Name of Orser**

In the County Commission of Jefferson County

Exhibits in support of Orser's request for Exoneration of Parcels purchased in 2012 and improperly "back taxed" in Tax Year 2013 for Tax Year 2012 assessment.

Exhibit A: Affidavit of Teresa Hendricks, Chief Tax Deputy for Jefferson County, WV dated January 30, 2013 attesting to the non-existence of tax year 2012 assessments for a certain four parcels listed in Exhibit B, together with letter from Orser requesting Tax Year 2012 bills for same.

Exhibit B: Synopsis of multiple emails in response to Orser's FOIA request to Assessor's Office asking for legal basis for "back taxing" of certain four parcels. In short, Steve Sluss agrees with Orser and G. Russell Rollyson, Jr., *Deputy Commissioner of Delinquent and Nonentered Lands of Jefferson County, State of Jefferson County*, Grantor of Orser's deeds for the certain four parcels, that taxes for tax years the parcels were "nonentered" in the Jefferson County Land Books and hence cannot be collected retroactively.

Exhibit C: Example page from Orser's January 24, 2012 deed prepared by Rollyson's Office for one of the parcels showing prior legal owner Stanton had until December 20, 2011 to redeem, and hence Orser's offer at September 14, 2011 "nonentered" auction was in fact only an offer to buy if not redeemed by Stanton. Tax Year 2012 taxes were assessed July 1, 2011, prior to the auction offer to buy by Orser and deed date of January 24, 2012.

Exhibit D: Tax Year 2013 tax bill, 2013 Ticket Number 4996 assessed to Orser for taxes allegedly assessed July 1, 2011, but in fact not (Exhibit A). And if Orser declines to pay?

Exhibit E: Tax Year 2013 tax bill, 2013 Ticket Number 2575 assessed to Fox for taxes assessed July 1, 2012 after sale from Orser to Fox dated June 22, 2012.

Exhibit F. Attorney General's Office 1952 opinion, regarding this issue, given in terms of January 1 assessment date prior to 1994 "tax renormalization legislation", stating that as the purchasing owner was not the owner on assessment date, they could not be assessed for prior years.



Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office
102 Industrial Blvd
Kearneysville, WV 25430
304-728-3205
Fax: 304-728-3299

Tax Office
PO Box 9
Charles Town, WV 25414
304-728-3220
Fax: 304-728-4034

1/30/13

- EXHIBIT A -

To Whom It May Concern,

I, Teresa Hendricks, Chief Tax Deputy for Jefferson County WV, have no 2012 tax bills on the counties tax system for the listed properties enclosed. The properties were turned over to the state for delinquent taxes from 2008. The FOIA request from Donald Orser, asks for 2012 tax bills and I cannot give tax bills that are not on my system and have not been since 2009.

Sincerely,

Teresa Hendricks

Chief Tax Deputy for Jefferson County WV

Don J. Orser

250 Blue Ridge Loop, Harpers Ferry, West Virginia 25425

djorser@comcast.net

January 28, 2013

Teresa Hendricks, Jefferson County Treasurer's Office
116 East Washington Street
PO Box 9
Charles Town, West Virginia 25414

728-3220

Subject: FOIA Request for Tax Year 2012 Tax Bills

Dear Jefferson County Treasurer's Office:

Pursuant to the WV Freedom of Information Act, West Virginia Code § 29B-1-1 et seq., I am requesting a copy of the Tax Year 2012 tax bills for the following parcels:

	<u>District/Map/Parcel</u>	<u>Legal Description</u>
DO	CTD/23F/0149	Section 15J, Lot 55, Shannondale
DO	HFD/13H/0153	Section B, Lot 209, Westridge Hills
DO	HFD/13H/0154	Section B, Lot 210, Westridge Hills
DO	HFD/13H/0177	Section B, Lot 116, Westridge Hills
LO	HFD/13H/0178	Section B, Lot 115, Westridge Hills
DO	HFD/13H/0179	Section B, Lot 114, Westridge Hills

I understand from the Jefferson County Assessor's Office they are planning to send these bills to me via you in July. However, as you will remember these parcels were sold September 14, 2011 by the State Auditor's Office under the representation no taxes were due until 2013 as the State of WV owned them when they were assessed July 1, 2012 for Tax Year 2013. I believe you have five working days to respond .

Thanks for your help in this matter.

Sincerely,



Don J. Orser

cc: Stephanie, F. Grove, Esq., Office of the Prosecuting Attorney's Office of Jefferson County
Angela L, Banks, Office of the Jefferson County Assessor
G. Russell Rollyson, Office of the WV State Auditor

FOIA Request for Documentation in Support of Tax Year 2012 Back Taxes

From : Angie Banks
<jefferco@assessor.state.wv.us>

Fri, Jun 14, 2013 10:44 AM

4 attachments

Subject : FOIA Request for Documentation in Support of Tax Year 2012 Back Taxes

To : djorser@comcast.net

- EXHIBIT B -

Cc : stevesluss@kanawha.us, 'Stephanie Grove'
<sgrove@jeffersoncountywv.org>

See FOIA Request Attached.

Don,

You can call Steve Sluss, Legal Counsel for Kanawha County Assessor's Office. He can better explain why we have to tax all years.
1-304-357-0250.

Angela L. Banks
Assessor of Jefferson County
104 E. Washington St.
Charles Town WV 25414
304-728-3224 Phone
304-728-3383 Fax

From: "Steve Sluss" <stevesluss@kanawha.us>
To: "DON" <djorser@comcast.net>
Cc: "Stephanie Grove" <sgrove@jeffersoncountywv.org>, "Angie Banks" <jefferco@assessor.state.wv.us>
Sent: Tuesday, June 18, 2013 11:23:23 AM
Subject: RE: FOIA Request for Documentation in Support of Tax Year 2012 Back Taxes

I have reviewed that statute and Don is correct. If the sale is for delinquent taxes, then the purchaser's title relates back to the lien date before it went delinquent. If it was non-entered land, then it relates back to the date of the sale. Therefore if the date of the sale for non-entered lands was in April 2013, regardless of when the Auditor's office gets it recorded, the purchaser's title relates back to that April 2013 sale date and the property must be first assessed for 2014.

West Virginia State Auditor's Office
County Collections Division
Building 1 Room W-118
1900 Kanawha Boulevard East
Charleston, WV 25305

- EXHIBIT C - =

(Cert No. 19786 Don J. Orser)
JOHN T. STANTON
3363 LAKESIDE VIEW
FALLS CHURCH, VA 22041

To: JOHN T. STANTON, JOHN T. STANTON or heirs at law, devisees, creditors, representatives, successors or assigns.

You will take notice that Don J. Orser , the purchaser of the following real estate, Certification No.:19786, located in Charles Town District, Sec 15J #55 Shannondale which was returned delinquent or nonentered in the name of U S Liens LLC, and was sold by the deputy commissioner of delinquent and nonentered lands of Jefferson County at the sale for delinquent taxes on 9/14/2011. Don J. Orser requests that you be notified a deed for such real estate will be made on or after 12/20/2011, as provided by law, unless before that day you redeem such real estate. The amount needed to redeem on or before 12/20/2011, will be as follows:

Amount equal to the taxes and charges due on the date of the sale, with interest, to 12/20/2011	\$2,529.85
Amount of taxes paid on the property, since the sale, with interest to 12/20/2011.	\$0.00
Amount paid for Title Examination and preparation of the list to be served and for preparation and service of notice with interest to 12/20/2011.	\$25.38
Additional Statutory Fees with Interest to 12/20/2011.	\$0.00
Total Required	\$2,555.23

You may redeem at any time before 12/20/2011 by paying the above total less any unearned interest.

Given under my hand 11/16/2011

G. Russell Rollyson Jr.

G. Russell Rollyson Jr.
Deputy Commissioner of Delinquent and
Nonentered Lands of Jefferson County, State of West Virginia

**Please make your certified check or money order payable to the Honorable Bobby Shirley, Sheriff of Jefferson County and return to WV State Auditor's Office, County Collections Office, Building 1, Room W-118, Charleston, West Virginia, 25305.
Questions please call 1-888-509-6568**



Jefferson County Sheriff's Tax Office • 112 E. Washington Street • Charles Town, WV 25414
(304) 728-3220

Jefferson County Real Property - Tax Year: 2013

Ticket Number: 0000004996 Account Number: 00007124
 District: 02 - CHARLES TOWN DIST Taxpayer I.D.:

Owner Name: ORSER DONALD J In Care of: Address: 250 BLUE RIDGE ACRES LOOP HARPERS FERRY WV 25425 Lending Inst:	Property: SEC 15J #55 SHANNONDALE (BACK TAX 2012) Map: 23F Parcel: 0149 0000 0000 Lot Size: Acreage: Book: 1111 Page: 168
Tax Class: 3 Homestead Exemption:	Back Tax: <input checked="" type="checkbox"/> Exoneration: Prior Delinquents: Special Disposition:

AMOUNTS DUE: First Half: Must pay Total Due Second Half: Must pay Total Due Total Due: 33.30
 If paid by: 09/01/2013

ASSESSMENT:

Assessment	GROSS	NET	TAX (1/2 Year)
Land	3400	3400	
Building	0	0	
Total	3400	3400	41.65

PAYMENTS RECEIVED:

	First Half	Second Half
Net	.00	.00
Discount	.00	.00
Interest	.00	.00
Total	.00	.00
Date	none paid	none paid

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County Commis of Jefferson Cou

EXHIBIT E

Jefferson County Sheriff's Tax Office • 112 E. Washington Street • Charles Town, WV 25414
(304) 728-3220

Jefferson County Real Property - Tax Year: 2013
 Ticket Number: 0000002575 Account Number: 00007124
 District: 02 - CHARLES TOWN DIST Taxpayer I.D.:

Owner Name: FOX AARON E & SARAH B In Care of: Address: 137 WILD TURKEY RD HARPERS FERRY WV 25425 Lending Inst:	Property: SEC 15J #55 SHANNONDALE TICKET #4996 BACK TAX FOR 2012 Map: 23F Parcel: 0149 0000 0000 Lot Size: Acreage: Book: 1111 Page: 168
Tax Class: 2 Homestead Exemption:	Back Tax: Exoneration: Prior Delinquents: Special Disposition:

This ticket cannot be paid until after July 15

AMOUNTS DUE: First Half: 19.36 If paid by: 09/01/2013 Second Half: 19.36 If paid by: 03/01/2014 Total Due: 38.72 If paid by: 09/01/2013

ASSESSMENT:

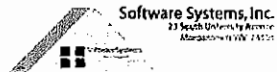
Assessment	GROSS	NET	TAX (1/2 Year)
Land	3400	3400	
Building	0	0	
Total	3400	3400	19.88

PAYMENTS RECEIVED:

	First Half	Second Half
Net	.00	.00
Discount	.00	.00
Interest	.00	.00
Total	.00	.00
Date	none paid	none paid

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12. TAXATION—Purchaser of Forfeited and Delinquent Lands Is Not Liable for Taxes on Such Land Until the Sale Has Been Confirmed by the Court.

February 26, 1951.

HONORABLE EDGAR B. SIMS,
State Auditor,
Charleston 5, West Virginia.
Attention: Mr. James M. Hardman

DEAR MR. SIMS:

This will acknowledge receipt of your letter of recent date in which you ask the question:

" * * * whether real estate which is sold by the State, pursuant to Chapter 11A-4 of the Code, and purchased by an individual is subject to taxation for the year in which said real estate was sold, (1), where said real estate is sold and the sale confirmed and a deed made to the purchaser, after the first day of January and prior to the thirty-first day of December in any year, and (2), where said estate is sold after the first day of January, and before the thirty-first day of December, but the sale is not confirmed nor the deed made to said purchaser, until after the first day of January in the year following said sale."

Code 11A-4-2 states:

"It is the duty of the owner of land to have his land entered for taxation on the land books of the appropriate county, have himself charged with the taxes due thereon, and pay the same. Land which for any five successive years shall not have been so entered and charged shall by operation of law, without any proceedings therefor, be forfeited to the State as provided in section six, article thirteen of the Constitution, and shall thereafter be subject to transfer or sale under the provisions of sections three and four of such article."

Code 11-3-1 states that "All property shall be assessed annually as of the first day of January at its true and actual value; * * * The taxes upon all property shall be paid by those who are the owners thereof on that day, whether it be assessed to them or others. * * *" (Emphasis supplied.) Code 11-3-8 states, "As to real property the person who by himself or his tenants has the freehold in his possession, whether in fee or for life, shall be deemed the owner for the purpose of taxation. * * *" (Emphasis supplied.) Code 11-3-9 exempts all property belonging exclusively to the state from taxation. In the case of *Cois v. State*, 73 W. Va. 410, at page 418 the court states:

"Most, if not all, states have statutes like ours fixing a date with reference to which the status or ownership of the title shall control for the purpose of taxation. 'There are some inconveniences and inequalities resulting from this', says 1 Cooley on Taxation, (3rd ed.) page 605, 'but some regulation of the kind is indispensable. A force of tax officers cannot be kept employed for the year in watching the transfers of property, the movement of persons, and vicissitudes of business, in order to equalize the charges upon them; periodical assessments, if they produce injustice in one case, may correct it in the next, and on the whole are likely to be fair. At any rate, they

constitute t
this writer :
155 Fed. 631
property w
second Monday in January, and that real estate exempt from taxation on the second Monday in January of any given year does not become subject to taxation during that year, even though transferred to a person in whose hands it is no longer exempt under the law.' In *Tracy v. Reed*, in the United States Circuit Court for the District of Oregon, 2 L. R. A. 773, the statute of Oregon required real property to be assessed to the owner thereof. It was held, that the owner for the purpose of taxation was the person having legal title or estate thereto or therein, and not one who by contract or otherwise has a mere equity therein or a right to compel a conveyance of such legal title or estate to himself. * * *

EXHIBIT F

Since the time stated for the assessment of property is the first day of January, it is our opinion that the party who owns the property on that date is liable for the taxes for that entire year.

The taxes due in such a situation could not be apportioned since the tax date was set for a particular day and the elements necessary for taxation must exist on that date. In the case of *Dravo Contracting Co. v. James*, (W. Va.) Circuit Court of Appeals, Fourth Circuit, 114 F. 2d 242, at page 245, the court stated:

"We agree with taxpayer that the court was without power to apportion its income on the basis of the cost of the activities involved in earning the income within and without the state. No such basis of apportionment is prescribed by statute; and, in the absence of statute, the court is without power to adopt it, as this is a legislative function involved in the imposition of the tax, and, therefore, not one which courts may exercise. * * * Neither the court below nor this court can reshape the statute simply because it embraces elements that it might have reached if it had been drawn with a different measure and intent. * * *

In the case of *Commonwealth of Virginia v. P. Lorillard Co.*, 136 Va. 258, at page 262, the court discusses many of the elements of taxation which are present in the instant case:

"It is clear that in Virginia, the beginning of the tax year is February 1st of each year, that all assessments should be made as of that date, and that this rule is applicable to incomes, as well as to persons and property.

"In *Pardee v. Commonwealth*, 102 Va. 908, 47 S. E. 1010, the court said: 'According to the uniform interpretation placed upon the revenue laws of this State, February 1st, the day which separates one tax year from another, has been fixed upon as the time for ascertaining the ownership and value of property for taxation, and a departure from that rule can only result in confusion and inconvenience.' * * *

"The taxable status of persons and property generally relates to a day certain in each year. When the law thus provides, no taxes can be legally assessed and levied for a particular year unless the conditions requisite to liability exist on the day fixed.

"The revenue laws commonly provide that an assessment shall be made, or shall be completed on a certain day, or within a certain time. * * * The assessment must always be made as of the statutory date. * * *

Since the real estate in this case is exempt from taxation on the first day of January by virtue of the state's ownership thereof, it is the opinion of this office that where said real estate is sold and the sale confirmed as provided by Chapter 11A-4 of the West Virginia Code, and a deed is made to the purchaser pursuant thereto after the first day of January and prior to the thirty-first day of December in any year, said property is exempt from taxation in the hands of the purchaser during the entire year in which the sale was made.

As to the situation where the real estate is sold after the first day of January and before the thirty-first day of December but the sale is not confirmed nor the deed made to said purchaser until after the first day of January in the year following said sale, the result would be the same.

Code 11A-4-31 states:

"As soon as possible after the report of the sale has been filed with the clerk of the circuit court, the deputy commissioner shall apply to the court for an order confirming the sale of each item sold. If satisfied that the purchase price was as high as might reasonably be expected, the court shall enter an order confirming the sale and directing the deputy commissioner to execute and deliver to the purchaser, or to his heirs or assigns, a deed as provided in the following section. If, however, the court shall be of the opinion that the purchase price was too low, it may refuse to confirm the sale and shall enter an order directing the deputy commissioner to sell the land again at his next sale and directing the sheriff to return the purchase money to the purchaser, his heirs or assigns.

"After the court has acted, the clerk shall promptly mark on his certified list whether the sale was confirmed or disaffirmed, giving the date of the order, and if the sale was confirmed, the date of the deed to the purchaser."

Code 11A-4-32 states that "Whenever ordered to do so as provided in the preceding section, the deputy commissioner shall make and deliver to the person entitled thereto a deed * * *" and then continues by prescribing the form for the said deed. Volume 31 Am. Jur. on Judicial Sales, Section 146, at page 476 states:

"Since a bid, although the highest, is only an offer to purchase, which is subject to the approval or disapproval of the court, one whose bid has been returned to the court as the best offered acquires by the mere acceptance of his bid no independent right to have his purchase completed, but is merely a preferred proposer until confirmation of the sale by the court. He acquires no complete and independent right or interest in land, or legal title thereto, and is not considered as the purchaser in the full sense. Ordinarily, he is not entitled to take possession or to lease the property. If he has not assumed the responsibility of protecting the property in the interim between the sale and confirmation, by taking possession of it, he is not liable for any loss that may be sustained by its injury or deterioration, by flood, fire, or otherwise, during that period. He cannot maintain an action at law, before confirmation, to enforce any interest which he may have in the property by virtue of his purchase, but he must resort to the court of chancery in which the proceeding is pending for the adjustment of his rights and the enforcement of his claim. * * *"

In the case of *Eakin v. Eakin*, 83 W. Va. 512 at page 520, the court states:

"A bid, though accepted by the commissioner conducting the sale, does not become a contract until reported to and confirmed by the court. Up to that time it is merely an offer to buy, but as an offer it becomes binding upon the bidder when accepted and confirmed by the court, and may be enforced against him. *Stout v. Philippi M. & M. Co.*, 41 W. Va. 339; *Lowman v. Funkhouser*, 78 W. Va. 742; *Richardson v. Jones*, 106 Va. 540. Until then the right of the purchaser is inchoate; the sale is an incomplete bargain, merely an offer which the court may or may not accept as circumstances and conditions may require. That is the stage at which the court may open anew the bidding upon an advanced offer, substantial and made in good faith. But even at this stage it is always discretionary with a court whether it will confirm a sale, though made and complied with in all respects as required by its decree, or set it aside and direct a resale. Whether a court will confirm must depend in great measure on the circumstances in each case, abuse of the discretion when effecting inequities being subject to review by the appellate court. *Lowman v. Funkhouser*, *supra*; 8 Enc. Dig. Va. & W. Va. Rep. 722, 728."

At page 581, it is stated:

"The importance which attaches to the confirmation of a judicial sale is shown by the rights and duties which are the purchaser's from that date. After confirmation it is an executed contract, and if not tainted by fraud or otherwise vitiated by other wrongful acts or conduct participated in by the bidder, such confirmation relates to, and vests title in him from, the date of the sale. *Taylor v. Cooper*, 10 Leigh 317; *Kable v. Mitchell*, 9 W. Va. 492; *Donahue v. Fackler*, 21 W. Va. 124; *Childs v. Hurd*, 25 W. Va. 530, 535; *Cale's Adm'r v. Shaw*, 33 W. Va. 299; *Stout v. Philippi M. & M. Co.*, 41 W. Va. 339, 350. See also *Hardman v. Brown*, 77 W. Va. 478. Not only does he get title upon confirmation, but ordinarily he thereby becomes entitled to possession of the property sold. * * *"

As stated in this case and in other West Virginia cases, it is quite true that the deed, if confirmed, relates back to the date of the sale, but up to the date of confirmation by the court the purchaser has no right or interest and has merely offered a bid for the purchase of said property.

There are cases which state that after confirmation of the sale the deed is to be made and the date of same relates back to the day of the sale. However, no cases were found which would sustain a view that said deed would also relate back for the purposes of taxation. Taxation may only be exercised in the manner prescribed by the statute imposing same. The general rule is that statutes imposing taxes are construed more strongly in favor of the taxpayer and will not be extended by implication to the prejudice of the taxpayer beyond the pure import of the language used. *City of Moundsville v. Brown*, 25 S. E. 2d 900, 125 W. Va. 779; *L. K. Vinson et al. v. Wayne County Court et al.*, 119 S. E. 808, 94 W. Va. 591; *Commonwealth of Virginia v. P. Lorillard Co. Inc.*, 129 Va. 74. The purchaser at such sale would not be deemed the owner of the property for the purposes of taxation as provided by Code 11-3-1, nor would he have the freehold in his possession either in fee or for life as is deemed necessary by Code 11-3-8 above quoted. Since the sale was not confirmed by the court until after January first, which is the time set for the assessment for purposes of taxation, the property was still under the ownership of the State and, therefore, exempt from taxation for that entire year.

It is our opinion that where real estate is sold and the sale is confirmed and the deed made to the purchaser after the first day of January and prior to the thirty-first day of December in any year, the purchaser would not be responsible for the taxes on said property for that year, since he was not the owner on January first as required by statute. Also, where said real estate is sold after the first day of January and before the thirty-first day of December, but the sale is not confirmed nor the deed made to said purchaser until after the first day of January in the year following said sale, the purchaser would not be responsible for the taxes of said property, since on January 1 of that tax year he was not the owner of the property.

Very truly yours,

WILLIAM C. MARLAND, *Attorney General*,
By HOMER W. HANNA, JR., *Assistant*.

43. INSURANCE COMPANIES—Questions as to the Liability of Insurance Companies To Pay Corporation License Taxes.

February 27, 1951.

HONORABLE EDGAR B. SIMS,
State Auditor,
Charleston 5, West Virginia.

DEAR MR. SIMS:

We have your letter of February 19, in part, as follows:

"There has been presented to this office the problem of whether an insurance company registered to do business in West Virginia as a domestic or foreign corporation is subject to the annual corporation license tax required of and paid by all regular corporations other than this type (excepting, of course, a few types specifically exempt by statute). This tax, it is suggested, should be paid in addition to the license tax paid to the Insurance Commissioner under code 33-1-8.

"Code 11-12-78 requires that every domestic corporation shall pay an annual license tax on its charter to the state auditor based on certain designated amounts of its authorized capital stock. Code 11-12-80 requires every foreign corporation holding property or doing business in this state to pay an annual license tax according to the proportion of its issued and outstanding capital stock which is represented by its property owned and used in this state, further providing that no such foreign corporation shall pay an annual license tax of less than \$150.00 in addition to the \$10.00 fee for services of the auditor as statutory attorney-in-fact.

"It has been the general practice of this office to collect the annual license tax and statutory attorney fee from all eligible domestic and foreign corporations other than insurance companies. This was in accordance with information sent up by the Secretary of State on his monthly reports from which our tax records are prepared. The Insurance Department has been collecting from insurance companies the two percent (2%) premium tax mentioned in the first paragraph of this letter, and the \$10.00 statutory attorney-in-fact fee from foreign insurance corporations and depositing this latter fee into the state general revenue fund along with the attorney-in-

fact fee which is collected by the Auditor's office from other foreign corporations.

"We, therefore, respectfully solicit an opinion from your office on the following problems:

"(1) Are all insurance companies doing business as domestic or foreign corporations in this state subject to the annual license tax collected from all other corporations by virtue of the provisions of Code 11-12-78 to 90 incl.?

"(2) If liable for this annual corporation license tax should these insurance corporations be required to pay this tax from the beginning of the next tax year, July 1, 1951, or should they be required to pay all back taxes and penalties for the past five years under the provisions of Code 11-12-63 plus a compromised amount for the taxes due beyond the five year period under the provisions of Code 14-1-18?

"(3) If liable for this annual corporation tax should not insurance corporations which have capital stock pay a license tax based upon the authorized capital stock, in the case of domestic corporations, and the issued capital stock, in the case of foreign corporations, these being the bases upon which the tax is presently imposed upon all non-insurance corporations?

"(4) (a) If liable for this annual corporation license tax, should not all foreign insurance corporations of the mutual or reciprocal type, which have no capital stock, pay the minimum tax of \$150.00, under the provisions of Code 11-12-80 which requires that '... no such (foreign) corporation shall pay an annual license tax of less than one hundred and fifty dollars, which shall be in addition to the fee of the auditor as statutory attorney-in-fact (\$10.00)'?

"(b) If subject to the annual corporation license tax, upon what basis should the tax be imposed against domestic corporations of the mutual or reciprocal type? Ordinarily, the tax base for domestic corporations is the amount of authorized capital stock (Code 11-12-78). In the case of domestic mutual or reciprocal insurance companies, this tax base cannot be used."

We answer your questions in the respective order set out in your letter.

1. Section 78, Article 12, Chapter 11 of the West Virginia Code pertaining to the amount of license tax on domestic corporations is as follows:

"Every domestic corporation shall pay an annual license tax on its charter for the fiscal year beginning on the first day of July of each year, based on its authorized capital stock as follows: If the authorized capital stock be five thousand dollars, or less, twenty dollars; if more than five thousand dollars and not more than ten thousand dollars, thirty dollars; if more than ten thousand dollars and not more than twenty-five thousand dollars, forty dollars; if more than twenty-five thousand dollars, and not more than fifty thousand dollars, fifty dollars; if more than fifty thousand dollars and not more than seventy-five thousand dollars, eighty dollars; if more than seventy-five thousand dollars and not more than one hundred thousand dollars, one hundred dollars; if more than one hundred thousand dollars and not more than one hundred and twenty-five thousand dollars, one hundred and ten dollars; if more than one hundred and twenty-five thousand dollars and not more than one hundred and fifty thousand dollars, one hundred and twenty dollars; if more than one hundred and fifty thousand dollars and not more than one hundred and seventy-five thousand dollars, one hundred and forty dollars; if more than one hundred and seventy-five thousand dollars and not more than two hundred thousand dollars, one hundred and fifty dollars; if more than two hundred thousand dollars and not more than one million dollars, one hundred and eighty dollars, and an additional twenty cents on each one thousand dol-

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Roger Goodwin, Chief County Engineer

Department or Entity: Engineering Department & Planning Department

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: None

If a specific date is needed, please provide reason for specific date: **Need to meet with the County Commission to discuss the new Storm Water Management Ordinance prior to the public hearing scheduled for September 19, 2013.**

Subject: **Chesapeake Bay Initiative – Update on the adoption of the new Stormwater Management Ordinance and related text amendments to the Subdivision and Land Development Regulations.**

Please provide the County Commission with a description of your request or presentation, including any background information:

The Engineering Department and the Planning Department staff – with help from Region 9 and Delta Development - have completed a final draft of the proposed stormwater management ordinance and related text amendments to the Subdivision and Land Development Regulations. The ordinance adds stormwater runoff quality control (pollution reduction) requirements to the existing stormwater runoff quantity control regulations, in order to reduce stormwater runoff pollution to the Chesapeake Bay resulting from land development in Jefferson County.

The existing stormwater management regulations were pulled from the Subdivision and Land Development Regulations and a stand-alone stormwater management ordinance was created with both quantity and quality control requirements. As a result, it became necessary to change references in the Subdivision and Land Development Regulations to now reference the stand-alone stormwater management ordinance.

Two stakeholder meetings were held during the process of drafting the stormwater management ordinance in order to gather comments and input. On July 9, 2013, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding the proposed new standalone Stormwater Management Ordinance and associated text amendments to the 2008 Subdivision and Land Development Regulations. Public comments were received at that Planning Commission meeting. At the August 13, 2013 Planning Commission meeting, the Planning Commission reviewed the comments provided by the public and made amendments to the documents based on the public input.

At the August 13, 2013 Jefferson County Planning Commission meeting, the Planning Commission has recommended to the County Commission the proposed adoption of the new Stormwater Management Ordinance and associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations.

On June 27, 2013, the Jefferson County Commission set a public hearing date for September 19, 2013 for the purpose accepting public comment on the new Stormwater Management Ordinance and associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations. Attached are the new Stormwater Management Ordinance and associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations that have been recommended and forwarded to the Jefferson County Commission by the Jefferson County Planning Commission.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **No motion is necessary.**

Attachments: **Proposed Stormwater Management Ordinance.
Subdivision Regulations with proposed revisions.**

Subdivision and Land Development Regulations

Jefferson County, West Virginia

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



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

ARTICLE 20 JURISDICTION AND DEVELOPMENT TYPES	7
Division 20.100 Authority and Jurisdiction	7
Sec. 20.101 Purpose	7
Sec. 20.102 Applicability	7
Sec. 20.103 Private Restrictions	7
Sec. 20.104 Exceptions	7
Sec. 20.105 Vested Property Rights	8
Sec. 20.106 Adjustment of Lot Boundaries	9
Sec. 20.107 Conservation Easements	9
Division 20.200 Types of Development	9
Sec. 20.201 Minor Subdivisions	10
Sec. 20.202 Major Subdivision	11
Sec. 20.203 Minor Site Development ^f	11
Sec. 20.204 Major Site Development	13
Division 20.300 General Review Standards	14
Sec. 20.301 Zoning Review	14
Sec. 20.302 Subdivision Plat General Review Standards	14
Sec. 20.303 Site Plan General Review Standards	17
ARTICLE 21 SUBDIVISION AND DEVELOPMENT DESIGN	20
Division 21.100 Subdivision Plat Components	20
Sec. 21.101 Blocks	20
Sec. 21.102 Streets	20
Sec. 21.103 Lots	21
Sec. 21.104 Lot Width and Frontage	22
Sec. 21.105 Requirements for Parkland	23
Division 21.200 Site Plan Components	25
Sec. 21.201 Access and Interconnection	25
Sec. 21.202 Internal Circulation	25
Sec. 21.203 Loading and Trash	26
Sec. 21.204 Pedestrian Circulation	26
Division 21.300 Modification of Development Standards	26
Sec. 21.301 Road Frontage	26
Sec. 21.302 Flag Lots	27
Sec. 21.303 Lot Shapes	28
Sec. 21.304 Building Pads	29
Sec. 21.305 Block Length	29
Sec. 21.306 Intersections	30
Division 21.400 Covenants and Deeds	30
Sec. 21.401 Private Restrictions and Easements	30
Sec. 21.402 Public Easements	30
Division 21.500 Mapping and Monuments	31



ARTICLE 22 INFRASTRUCTURE AND GRADING	33
Division 22.100 Purpose	33
Division 22.200 Streets	33
Sec. 22.201 Street Design Objectives	33
Sec. 22.202 Local Circulation Plans	33
Sec. 22.203 Classification of Streets and Highways	34
Sec. 22.204 Residential Streets	34
Sec. 22.205 Non-residential Streets.	35
Sec. 22.206 Cul-de-Sacs	35
Sec. 22.207 Private Roads	35
Sec. 22.208 Sidewalks	36
Sec. 22.209 Street Lighting	37
Sec. 22.210 Street and Road Design Standards	37
Division 22.300 Potable Water; Sewer; Fire Hydrants	38
Division 22.400 Drainage	38
Sec. 22.401 Drainage Plan	38
Sec. 22.402 Water Quality	38
Sec. 22.403 Drainage System Design	38
Sec. 22.404 Surface Drainage Configurations	38
Sec. 22.405 Other Systems for Retention or Detention	38
Sec. 22.406 Drainage Design Standards	38
Division 22.500 Grading	39
Sec. 22.501 Site Grading	39
Sec. 22.502 Residential Site Grading	39
Sec. 22.503 Non-Residential Site Grading	39
Sec. 22.504 Protection of Resources	40
Sec. 22.505 Grading Design Standards	42
Division 22.600 Certification of Compliance with Flood and Subsidence Regulations	42
ARTICLE 23 ADMINISTRATIVE BODIES	43
Division 23.100 Purpose	43
Division 23.200 Administration	43
Sec. 23.201 County Commission	43
Sec. 23.202 Department of Planning	44
Sec. 23.203 County Agencies	45
Sec. 23.204 Other Agencies	45
Division 23.300 Planning Commission	45
ARTICLE 24 PROCEDURES AND ADMINISTRATION	46
Division 24.100 Processing of Applications	46

Subdivision Regulations

Jefferson County, West Virginia



Sec. 24.101 Application and Approval Process	46
Sec. 24.102 Application Fees	47
Sec. 24.103 Pre-Proposal Conference or Review	47
Sec. 24.104 Minor Subdivision Plat Application– Determination	50
Sec. 24.105 Minor Site Plan Application – Determination	52
Sec. 24.106 Major Subdivision Concept Plan - Submission and Completeness Review	55
Sec. 24.107 Major Subdivision Concept Plan - Public Workshop	57
Sec. 24.108 Major Subdivision Concept Plan - Direction	58
Sec. 24.109 Major Subdivision Preliminary Plat - Application Submission and Completeness Review	58
Sec. 24.110 Major Subdivision Preliminary Plat - Public Hearing	61
Sec. 24.111 Major Subdivision Preliminary Plat - Approval	61
Sec. 24.112 Major Subdivision Final Plat - Application - Submission and Completeness Review	62
Sec. 24.113 Major Subdivision Final Plat - Public Hearing	65
Sec. 24.114 Major Subdivision Final Plat - Approval	65
Sec. 24.115 Major Subdivision Final Plat - Recording	65
Sec. 24.116 Major Site Plan Concept Plan - Submission and Completeness Review	68
Sec. 24.117 Major Site Plan Concept Plan - Public Workshop	71
Sec. 24.118 Major Site Plan Concept Plan - Direction	71
Sec. 24.119 Major Site Plan Application - Submission and Completeness Review	72
Sec. 24.120 Major Site Plan Application - Public Hearing	74
Sec. 24.121 Major Site Plan Application - Approval	74
Division 24.200 Amendments	74
Sec. 24.201 Amendment and Modification of Site Plans	74
Sec. 24.202 Amendment, Modification, and the Vacating of Subdivision Plats	76
Sec. 24.203 Reformation of Approved Site Plans or Subdivision Plats to Correct Clerical or Scrivener’s Errors	77
Division 24.300 Waivers	78
Division 24.400 Appeals	79
Division 24.500 Surety	79
Sec. 24.501 Improvements Requiring Surety	79
Sec. 24.503 Amount of Surety	79
Sec. 24.504 Funding of Improvements	80
Sec. 24.505 Improvement Location Permit	80
ARTICLE 25 ENFORCEMENT AND PENALTIES	81
Division 25.100 Enforcement and Penalties	81
Sec. 25.101 Authority	81
Sec. 25.102 Procedure	81
Sec. 25.103 Penalties	81
ARTICLE 26 Terminology	78
Division 26.100 Word Usage and Abbreviations	82
Sec. 26.101 Word Usage	82
Division 26.200 Definitions of Terms	84
APPENDIX A – PLAN & PLAT STANDARDS	116



Division 1.0 Plan/Plat Requirements	116
Sec. 1.1 Sketch Plan	116
Sec. 1.2 Concept Plan	116
Sec. 1.3 Preliminary Plat or Site Plan	116
Sec. 1.4 Final Plat	122
Sec. 1.5 Recordation of Final Plats for Major Subdivisions	126
Sec. 1.6 Bonding	126
APPENDIX B – ENGINEERING STANDARDS	127
Division 1.0 General Engineering Requirements	127
Sec. 1.1 Minimum Engineering Requirements & Standards	127
Sec. 1.2 Surveys	127
Sec. 1.3 Construction Plans and Specifications	127
Sec. 1.4 Construction Practices	128
Division 2.0 Street & Parking Standards	128
Sec. 2.1 Purpose	128
Sec. 2.2 Streets	128
Sec. 2.3 Subdivision and Site Development Access Management	150
Sec. 2.4 Subdivision Road & Common Area Ownership & Maintenance	154
Sec. 2.5 Off-Street Parking Standards	154
Sec. 2.6 Street and Parking Area - Outside Lighting	155
Sec. 2.7 Speed Humps	156
Division 3.0 Utilities and Water & Sanitary Sewer Systems	156
Sec. 3.1 Water & Sanitary Sewer Systems	156
Sec. 3.2 Utilities	158
Division 4.0 Stormwater Management and Erosion & Sediment Control	158
Division 5.0 Requirements for Townhouses	175
Section 5.1 Minimum Requirements and Standards	175
Section 5.2 Plat/Plan Requirements	175
Section 5.3 Design and Construction Requirements	175
Division 6.0 Requirements for Condominium Subdivisions (Residential & Non-Residential)	178
Section 6.1 Minimum Requirements and Standards	178
Section 6.2 Plan/Plat Requirements	178
Section 6.3 Design and Construction Requirements	180
Section 6.4 Self-Storage Condominium Subdivisions	183
Division 7.0 Mobile/Manufactured Home Parks & Campgrounds	183
Section 7.1 Minimum Requirements and Standards	183
Section 7.2 Mobile/Manufactured Home Park Requirements	183
Section 7.3 Campground Requirements	184
Division 8.0 – Non-Residential Subdivisions	185
Section 8.1 General	185
Division 9.0 Site Plan Requirements	186

Subdivision Regulations

Jefferson County, West Virginia



Section 9.1 Minimum Requirements and Standards	186
Section 9.2 General Information Requirements	186
Section 9.3 Site Access	188
Section 9.4 Internal Vehicular Circulation & Parking	188
Section 9.5 Parking Area, Entrance and Internal Driveway Paving	189
Section 9.6 Curbs, Gutters, & Sidewalks	189
Section 9.8 Site Grading	189
Section 9.9 Utilities and Water & Sanitary Sewer Systems	190
Section 9.10 Stormwater Management	191
Section 9.11 Landscaping, Screening and Buffer Yard Requirements	191
Section 9.12 Signage	192
Section 10.0 Site Plans for Communications Towers	192
Section 10.1 General	192
Section 10.2 Design and Construction Requirements	192



Article 20 Jurisdiction and Development Types

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, casements 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 surty 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,

Subdivision Regulations

Jefferson County, West Virginia



the vacating of public road right-of-ways, or the creation or abandonment of other easements, unless provided for in Section 20.107, *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 1979 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.**
 - 1. 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.
 - 2. 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.**
 - 1. All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to WV Code Section 8A-4-2 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, 2010, shall be extended until July 1, 2012, 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~~



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

2. Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, 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 March 1, 2010.

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. Lot 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 viewed, 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 5, 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.

Subdivision Regulations

Jefferson County, West Virginia



Excluded 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 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 contiguously 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.

A. Residential.

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

1. **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.
2. **Access.** In the Rural District, lots having a minimum road frontage of 200 feet may front on an existing road right-of-way having a width of 50 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 50' 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 any existing property lines.
3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.
4. **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. Any further subdivision of the lot shall dissolve the single-family restriction and will place development of the lot under the County land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years; except as another parent-to-child or child-to-parent transfer of land. Any ~~transfer~~ 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:

1. Deeds to Trustees to secure a debt, except that no foreclosure can be had thereunder except at public auction and this provision must appear in the deed of trust;



- 2. Judicial sales or tax sales;
 - 3. Mortgages;
 - 4. Deeds of partition under or pursuant to an order of Court;
 - 5. Real estate transferred by will or intestacy.
- d. A parent or a child may receive only one such exempt lot within the County after July 19, 1979.
- e. Parents who are married are entitled to only one such parcel.

B. Non-Residential.

The re-subdividing of a lot located in an approved industrial park 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:

- 1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
- 2. **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 50 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.
- 3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

Where, in 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

A major subdivision, whether residential or non-residential, is any 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.

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.

Subdivision Regulations

Jefferson County, West Virginia



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 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.

(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 A, B, C, and D 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 policy as described in the Jefferson County Stormwater Management Ordinance.

A. **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 250 square feet; and
2. No additional parking is required per Zoning Ordinance standards; and
3. The disturbed area is no more than 3000 square feet.

B. **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.



- C. **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.
- D. **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(G), *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 4.3-D, *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. Where, 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.

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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 for roads on agricultural land for the purpose of conducting the agricultural operation. Re-subdivision or

Subdivision Regulations

Jefferson County, West Virginia



adjustments of lot lines are also excluded. Major site development shall adhere to full site plan requirements in all proposals.³

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:
- B. **Natural Resources.** The subdivision plat works with the natural conditions of the property so as to minimize destruction of the natural resources (including but not limited to floodplains, hillsides, wetland, sinkholes; See environmental protection standards in the Zoning Ordinance). The subdivision plat protects the site's natural resources as required by the Zoning Ordinance and these Regulations.
 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.
- C. 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.



- D. **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.
- E. **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 22.405, Other Systems for Retention or Detention Jefferson County Stormwater Management Ordinance) wherever possible.
- F. **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 (WVDOH) is responsible for all roads, except those intended to remain private and/or maintained by a Homeowner's Association. WVDOH shall determine the safety of the roads, access locations, and off-site improvements. Staff shall coordinate with the WVDOH to make all determinations of safety. Likewise, the capacity of the adjoining roads is a technical issue to be determined by WVDOH. At the approval of concept plans, the Planning Commission may require the developer to work with WVDOH 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.
 4. Where 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

Subdivision Regulations

Jefferson County, West Virginia



within the superblock being developed by recommending a superblock street pattern to guide future development.

G. 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.

II. 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* roads, lots, landscaping, or other plat elements, but not by *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.
4. 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. Utility 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 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:

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- 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.
- B. **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. During 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.

Subdivision Regulations

Jefferson County, West Virginia



- b. Where 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 Management Ordinance.
 1. The County Engineer shall be responsible for advising whether the ~~site plan and drainage facilities meet~~ Stormwater Management Plan meets the required standards described in the Jefferson County Stormwater Management Ordinance.
 2. The Planning Commission may seek to use natural surface drainage or encourage the use of Low Impact Development (LID) techniques (see Section 22.405, Other Systems for Detention or Retention the Jefferson County Stormwater Management Ordinance) wherever possible.
- D. **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. 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, local shopping, schools, and other areas. Where adjoining developments have stubbed streets the connections shall be made, and the Planning Commission shall require them.
- E. **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* 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.
- G. **Intensity.** In reviewing a site plan pursuant to A through G 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.
4. 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* 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* of the type proposed, zoning requirements, fire *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 $\frac{1}{4}$ 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* 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 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* to the street system shall be required. Space for off-street parking may also require similar *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* 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* or, in limited conditions, cul-de-sacs. Within any *superblock* created by *arterials* or *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*, or *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;
 2. 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.
- D. **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. In 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.
- E. **Street Pattern.** The design of the street system near intersections of collectors or *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 21.301, *Road Frontage*; 21.302, *Flag Lots*; and 21.303, *Lot Shapes*.
- B. **Double Frontage Lots.** Double *frontage* residential lots should be avoided. It is preferable only along *arterials* or collectors where the short end of blocks cannot be used because of the proximity to two intersecting *arterials* or *collectors*. It is preferable to align *blocks* with perpendicular *local streets* so as to have side lot lines adjoining the main road. Only where all the preferred orientations are impractical or where large *bufferyards* set the lots an adequate distance from the road may double frontages be considered for *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* onto major roadways. Residential lots fronting on collectors or *arterials* shall be prohibited unless served with *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*. Different lot shapes may be permitted if necessary or desirable to relate *building* sites to the terrain or open space or if they provide better site utilization and building relationships.
- D. **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 lots as provided in Sec. 20.201, *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.
- E. **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,

Subdivision Regulations

Jefferson County, West Virginia



provide the design flexibility needed to reduce the intrusion of lot areas into floodplains and other natural resources.

- F. **Non-residential Lots.** Non-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.
- G. **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. Driveways shall be located as far from the street intersection as practicable and shall not be permitted within the *sight distance triangle*.
- H. **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.
- I. **Minimum Lot Dimensions.** Refer to the Zoning Ordinance for the specific zone district in which the parcel is located for all required minimum lot dimensions.

Sec. 21.104 Lot Width and Frontage

Lot widths shall meet the required minimums for the specific zone district in which the parcel is located that are measured at the setback lines. Frontage 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 Zoning District or 80 feet, whichever is less. Flag lots and lots on cul-de-sacs may be permitted to have a minimum frontage of 24 feet based on design and engineering approval.
- B. **Lot Shape.** In 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 3:1. Depth 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.
 - 2. In 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 2 above are met, more irregular lots may be approved where it protects natural features or resources or where it makes the lotting more efficient.
 - 4. Acute lot corners shall have angles of no less than sixty (60) degrees. Lot corners of less than sixty (60) degrees may be accepted by the County Engineer 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-Light Industrial-Commercial and Residential Growth Districts, open spaces/parkland shall be provided in accordance with Table 21.105. Residential Land area is determined by adding the square footage of all proposed residential lots. Up to 60% of this requirement may be met with passive open space in the Residential-Light Industrial-Commercial and Residential Growth Districts. Landscaping and hardscapes that include furniture for pedestrians shall be installed to enhance the usefulness of these areas.



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* 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 WVDOH, 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:

- A. **Access.** The West Virginia Division of Highways (WVDOH) 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.
- B. **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, Zoning & Engineering shall review the layout and engineering of such linkages to ensure that they are feasible and safe.
- C. **Strip Development.** Strip development with each use having its own access to State roads is undesirable. In consultation with WVDOH, 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 WVDOH 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 WVDOH 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:

- A. **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.
- B. **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.

Subdivision Regulations

Jefferson County, West Virginia



- C. **Parking.** All site plans shall have a provision that permits cross parking with neighboring uses unless demonstrated to be detrimental to the use. Signs that indicate parking exclusively for customers of the use only are prohibited. Staff parking signs can be used.
- D. **Temporary Access.** Where parcels need access but currently cannot obtain adequate separation of roads and drives, the County shall permit access through a temporary connection. These properties shall have connections to adjoining properties so that when correct access spacing can be achieved, the temporary access can be closed and landscaped. The 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

All proposed site plans shall provide a safe, efficient, and attractive pedestrian environment. The criteria for this include:

- A. **Access to Adjoining Property.** The access to adjoining properties shall provide for continued pedestrian access to adjoining commercial properties. Where the adjoining use is residential, the connections shall be to any street's or stub street's sidewalks.
- B. **Crossings.** Crossings 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.
- C. **Outdoor Dining.** When 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

Under certain circumstances, townhouses or similar types of attached units are not required to front a street. All such units shall front an open space that meets the standards in Table 21.301, *Standards for Specific Residential Units with No Road Frontage*. The 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. The distance requirements in Table 21.301 shall be doubled if a road or emergency access alley is available at both ends of the open space. Figure 21.301 illustrates the various conditions.



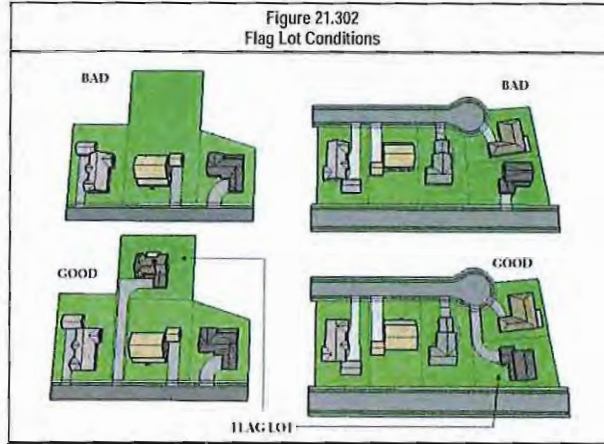
Maximum Distance from Street (ft.)	
Open Space Access	Alley and Open Space Access
60	100
75	150
100	180
120	200



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.

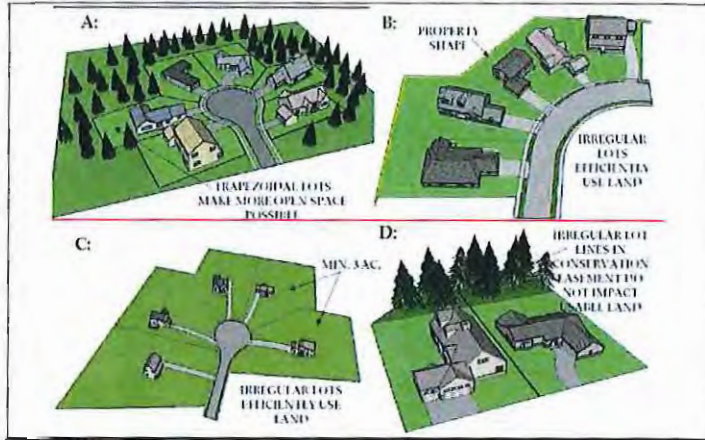


Sec. 21.303 Lot Shapes

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.

Figure 21.303
Irregular Shaped Lots



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. Maximums 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:

Subdivision Regulations

Jefferson County, West Virginia



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 ~~12~~¹⁵ 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 15 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.
- E. **Maintenance Access Easements.** These easements shall be a minimum 15 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

Subdivision Regulations

Jefferson County, West Virginia



monumentation. Where possible, permanent concrete monuments shall be intervisible; at least 750 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 1:7500 or better.
- E. A number to identify each lot.
- F. Tic marks in State Plane Coordinate System, WV North NAD83.
- G. 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.
- H. 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. Well-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
- E. 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.** Match and enhance the community character of the respective district(s); and
- D. **Natural features.** Respect 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 Local 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 Local Circulation Plan shall identify desired collectors or streets within a *superblock*, areas for marginal access or reverse frontage roads, and preferred intersection locations. The Local 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 Local Circulation Plan shall be based on, and consistent with, such plans.
- C. **Criteria.** The following criteria shall be used in developing the Local Circulation Plan:
 - 1. Collector streets shall serve only the superblock and not provide alternative or cut-through routes for regional or County-wide traffic. Where superblocks are too large, new

Subdivision Regulations

Jefferson County, West Virginia



collector alignments may be designated. Where new collectors are designated, they shall be extensions of existing collectors or be designed to be extended through several superblocks.

2. Where possible, collectors shall be located:
 - a. on the superblock's largest parcels; or
 - b. along parcels where the cost can be distributed among several landowners.
3. Parallel access shall be used where providing individual access to small parcels would create adverse safety conditions due to frequent access on arterial or collector roadways.
4. The plan shall be sensitive to natural resources and topography.

D. **Effect.** Subdivision street design and layout shall be consistent with the Local Circulation Plan in terms of the degree of access to adjoining property and existing streets.

Sec. 22.203 Classification of Streets and Highways

- A. Streets and highways shall be classified as arterial or collector according to their intended function, consistent with the West Virginia Division of Highways (WVDOH) classification system and any County-adopted thoroughfare plan, as amended from time to time.
- B. Road classifications shall anticipate long-term growth prospects so their functional capacity is not undersized in the early development stages.
- C. Other classifications shall be in accordance with the Local Circulation Plan, developed in accordance with Section 22.202, *Local Circulation Plans*.

Sec. 22.204 Residential Streets

- A. **General.** Roads to be accepted as State maintained roads shall meet the requirements of WVDOH.
- B. **Rural.** Roads in the Rural District shall be rural roads with ditch drainage and shall adhere to the standards required in Appendix B, *Engineering Standards*, Division 2.0, *Street & Parking Standards*.
- C. **All other areas.** In all other residential developments, **applicability and** requirements for curbs, right of ways, and pavement widths shall be in accordance with the provisions of Appendix B, Section 2.2.K, *Curb, Gutters & Sidewalks*. Width shall be measured from gutter pan to gutter pan.
- D. **Parkways.** The subdivider may choose to use parkways or landscaped medians in residential streets, in which case the right-of-way shall be enlarged so that the parkway or median width is added to the right-of-way.



- E. **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 24 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 650 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 ~~theethree~~ (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. Walks 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 15,000 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 400 to 600 foot intervals unless:
 - 1. The roadway length is less than 400 feet, but more than 200 feet, in which case a street light will be provided at the end of the street; or
 - 2. The roadway length is less than 200 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.** Where 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 4.3B, Quality Control, the Jefferson County Stormwater Management Ordinance](#). An applicant shall also apply for a construction stormwater NPDES permit from the West Virginia Department of Environmental Protection (WVDEP).

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 4.2, 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 4.2, 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 4.3.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 22.400, *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 West Virginia Stormwater Management and Design Guidance Manual shall prevail.

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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.
- 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.
- 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 4.1, under the Erosion and Sediment Control Plan as required in the Jefferson County Stormwater Management Ordinance.
- 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.E. 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.

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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.

Subdivision Regulations

Jefferson County, West Virginia



- 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 22.504, 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):

Weighted Average Slope of Land Percent	Percentage of Land To Be Maintained in a Natural Condition
Less 10	No land required
10 – 14.9	25%
15 – 19.9	40%
20 – 24.9	55%
25 – 29.9	70%
30 – 34.9	85%
35+	100

The weighted average slope shall be determined using 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.

Subdivision Regulations

Jefferson County, West Virginia



- 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 4 below, then they shall be included even when the distance exceeds the buffer in 1 to 4 below. The buffer width is as follows:
1. Lakes and Ponds - 75 feet.
 2. Ephemeral Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch watersheds).
 3. Potomac River and Shenandoah Rivers – 300 feet (unless a greater standard is required by the Zoning Ordinance)
 4. Opequon Creek and Perennial Streams - 100 feet.
 5. Wetlands, Marl - 75 feet.
 6. Wetlands, Farmed - 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 400 feet, whichever is less.
 9. Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 600 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.



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).

Subdivision Regulations

Jefferson County, West Virginia



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.
 3. Conducting pre-application and pre-proposal conferences or reviews with developers.
 4. Conducting submission review in accordance with Section 24.107, *Major Subdivision Concept Plan - Completeness Review*, and Section 24.111, *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.
 7. 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 3 below:
 3. **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.
 4. **Hold.** The Department may hold the application for up for 45 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 or other applicable local agency supplying centralized utilities, West Virginia Health Department, and WVDEP 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.
- E. **Jefferson County Addressing/GIS Office.** This body shall verify adequacy of proposed addresses, road names and names of subdivisions in accordance with Jefferson County E 9-1-1 Addressing Ordinance.
- F. **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.



Article 24 Procedures and Administration

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.

Division 24.100 Processing of Applications

Sec. 24.101 Application and Approval Process

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

Figure 24.104, *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.

Subdivision Regulations

Jefferson County, West Virginia



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



Figure 24.104
Minor Subdivision Approval Process

Minor Subdivision Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
Final Plat Application		
<u>Step 1</u> Section 24.104	Submission	<u>Staff</u>
<u>Step 2</u> Section 24.104A	Application Meeting	<u>Staff (performed in 7 days from submission)</u>
<u>Step 3</u> Section 24.104B	Site Inspection	<u>Staff</u>
<u>Step 4</u> Section 24.104C	Determination	<u>Staff (performed in 10 days from submission)</u>
<u>Step 5</u> Section 24.104D	Approval	<u>Staff</u>
<u>Step 6</u> Section 24.104E	Recordation	<u>Staff</u>

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

(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>
Pre-Proposal Conference (Optional)		
<u>Step 1</u> Section 24.103A	Submission	
<u>Step 2</u> Sections 24.103B, C & D	Conference	Staff Conference within 15 days from submission
<u>Step 3</u> Section 24.103E	Memorandum	Staff Memo within 10 days
Concept Plan		
<u>Step 1</u> Section 24.106	Submission & Completeness Review	Staff
<u>Step 2</u> Section 24.107	Public Workshop	Planning Commission
<u>Step 3</u> 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)

Major Subdivision Approval Process

<u>Step Taken</u>	<u>Action taken</u>	<u>Acting Authority</u>
Preliminary Plat Application		
Step 1 <u>Section 24.109</u>	Submission & Completeness Review	Staff
Step 2 <u>Section 24.110</u>	Public Hearing	Planning Commission
Step 3 <u>Section 24.111</u>	Preliminary Plat Approval	Planning Commission
Final Plat Application		
Step 1 <u>Section 24.112</u>	Submission & Completeness Review	Staff
Step 2 <u>Section 24.113</u>	Public Hearing	Planning Commission
Step 3 <u>Section 24.114</u>	Final Plat Approval	Planning Commission
Step 4 <u>Section 24.115</u>	Recordation	Staff



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, 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 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 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 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:



<u>USE</u>	<u>PEAK HOUR</u>	<u>AVERAGE DAILY</u>
Single family	0.8	8.0 per d.u.
Detached	0.7	6.0 per d.u.
Townhouse	0.6	7.0 per d.u.
Mobile Home	0.6	5.0 per d.u.

- 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 DOH 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 proposed improvements shall be received with the first submission of the preliminary plat.
6. **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 7 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 7 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.
7. **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.
8. **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 D through G 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.

Subdivision Regulations

Jefferson County, West Virginia



- 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 24.109). 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.



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.
3. **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 WVDOH regarding the impact study and any responses from the developer's engineers.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals.
8. **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.
9. **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 Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part

Subdivision Regulations

Jefferson County, West Virginia



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

~~12.13.~~ **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.

~~13.14.~~ **Names.** Name 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 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, (3) deny the application, or (4) hold the application for 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.
 3. **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

Subdivision Regulations

Jefferson County, West Virginia



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.
 7. **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

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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



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.
 - 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.
 - 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.
 - 7. **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.
 - 8. **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.
 - 9. **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

Subdivision Regulations

Jefferson County, West Virginia



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. If the preliminary Stormwater Management Plan satisfies the requirements of the Department of Engineering and no modifications to the preliminary Stormwater Management Plan is required, then preliminary plans previously approved shall be considered final plans. Preliminary stormwater management plans requiring modifications will require a final Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, to be submitted as part of the final plat to be reviewed by the Jefferson County Engineering Department. 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 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 911 Addressing 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.

- ~~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.

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.
3. 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 24.113, *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;

Subdivision Regulations

Jefferson County, West Virginia



- 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 24.102A	Submission	
Step 2 Sections 24.102B, C & D	Conference	Staff Conference within 15 days from submission
Step 3 Section 24.103E	Memorandum	Staff Memo within 5 days
Concept Plan		
Step 1 Section 24.116	Submission and Completeness Review	Staff
Step 2 Section 24.117	Public Workshop	Planning Commission
Step 3 Section 24.118	Concept Plan Direction	Planning Commission

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



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



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:

<u>USE</u>	<u>PEAK HOUR</u>	<u>AVERAGE DAILY</u>
Townhouse	0.6	7.0 per d.u.
Mobile Home	0.6	5.0 per d.u.
Light Industrial	1.2	5.5 per 1000 s.f.
Industrial Park	0.99	7.0 per 1000 s.f.
Warehousing	1.63	4.9 per 1000 s.f.
Mini-warehousing	0.29	2.8 per 1000 s.f.
Office	2.82	17.7 per 1000 s.f.
Small Shopping Center	15.51	118.0 per 1000 s.f.
Convenience Market	54.80	625/1000 leasable s.f.

- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified 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.
6. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH 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.

Subdivision Regulations

Jefferson County, West Virginia



7. **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 7 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 7 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.
 8. **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.
 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 G 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 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.
- E. **WVDOH.** 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 24.116.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 site plan or reasons why the plan 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 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 24.119, *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.
 - 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 concept plan approval. WVDOH approvals shall be secured prior to final approval.
 - 7. **Water and Sewer Services.** This shall include a declaration of Public Service District's 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.
 - 8. **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.



9. **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 major site plan 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

Subdivision Regulations

Jefferson County, West Virginia



a public hearing within 45 days and in accordance with Section 24.120. 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 24.119(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.
- 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.

Subdivision Regulations

Jefferson County, West Virginia



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.

B. **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;
 - 6. failure to approve the reformation would lead to an unjust result;
 - 7. the error in the prior approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and

Subdivision Regulations

Jefferson County, West Virginia



8. any errors related to public notice did not affect the legal sufficiency of the required notice.
- B. **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

Waivers 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.
- B. **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.
- F. 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 W.Va. Code §8A-5-10 and §8A-9-1, 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.
 - 6. Other Utilities.
- B. **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.
- B. **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.

Subdivision Regulations

Jefferson County, West Virginia



Sec. 24.504 Funding of Improvements

- A. **On-Site Infrastructure.** All on-site infrastructure shall be provided by the developer.
- B. **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.



Article 25 Enforcement and Penalties

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 W.Va. Code § 8A-6-3 and W.Va. Code § 8A-10-1, *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.



Article 26 Terminology

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.



- 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. 26.102 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(s)
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

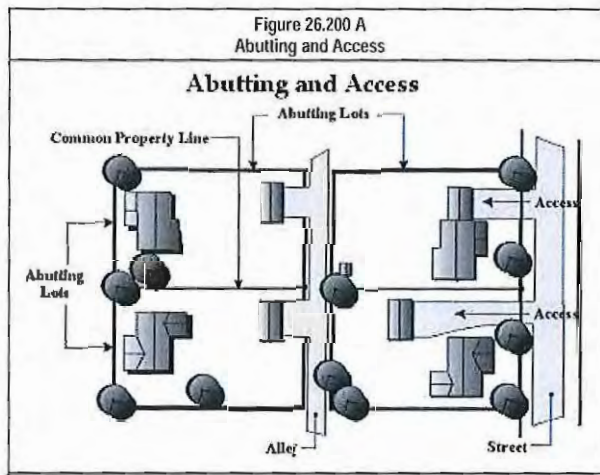


Division 26.200 Definitions of Terms

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*.





Access Easement. That portion of a lot used for ingress/egress to an *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*. 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 27.301A, 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.*

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.

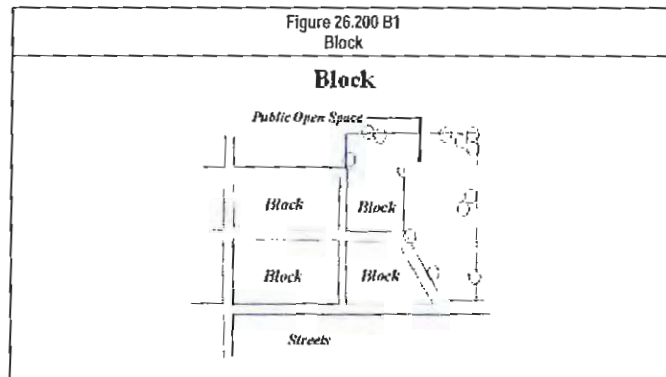
Subdivision Regulations

Jefferson County, West Virginia



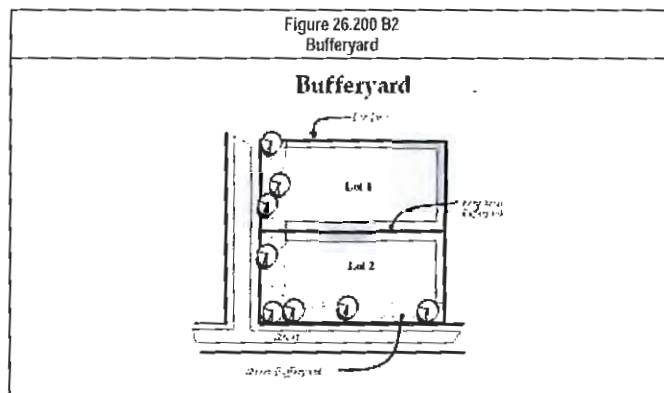
Best Management Practices. That combination of conservation measures, structures, vegetation, or management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or waterways and water bodies.

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.

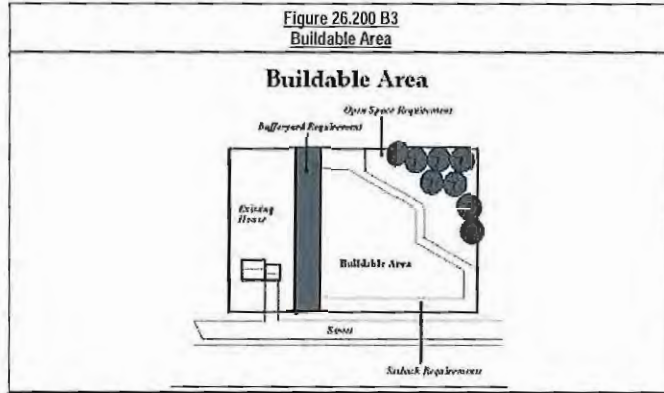


Buffer. A designated area between two uses or zoning districts deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise mitigate such incompatibility by some combination 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.



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*.



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*.

Figure 26.200 C
Cluster



Collector Street. See *Street, Collector*.

Collector, Residential. See *Street, Residential Collector*.

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.

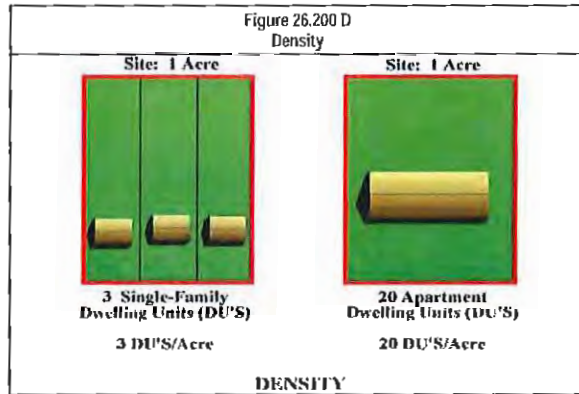
D

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 20 apartment units per acre.



Subdivision Regulations

Jefferson County, West Virginia



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*.

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 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*.

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.

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.
- B. 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.

Subdivision Regulations

Jefferson County, West Virginia



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 are available as depicted in the FEMA Flood Insurance Rate Maps for Jefferson County.
- B. 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 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.

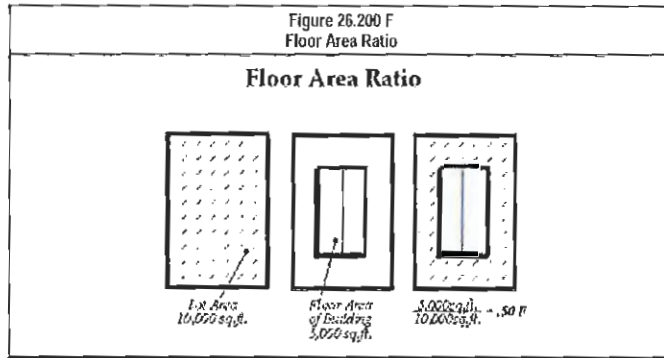
Floodproofing Certificate. A FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed, nonresidential building has been constructed in accordance with NFIP requirements.

Floodway. The portion of the floodplain where water velocities are high and the majority of the discharge of 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.



Freeboard. Vertical elevation between 100-year flood elevation level and the top of bank or grade.

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

Geographic Information System (GIS). A computer mapping system that collects, stores, manipulates, analyzes, and displays digital geographic data.

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

Subdivision Regulations

Jefferson County, West Virginia



be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling.

- C. No 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 Source Water Protection Areas makes the aquifer and groundwater highly vulnerable to contamination.

Highway. Any road thoroughfare, street, *boulevard*, lane, court, trailway, 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 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.

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.

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.

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.

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.

L

Land Development. See *Major Site Plan* or *Minor Site Plan*.

Subdivision Regulations

Jefferson County, West Virginia



Land Grading. See *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 209, the Highway Capacity Manual, prepared by the National Research Council's 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*.

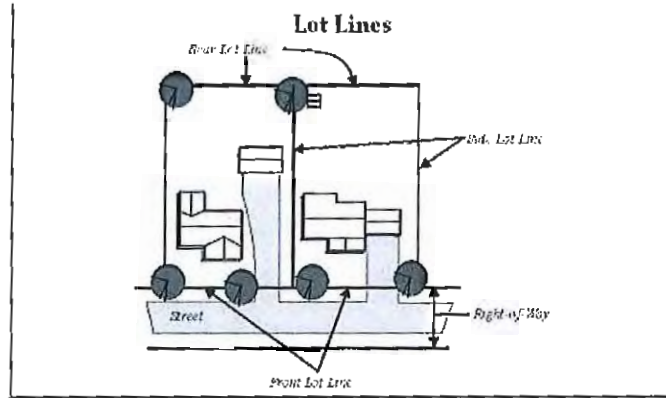
Lot. A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title.

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.

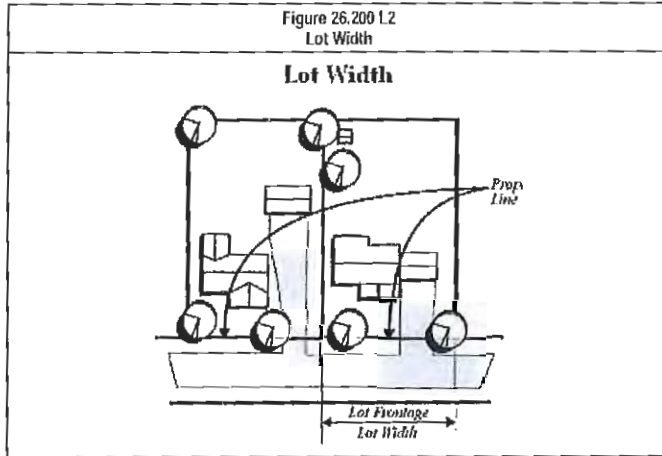
- A. **Front lot line.** The street lot line from which the unit takes access; or, where more than one street yard could safely provide this access, the street serving the smallest traffic volume.
- B. **Rear lot line.** The lot line opposite the front lot line.
- C. **Side lot line.** The lot line that 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.

Figure 26.200 L1
Lot Lines



Lot, Panhandle. See *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*).



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;
- 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.



Manufactured Home. Housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976. (Source: *W.Va. Code §8A-1-2(r)*)

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, 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 *watercourse* 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* 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 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;^{1&3}
- C. Apartment or multi-family development of nine or less dwelling units.

Subdivision Regulations

Jefferson County, West Virginia



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.³

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 1929 or 1988 U.S. Geological 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 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, 1974, 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 (USGS) 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 area to be left undeveloped as part of a natural resource preservation, recreation, *bufferyards*, 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 that may be considered ornamental is to be made by a landscape architect. Ornamental planting areas shall be free of weeds.

Outfall Points. A specific location, as defined by local topography, where stormwater runoff exits a specific land area.

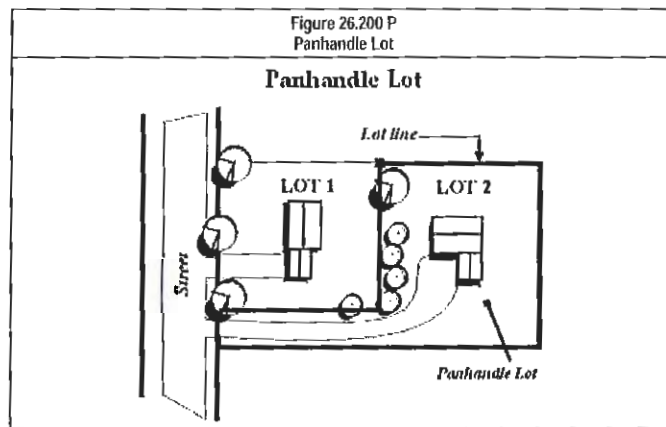
Outflow Hydrograph. Graphical representation of the runoff rate versus time for flow exiting a stormwater management facility.

Outparcel. A 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. See *Landowner*.

P

Panhandle Lot. A tract of land having insufficient lot width along a road or at the minimum setback line to meet zoning requirements, but with sufficient area to meet all lot requirements further back on the lot. Sometimes referred to as a *flag lot*.



Parcel. See *Lot*.

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.

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*.

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*.

Property Owner. A person or persons having an ownership interest in real property located within the geographic boundaries of Jefferson County, West Virginia.

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Subdivision Regulations

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.

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.
- B. Bring 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). Lands 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. In 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. 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 A to D below,



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 - 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. Occuon Creek and Perennial Streams - 100 feet.
- E. Wetlands, Marl - 75 feet.
- F. Wetlands, Farmed - 10 feet.
- G. Wetlands - 50 feet.
- H. Hillside 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
- I. Hillside 25 percent or more - to the top of the slope where it falls below 15 percent or 600 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.

Subdivision Regulations

Jefferson County, West Virginia



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 (scale) 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 non-residential uses are related to scale.

SCS Method. A method of estimating runoff and peak discharges in a *watershed*, including Technical Release 20 and Technical Release 55, 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.

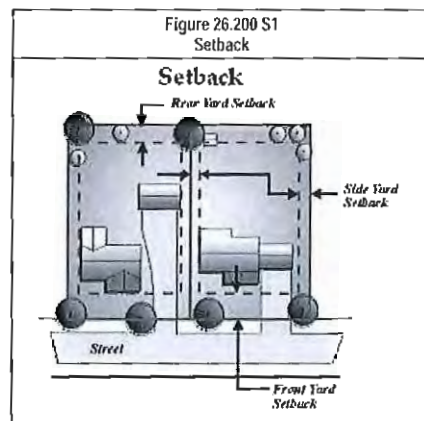
Selective Cutting. The felling of certain, but not all, trees in an area for the purpose of:

- A. Removing dead, diseased, damaged, mature, or marketable timber;
- B. Improving the quality of a tree stand or species; or
- 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.

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.

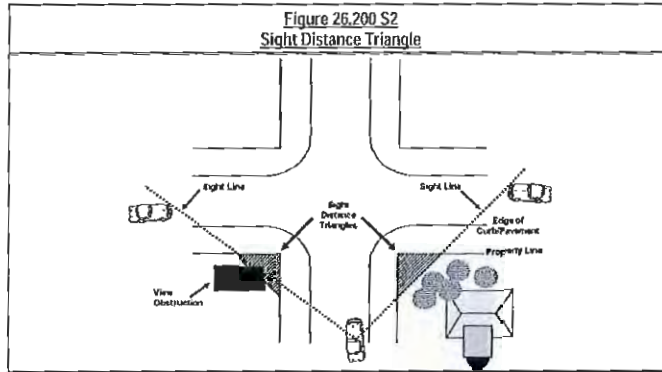
- A. **Open sinkholes.** These are open to the potentiometric surface (water table) so that water is at the surface at the bottom of the sinkhole for at least a portion of the year. These are either directly connected or most likely to be directly connected to the aquifer. Any sinkhole open to a known 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*.

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.



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, Major². 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.

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 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.

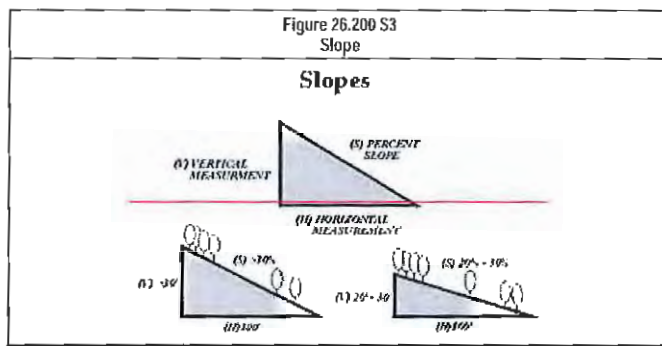
Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.³

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 22.504, *Protection of Resources*, and floodplain delineation per the Jefferson County Floodplain Ordinance.

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.



Subdivision Regulations

Jefferson County, West Virginia



Soil Borings and Percolation Tests. Field tests conducted and used in judging the suitability of soil for on-site, subsurface sewerage 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 vegetative or structural soil coverage measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips, and stone or gravel groundcover.

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.

- A. For 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. For 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. References the Jefferson County Stormwater Management Ordinance which is a standalone document describing the stormwater management requirements for development and redevelopment in the County.

Stormwater Management Plan. A plan containing 3 components, the Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Requirements 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.

Street. A 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. However, 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. A 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. A street that is divided by a landscaped median which is continuous or exists at the development's entrance.

Street, Collector. A 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). A 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). A 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. A 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). A 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. A property line of a lot which coincides with a line indicating the limits of an existing or proposed right-of-way.

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 Regulations

Jefferson County, West Virginia



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
- B. 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.
- B. **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.

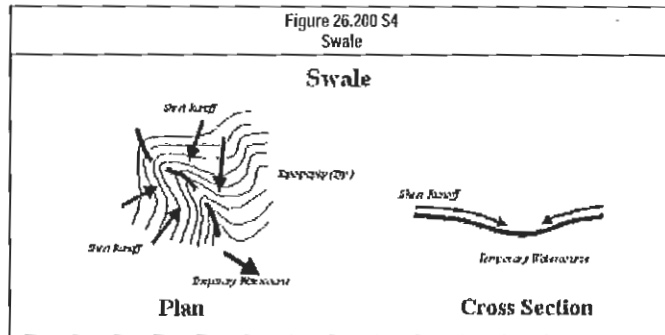
Surface Water. Natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as determined by on-site surveys by a professional surveyor. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds, or other facilities 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



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.



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 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.

Subdivision Regulations

Jefferson County, West Virginia



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.

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. On a corner lot, both sides abutting the streets forming the corner shall be considered street (or front) yards.

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.



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 ½ inch border along all sides except the left side (a 24" 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.



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.

- 3. Tic Marks/SPCS WV North NAD83
- 4. North arrow, graphic scale and date.
- 5. 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.
- 6. If applicable, a small scale inset map showing the location of the subdivision section relative to other sections of the same subdivision.
- 7. 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 1:7500 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 1:7500 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.

- 8. Lot boundary lines drawn to scale and dimensioned.
- 9. 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 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.

- 13. Future easements and right-of-ways that may serve at a future date to connect with adjoining properties.
- 14. 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.
- 15. Contour lines with minimum vertical intervals of two feet (2') shall be required. Source of

Subdivision Regulations

Jefferson County, West Virginia



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 U.S.G.S. contour information is not acceptable.)

16. The location and elevation of benchmarks used in the survey, if applicable.

17. Show existing conditions on its own separate sheet.

18. 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.

19. Show adjoining roads including the right-of-way widths, road pavement widths, road names and route numbers.

20. A tentative list of restrictive covenants. (This is not needed for site plans.)

21. Reservations of land for public or semi-public use.

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.

23. 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.

24. Note on the plat or plan, the West Virginia Division of Highways entrance permit number and provide a copy of the entrance permit.

25. 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.

26. Demonstrate that appropriate agreements between the Jefferson County Public Service District and the developer are in place, if applicable.

27. Note on the plat or plan, the West Virginia Department of Environmental Protection (DEP) permit numbers for all DEP approvals required for the project.

28. Evidence that the West Virginia Public Service Commission has been notified in writing of intentions to construct and operate water/sewer systems, if applicable.

29. Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed.

30. Description of soils and subsurface geology and hydrology.

31. Show building setback lines and note the minimum building setbacks on the plat or plan.



3432. In the Rural District, all plats and plans shall provide a density calculation and a notation that contains one of the following statements:

A. "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."

B. "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."

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3233. A Statement of Acceptance placed on the preliminary plat or site plan 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 or site plan."

34. Provide a Signature Block on the cover sheet for the County Engineer and the County Planner approvals. The signature bock shall read as follows:

Jefferson County, West Virginia	
<input type="checkbox"/> PRELIMINARY PLAT APPROVAL	
<input type="checkbox"/> SITE PLAN APPROVAL	
BY _____	
County Engineer	Date
BY _____	
County Planner	Date

3335. 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

Subdivision Regulations
or plan cover sheet:

Jefferson County, West Virginia





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.	

Subdivision Regulations

Jefferson County, West Virginia



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/Variations (Table 1.2-2)			
Ordinance	Section of Ordinance	Description of Waiver or Variance	Date Granted

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.

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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.



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.
 - Decd 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 WV 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.
7. 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 1:7500 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.
9. 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 1:7500 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 750 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

Subdivision Regulations

Jefferson County, West Virginia



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).

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- 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 heron; 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:
 - A. “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.”

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Subdivision Regulations

Jefferson County, West Virginia



B. "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.

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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 § 39-1-13. 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~~ 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 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 Subdivision Final Plats, see Section 24.104(F), *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.

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.



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 3/8" 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

Subdivision Regulations

Jefferson County, West Virginia



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.



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 & Bridges."

C. Geometric & 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 98% of maximum density as determined using AASHTO T99C. The engineer may require compaction testing certified by an independent registered civil engineer. Such testing shall be performed at the developer's expense.

Gravel shall be a well-graded crushed stone aggregate such as 3/4 inch 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 98% of maximum density per AASHTO T99C. 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

Subdivision Regulations

Jefferson County, West Virginia



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 T99C. 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.K.3, Sidewalks & Paths.



Subdivision Regulations

Jefferson County, West Virginia



Formatted Table

	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'	Curb & Gutter!
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 or edge of roadway.

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.

Subdivision Regulations

Jefferson County, West Virginia



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.

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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.

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:~~

$$\text{SSD} = 1.47 Vt + 1.075 (V^2/a)$$

~~Where:~~

~~SSD = stopping sight distance, ft (m)~~

~~V = 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~~



Subdivision Regulations

the vehicle while staying within the travel lane and maintaining steering control during the braking maneuver. A deceleration rate of 11.2 ft/s² (3.4 m/s²) 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 ¹ Reaction Distance (ft)	Braking ² 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

¹ Brake reaction distance based on a time of 2.5s.
² Driver deceleration based on a rate of 11.2 ft/s².

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 ILMUTCD 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 ILMUTCD 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.

Subdivision Regulations

Jefferson County, West Virginia



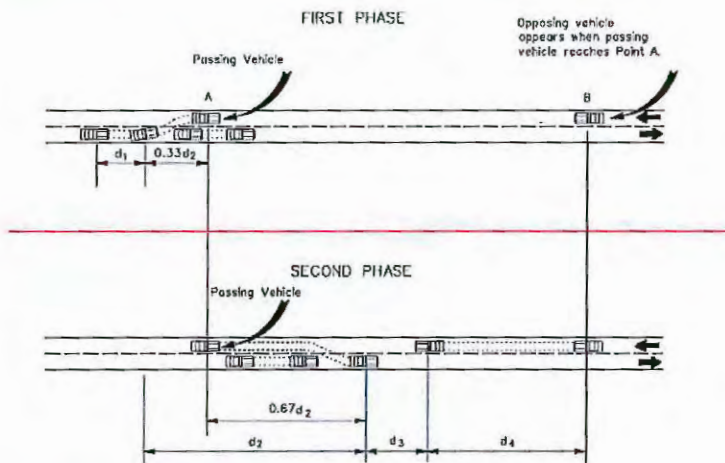
Passing sight distance for passenger cars is measured from a 3.5 ft (1.080 m) height of eye to a 3.5 ft (1.080 m) height of object. The 3.5 ft (1.080 m) height of object allows the opposing driver to see the top of a typical passenger car. The recommended value of truck driver eye height for design is 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.



Elements of Passing Distance (Two-Lane Highways)
(Figure 2.2-4)



- 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	740
25	900
30	1090
35	1280
40	1470
45	1625
50	1835
55	1985



60-2435

GUIDELINES FOR PERCENT PASSING DISTANCE (Rural) (Table 2.2-4)		
Terrain	Minimum Percent Passing Sight Distance	
	Collectors	Local
Level	50%	40%
Rolling	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



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 36-6 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*.

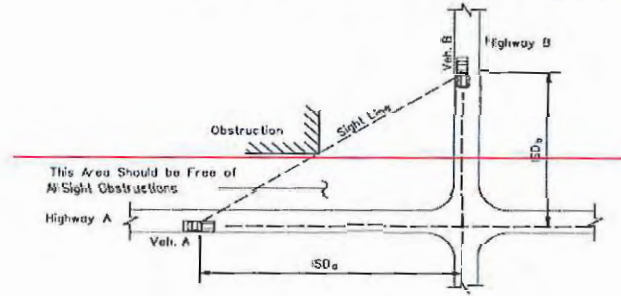
2) Case A — Intersections With No Control

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)

Subdivision Regulations

Jefferson County, West Virginia





Example 2.2-1

Given: No traffic control at intersection
Design speed 40 mph (Highway A—see Figure 2.2-2)
30 mph (Highway B—see Figure 2.2-2)

Problem: Determine legs of sight triangle.

Solution: From Figure 2.2-3 $ISD_a = 195$ ft
 $ISD_b = 140$ ft

Intersection Sight-Distance (No-Traffic Control) (Table 2.2-5)							
Design-Speed (mph)	20	25	30	35	40	45	50
Intersection-Sight-Distance (ft)	90	115	140	165	195	220	25

Note: For approach downgrades greater than 3.0%, increase the ISD value by 10%.

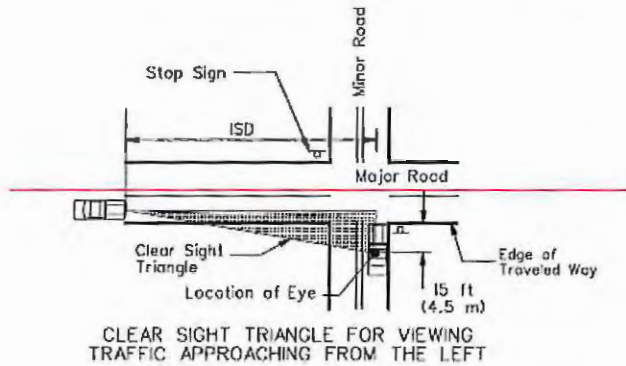
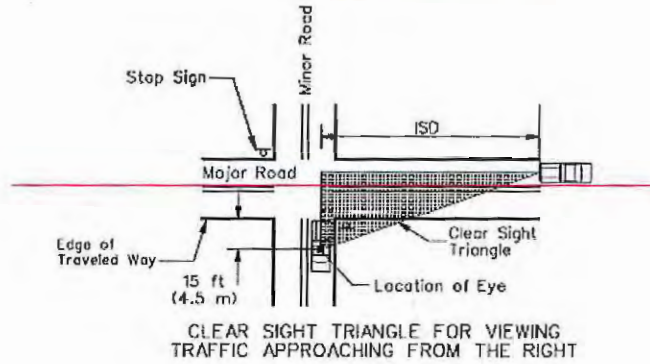
3) Case B—Intersections with Stop Control on the Minor Road

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 2.2-3. The length of legs of these sight triangles is determined as follows:



Clear Sight Triangles (Stop-Controlled) Intersections
(Figure 2.2-3)



- 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 2.2-3.
- e) — Major Road. The length of the sight triangle leg or ISD along the major road is determined using the following equation:



ISD = 1.47 V_{major} t_g

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, sec

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 = 7.5 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 2.2-6 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., 4 lanes, medians) or where trucks may control the design, see Section 36-6 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.

Design Speed (V _{major}) (mph)	ISD (ft) ⁽¹⁾⁽²⁾
20	225
25	280
30	335
35	390
40	445
45	500
50	555
55	610
60	665

¹These ISD values assume crossing or left or right turns onto a 2-lane facility without a median.

²Where 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 yield sign, drivers on the minor road will typically slow down as they approach the major road to approximately 60% of the approach speed; based on their view of the major road, make a stop/continue decision; and either brake to a stop or continue their crossing or turning maneuver onto the major road.

Yield control criteria is based on a combination of the no control ISD discussed in Section 2.2(1)(1)(e)(2) and the stop controlled ISD as discussed in Section 2.2(1)(1)(e)(3). Where yield control is proposed, consider the Case C sight distance on new construction and reconstruction projects. If adequate sight distance cannot be provided, consider replacing the yield sign with a stop sign. To determine the applicable clear sight triangles for a yield-controlled intersection, see Figure 2.2-4.

5) — Case D — Intersections with Traffic Signal Control

At signalized intersections, provide sufficient sight distance from 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 ISD criteria for left or right turning vehicles as discussed in Section 2.2(1)(1)(e)(3) are typically not applicable at signalized intersections. However, where right turn on red is allowed, check to ensure that the ISD for a stop-controlled right turning vehicle is available to the left. If it is not, consider restricting the right turn on red movement. In addition, if the traffic signal is placed on two-way flash operation (i.e., flashing amber on the major road approaches and flashing red on the minor road approaches) under off peak or nighttime conditions, consider providing the ISD criteria as discussed in Section 2.2(1)(1)(e)(3) for a stop-controlled intersection.

6) — Case E — Intersections With All Way Stop Control

At intersections with all way stop control, provide sufficient sight distance from 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.



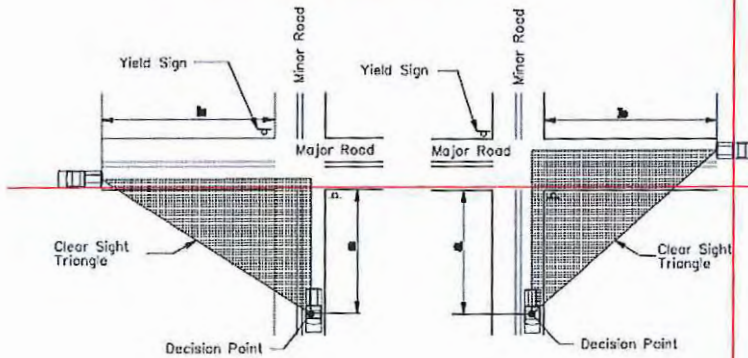
Intersection Sight Distance Guidelines (Yield Control)
(Table 2.2-7)

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	575

¹For "T" intersections, use 85 ft (25 m).

²Values 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 (Yield Control)
(Figure 2.2-4)





7) — Case F — 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 2.2-5. The driver will need to see straight ahead for a sufficient distance to turn left and clear the opposing travel lanes before an approaching vehicle reaches the intersection. Sight distance for opposing left turns may be increased by offsetting the left turn lanes. Table 2.2-8 provides ISD values for passenger cars turning left from the major road.

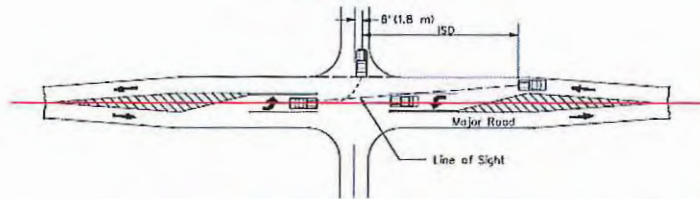
8) — Effect of Skew

Where it is impractical to realign an intersection that is greater than 30° from the perpendicular, the designer may need to adjust the gap acceptance times to account for the additional travel time required for a vehicle to make a turn or cross a facility. At oblique-angled intersections, 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 by 12 ft (3.6 m) or more, see Section 36-6 of the *BDE Manual* for additional guidance.



Subdivision Regulations

Intersection Sight Distance for a Stopped Vehicle
Turning Left (On a Major Road)
(Figure 2.2-5)



Intersection Sight Distance For A Stopped Vehicle
Turning Left (On a Major Road)
(Table 2.2-8)

Design Speed (mph)	ISD Crossing 1-Lane (ft)	ISD Crossing 2-Lanes (ft)
20	165	180
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.

2. Horizontal Alignment at Intersections

- a. The preferred angle of intersection for intersecting streets is 90 degrees. The minimum angle is 60 degrees. Any change in street alignment on the side street to meet this requirement should occur no less than one hundred (100) feet from the intersection of the two streets. The point of curve for a horizontal curve on the side street shall be no closer than fifty (50) feet from the intersection of the two streets.
- b. Multiple intersections involving junctions of more than two (2) streets, is not allowed.
- c. Two (2) streets intersecting the same street from opposite sides should intersect this same street directly opposite one another; or the streets shall be off-set a minimum of one hundred fifty (150) feet between their centerlines.

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Subdivision Regulations

Jefferson County, West Virginia



- d. Minimum curb radii at street intersections should be:
 - Residential Subdivision Thirty (30) feet.
 - Non-residential Subdivision Thirty-five (35) feet

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 (1-1/2) 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 1/4" 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



diameter drainage culvert shall be installed in the ditch line.



- L. Upgrading 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.

- M. Street Name & 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.
 - 4. 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., "No Left 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 U.S. Department of Transportation - Manual of Uniform Traffic Control Devices (MUTCD) 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. Lots must be served by internal subdivision roads unless otherwise approved by the Planning Commission. Subdivision road entrances onto public roads must be acceptable to the Planning Commission and to the West Virginia Division of Highways as to: location, number of entrances, drainage provisions, traffic safety, traffic control devices and general entrance design.
 - 2. Non-Residential subdivision entrance access to public roads 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.

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.

- 4. 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.

Subdivision Regulations

Jefferson County, West Virginia



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	24'
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.

4. Site development entrance access drives shall be spaced as follows:
 - a. A minimum of 75' centerline to centerline; and
 - b. A minimum of 75' from the centerline of an internal subdivision road intersection; and
 - c. 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)~~ five (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.

1. Traffic signals may be required when warranted in accordance with Part IV 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.
2. 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



(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 45 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 4:1 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.

Subdivision Regulations

Jefferson County, West Virginia



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 (SWM 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.



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.
- L. 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.
- M. All parking areas shall be bituminous asphalt or concrete paved. Paving sections shall be as established by the County Engineer.
- N. 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'

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- 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 22.209, *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.



Sec. 2.7 Speed Humps

In subdivisions and site development projects, if roadway or access drive traffic calming speed humps 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 Humps. 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.

1. 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.
2. 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, 1989, 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:

“Verification 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.”
4. 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.”

B. Central Water & Sanitary Sewer Systems.

1. 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 6, 1988.

Subdivisions of greater than 150 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.

Non-residential 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.



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."

2. 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.
4. 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."
5. 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."
6. A note shall be placed 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."
7. 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.

Subdivision Regulations

Jefferson County, West Virginia



8. 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 60,000 gallons of storage capacity. The hydrant shall have a minimum flow rate of 500 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch (psi).
9. 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 500 feet or ISO standards, whichever is less. Fire hydrants shall be connected to water lines that are at least 6 inches in diameter. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
10. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia State Fire Marshal and the Jefferson County Volunteer Fireman's Association.
11. 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.
12. 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:

1. 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.
2. 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.



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.
4. 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 WVDEP requirements, WVDEP requirements shall prevail.
5. Approval of the Site Plan and/or Preliminary Plat by the Jefferson County Engineer shall constitute approval of the erosion and sediment control plan.

B. Contents of the Erosion and Sediment Control Plan.

1. 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.
2. 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. The existing and proposed topography/grading contours.
- d. The limits of the disturbed area.
- e. Storm drainage provisions, including velocities and peak quantities of the Q10 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.



- 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. Q10 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.



- 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.

B. 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-foot 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.

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.

C. 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 7 3/8 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.

D. — 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.

E. — Drainage Swales:

1. — Drainage swales shall be sized for the 10-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.

F. — Storm Sewers:

1. — 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 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.
4. — 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.
6. — Storm sewer pipe shall have a minimum of 12 inches of cover over the pipe.
7. — The outlet end of the storm sewer shall have manufactured end sections or concrete end walls.
8. — 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.
 - e. — 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 0% grade.
 - h. — Q10 flow rate and velocity.
9. — Drain inlets in residential subdivisions with closed section roads shall have bicycle safe grates.
10. — 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 10-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. — A 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 NRCS methodologies (i.e., TR-20 & 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 any other acceptable methodology in the public domain and approved by the Jefferson County Engineer.

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- ~~The hydrologic analysis shall be modeled as outlined in Table 4.3-1, Stormwater Management *Quantity Control Criteria*. Provide the hydrologic analysis and calculations in the stormwater management report.~~
2. ~~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" pre-development runoff discharge. 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 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.~~
3. ~~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 4.3-1 provides for reduction of the pre-development flows due to the Karst 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 Karst adjustment factors shown in Table 4.3-1 shall only apply to the area of the county depicted as Karst on Map 4.3-1, *Karst Geology Map of Jefferson County*.~~
5. ~~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.~~
6. ~~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 outfall rip-rap, plunge pool or other approved outfall spreader.~~
7. ~~Where the outfall of a stormwater management facility is less than 75' 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.~~
8. ~~Where a stormwater management basin exceeds six (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. (See Standard Details.)~~

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9. 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.
10. All stormwater management basin embankments shall have core trenches consistent with the size of the embankment.

The Natural Resources Conservation Service (NRCS) Pond 377 & 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 County Engineer.
11. All stormwater management basins shall be able to pass the 100-year, 24-hour storm event with a minimum of one foot of freeboard.
12. 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 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.
13. 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.
14. 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 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 limits of 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.
15. The stormwater management plan and report shall demonstrate adequate downstream conveyance of stormwater discharge from the site.

Subdivision Regulations

Jefferson County, West Virginia



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.



**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.

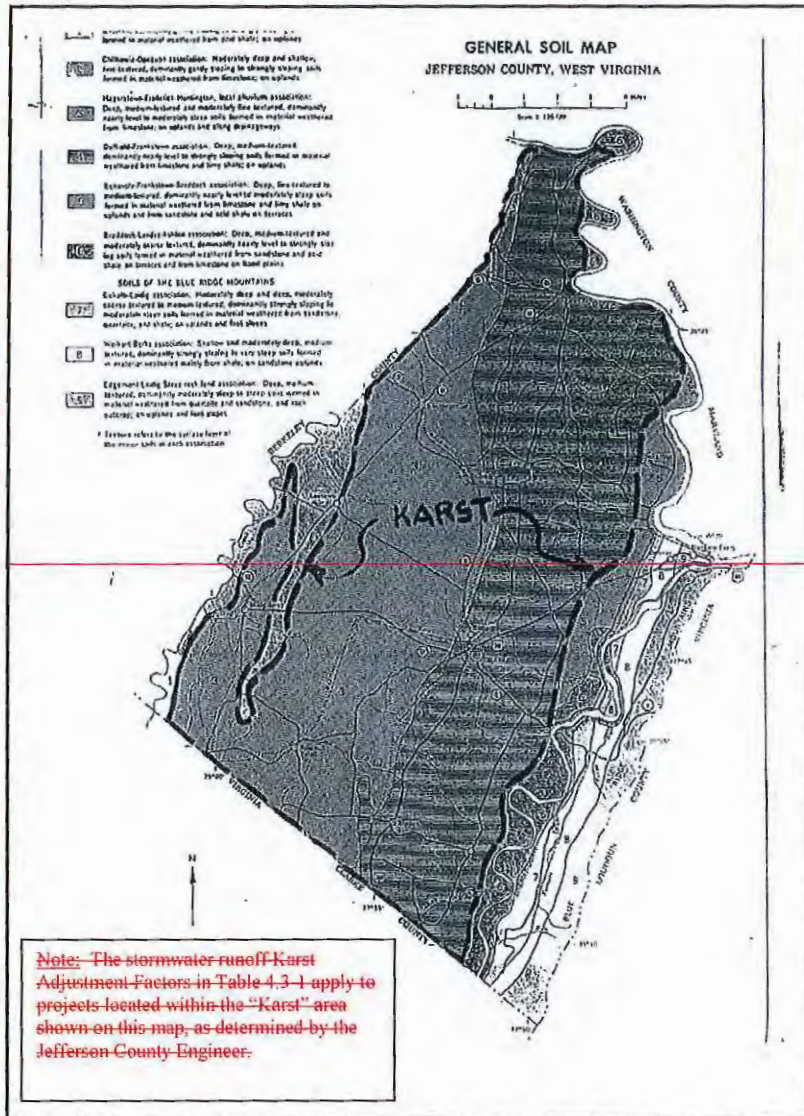
Karst Geology — Runoff Adjustment Factors

% 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-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 County Engineer on a case-by-case basis.



**Map 4.3-1
Karst Geology Map of Jefferson County**





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 1/2 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 SWM facilities and route the runoff hydrographs.
 - 8) — Table of Pre-development runoff calculations, Karst adjustment factors, Karst adjusted allowable runoff, Post-development runoff, and the routed SWM 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.

D. — 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.



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 subdivider's 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.

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“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:

For 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



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.

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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:



- a. Parking 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 80', 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.
- 4. 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 parking ~~area curbs~~ areas must utilize curb and gutters shall be constructed gutter systems in coordination with LID and BMP practices to manage stormwater in all townhouse subdivisions.

2. Sidewalks shall be constructed in all townhouse subdivisions to provide for pedestrian movement from parking 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 gutters, and sidewalks shall be constructed in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters & Sidewalks*.

4. 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 roadway, when curbs are not present, in areas where sidewalks 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 4.0, Storm Water ~~the Jefferson County Stormwater Management and Erosion & Sediment Control Ordinance.~~

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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.9 & 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.



- 3. All utilities shall be underground and provided in accordance Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.
- E. **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 Zoning Administrator. Lighting shall be in accordance with the Zoning 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 Zoning 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 1400 square feet.
 - 4. 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 40')	15 feet
Rear	20 feet
- G. **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 Zoning Ordinance.
 - 3. A landscape plan shall be submitted, in accordance with the Zoning Ordinance, for all common areas.
 - 4. 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 Zoning Ordinance.
 - 5. In the event of a conflict between the provisions of Section 5.3 herein and the Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail.
- H. **Parkland**



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 1/4 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*.
4. 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



- 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).
 4. 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.
 7. The location and dimensions of common areas, open space or areas to remain undeveloped.
 8. A legally sufficient description of any real estate subject to development rights, labeled to identify the rights applicable to each parcel.
 9. 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."
 14. 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 (4) 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.
 17. 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 "MUST BE BUILT" or "NEED NOT BE BUILT".
 18. 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. Parking 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 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 parking ~~area curbs~~ areas must utilize LID 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 parking areas to building entrances and for pedestrian movement between buildings. Sidewalks shall be a minimum 4 feet width.



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.K, *Curbs, Gutters & Sidewalks*.
- 4. 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.

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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*.

E. 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 (pipestems) shall not be permitted even though average depth to width ratios may not exceed 3:1. For corner lots width will be measured parallel to the designated rear line.
- 2. Acute corners of building sites shall have angles of no less than sixty-degrees, unless otherwise approved by the Engineer due to site limitations or other design considerations.
- 3. Building site boundary lines shall not extend into road rights-of-way but shall be drawn to the edge of such road rights-of-way.
- 4. Every building site shall have a minimum road frontage (width) of 80 feet along a platted road right-of-way. Lesser widths may be accepted by the Engineer along road turnarounds.
- 5. Setbacks separating condominium buildings and adjoining properties shall comply with 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:



- 30 feet or the height of the taller of the two buildings, whichever is greater.
- b Between two buildings containing one single family unit in each building:
 - 17 feet.
- c Between two buildings containing non-residential uses:
 - 50' or the height of the taller of the two buildings, whichever is greater.
- d Between a building containing non-residential uses and a building containing any residential use:
 - 100 feet.
- 7. 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.
- 8. Lots and setbacks for Residential and Multi-family condominium subdivisions shall be in accordance with the Zoning Ordinance.

G. Parkland

For residential condominium subdivisions, parkland shall be provided as required by Section 21.105, *Requirements for Parkland*, of the Subdivision Regulations.

H. 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



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.

J. 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*.

K. Construction Practices

Construction practices shall be in accordance with Appendix B, Section 1.4, *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 7.0 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. Mobile/Manufactured home parks and campgrounds are subdivisions with special requirements of their own. The provisions of Division 7.0 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 7.0, then the requirement of Division 7.0 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 7.0 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 4,000 square feet. Each mobile/manufactured home site shall have a minimum road frontage (width) of 40 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 skirted. Mobile homes shall be skirted 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~~ 20 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.K.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.



- 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.
- E. 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*.
- G. 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.
- H. 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.
- J. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed plus 25 percent again to accommodate the tent area (if any), plus an allowance for a sewerage dump station and a water refill station.
- K. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
- L. Road rights-of-way in a campground shall be a minimum of 50 feet in width.
- M. 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 4:1 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

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. Market 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 ~~effected~~affected?
 - 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



- e. Impact on sensitive natural areas such as sink holes, water recharge areas, stream and river banks, hillsides, forests, wetlands and water bodies will be described. A sink hole inventory check will be requested and obtained from the local office of the Natural Resources Conservation Service. The applicant will describe the condition of channel and banks of streams on property or within 500 feet of discharge point from property.

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.

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



aisle access. The loading spaces shall not be counted toward satisfying the parking space requirements.

- H. 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

- A. 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:

- 1 ½" Bituminous Concrete Surface Course
- 2 ½" Bituminous Concrete Base Course
- 9" Graded Aggregate Base Course (placed in 2 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

- A. ~~Curbs, gutters and~~ Stormwater management using low impact development technology (LID) 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 (3) 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 10 foot pedestrian movement, parking management and stormwater management using low impact development technology (LID) 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 waterstormwater~~ from impervious areas to ~~storm waterstormwater~~ management facilities; ~~and they~~ shall be in accordance with Appendix B, Section 2.2.K.2, *Roadway Curbs & Gutter*.
- B. 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 B, Section 2.2.K, *Curbs, Gutters, & Sidewalks*.
- C. 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

- A. Site access entrance grades shall be in accordance with Appendix B, Section 2.3.B, *Site Development Access to Public Roads*.

Subdivision Regulations

Jefferson County, West Virginia



- 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.



- 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.

For 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 6 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.
- 6. 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 (c.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.

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Section 9.4211 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



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. Opaque 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. Other requirements are referenced in the Jefferson County Zoning Ordinance.
- F. All on-site utilities and dumpsters shall be effectively screened.

Section 9.4312 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

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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
 - No 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.

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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.

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.

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Jefferson County, WV

**Stormwater Management Ordinance
Department of Engineering**

AUGUST, 2013

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 Requirements7

A. Stormwater Management Plan Requirement, Review, and Approval..... 7

B. Erosion and Sediment Control 8

C. Stormwater Control and Conveyance Plan Requirements 12

D. Maintenance Requirements 16

Article III Waivers and Modifications of Requirements..... 19

A. General..... 19

B. Request for Waiver or Modification 19

Article IV Stormwater Management Design Criteria..... 21

A. Reference to the Design Manual..... 21

B. General Performance Criteria 21

C. Stormwater Quantity Control Criteria 22

D. Stormwater Quality Control Criteria 29

E. Small-Scale Stormwater Management Practices..... 33

F. Redevelopment 34

G. Soil Studies and Karst Terrain Requirements 35

H. Stormwater conveyance and Drainage Criteria 35

I. Landscaping 39

J. Riparian Buffers 40

(This Page Intentionally Left Blank)..... 42

Article V Construction Inspection and bonding 43

A. Performance Bond 43

B. Inspections During Construction 43

C. Post-construction Final Inspection and As-Built Plans 44

Article VI Post-construction Maintenance, Inspection, and Repair of Stormwater Facilities47

A. Inspection and Maintenance of Stormwater Facilities 47

Article VII Enforcement and Penalties.....49

A. Authority 49

B. General Procedures 49

C. Civil and Criminal Penalties 50

D. Disapproval of Subsequent Permits..... 50

E. Holds on Use and Occupancy Certificates 50

F. Suspension, Revocation, or Modification of Permit 50

Article VIII Definitions.....51

Attachments57

(This Page Intentionally Left Blank).....58

A. Stormwater Facility Inspection Report 59

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 inactive for more than 30 days, 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.
- (g) Any vested development that has an active application or submittal at the time of adoption of this ordinance and meets at least one of the following criteria, is exempt from this ordinance.
- An approved master planned development with a current CIS that has submitted at least the first phase of a multi-phased master planned development, or
 - Any site plan within an approved non-residential subdivision that has existing central water quantity control structures shall be required to

provide stormwater management controls under the regulations, conditions and terms in effect at the time of the original approval.

However, if, after the adoption of this ordinance, there is any physical expansion to said exclusion listed above, this ordinance shall apply to the expanded area only.

- (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)*
 - (d) *West Virginia Erosion and Sediment Control Handbook for Developing Areas*
 - (e) *Virginia Stormwater Best Management Practices Clearinghouse*
 - (f) *Maryland Stormwater Design Manual*
 - (g) *Pennsylvania Stormwater Best Management Practices Manual*
- (2) All Stormwater Management Plans shall be consistent with the regulations and design standards established in the listed published standards.

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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 Stormwater Management Plan including all components (Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Plan) has been submitted, 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

1

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.

- (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 at least one of 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, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
 - (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, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
- (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, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
 - (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 minimum maintenance requirements listed on the following page shall be printed on the Stormwater Management Plan, Site Plan, Preliminary Plat Plan, and Final Plat:
- (6) Inspection report requirements (see Attachment B)

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.

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 should utilize stormwater management infiltration facilities and/or stormwater management filtering systems. These should 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 must obtain any Underground Injection Control Permit (UIC Permit) as required and 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 located at the end of this Section.
- (6) Nonstructural quantity control and conveyance methods should be utilized whenever possible.
- (7) The owner or developer must demonstrate that 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, except where the provisions of Article IV D.(1).(d).(i) are being utilized.
- (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 which are indicated on Table 2 on the following page. Stormwater control from these hotspots shall be controlled by the following:
 - (i) **Stormwater Pollution Prevention Plan (SWPPP).** 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) **Restricted Infiltration.** 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) **Infiltration Prohibition.** 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	<input type="checkbox"/>	<input type="checkbox"/>
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: <input type="checkbox"/> 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			
Source: Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed," version 2.0 (June 2009)			

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-bioretenion
 - (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. Residential culverts of 18" or less are exempt from this requirements.
 - (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.

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, as meets state code, who is 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, Mari - 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.

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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 period of time expected to elapse between occurrences of events at a certain site. A 10-year event is an event of such size that over a long period, the average time between events of equal or greater magnitude is 10 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

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A. STORMWATER FACILITY INSPECTION REPORT

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Stormwater Facility Inspection Report				
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				

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: IT Update

Please provide the County Commission with a description of your request or presentation, including any background information:

Discussion regarding IT position and update on IT progress

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Are documents attached? Yes

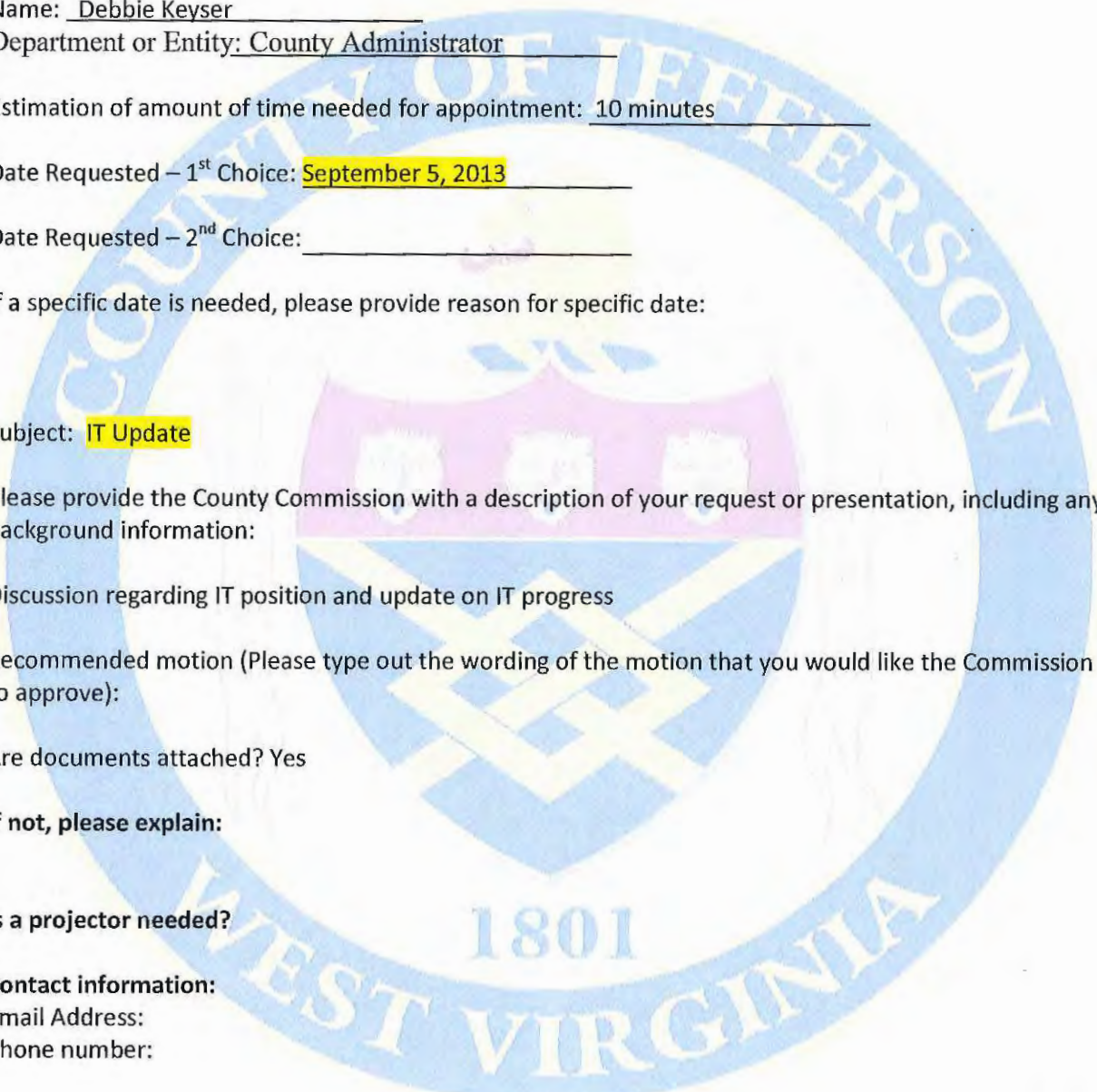
If not, please explain:

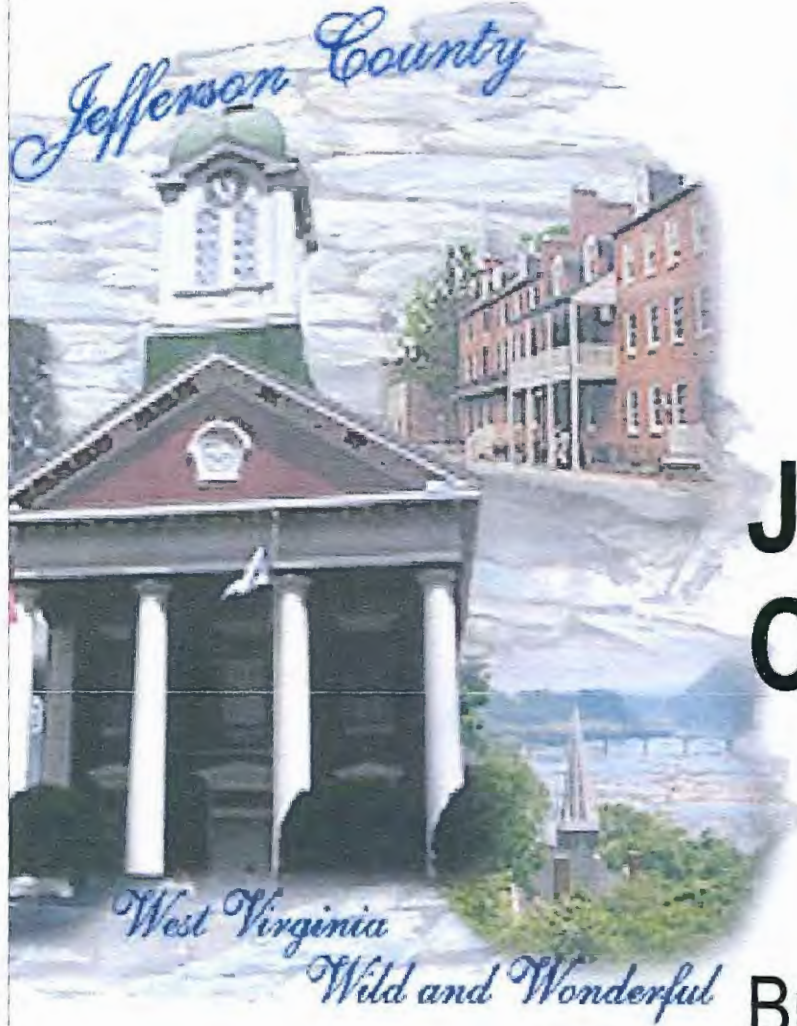
Is a projector needed?

Contact information:

Email Address:

Phone number:





Jefferson County Commission

Building Technology Today
for Tomorrow



Vision Statement

- **Vision:** Provide citizens, businesses and County employees with timely, convenient access to appropriate information and services through the use of technology.
- **Mission Statement:** Provide strategic IT vision, leadership and enterprise solutions to meet the County's goals to better serve the public through service and integration of data at the employee, local, state, and federal levels.



Strategic Direction

- Three Developed Management Strategies
 - Employ a Information Technology Manager.
 - Contracted Full Time IT Manager.
 - Contracted IT Management Team and Part-Time Employee.



Full Time IT Manager

- Economically Viable
- This Employee is vested in our complexity and systems and can understand the entire picture which a consultant may not be able to do as adequately.
- They will have ownership.
- Work Availability.
- Ability to build a team player attitude with other departments.



Contracted Full Time IT Manager

- Expertise in many facets due to their exposure to many clients. We gain from their vast experiences.
- Easy to terminate if they provide unsatisfactory performance. No personnel issues.
- No salaries or benefits to administer.
- Short Term Contract.



Contracted IT Management Team and Part-Time Employee.

- IT Program Manager – The contracted position's company would not be able to bid on work to be performed or sell equipment to the County.
- Builds a fiduciary responsibility to the County.
- Looks at projects through the eyes of the County Commission keeping the same vision.
- Validate spending and projects with county objectives in mind.
- Focus on large projects with each department.
- Best Fit Tasking



Contracted IT Management Team and Part-Time Employee.

- Work toward staff utilization and development.
- Expertise in many facets due to their exposure to many clients. We gain from their vast experiences.
- Easy to terminate if they provide unsatisfactory performance. No personnel issues.
- No salaries or benefits to administer.
- Allows for back-up help desk support. Covers vacations and sick leave.



Recommendation

- Jefferson County and its citizens are moving forward with technology!
 - Faster more reliable Internet
 - On-Line Services
 - Ease of access to public information
- Bring help to the County IT function!
- Manage Information Technology as an investment.
- Build on the foundation that has started within each department.

Proposal for Information Technology Manager

1. Create in-house Information Technology manager position as recommended by the County Commission Blue Ribbon IT Committee in February, 2012 (SALARY TO BE DETERMINED)
2. The key functions of the manager position:
 - a. Develop and implement IT best practices
 - b. Assure appropriate network performance and capacity
 - c. Continually evaluate and, as appropriate, upgrade technical resources to protect against hardware and software obsolescence and assure all systems are properly supported.
 - d. Manage IT client services group to support hardware and software systems for all departments
 - e. Implement effective e-Government as defined by WV Broadband Council:
 - i. Publishing**
 1. Basic website where basic contact and hours of operation are provided and updated
 2. Repository for meeting agendas and minutes so they are available for public review
 3. Permit applications, and assorted government forms that provide a one-stop government access point
 - ii. Interacting**
 1. Audio/video streaming of public meetings
 2. Uniform email addresses
 3. Online help desk applications
 - iii. Transacting**
 1. Allow for online payment of fees, taxes, etc.
 2. Allow for online submission of permit applications, tax forms, etc
 3. Enhance revenue collections
 - iv. Adoption**
 1. Elected officials and staff understanding of e-government technologies
 2. Public awareness of government services available through e-government
 3. Three click rule that will make portal easy to navigate

Lyn Widmyer

August 8, 2013

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: August 15, 2013 Sept 5, 2015

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: N/A

Subject: Request by the Planning Commission that the County Commission Reconsider their Motion of 10/25/13 Regarding the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories

Please provide the County Commission with a description of your request or presentation, including any background information:

On September 6, 2012, the County Commission held a public hearing to receive public input and comments on the proposed new Commercial and Industrial Zoning Categories:

Public Hearing on a proposed Zoning Ordinance Text Amendment to establish additional commercial and industrial zoning district categories, and related changes to the ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17 - Discussion

Public comment was left open for written comments until September 20, 2012.

At that time, Staff summarized all verbal and written comments received in the attached matrix and provided staff response to the comments. Staff met with the County Commission on October 18, 2012 and October 25, 2012 to discuss the comments received and request direction regarding incorporation of the comments into the draft Amended Ordinance.

On October 25, 2012, the County Commission approved the following motion:

"To postpone approving the new Commercial and Industrial Zoning categories until the work on the Comprehensive Plan begins and to incorporate them into the Comprehensive Plan. (Motion passed on a vote of 3-2 with Ms. Noland and Mr. Pellish opposing the motion.)

At their July 9, 2013 meeting, the Planning Commission requested that the County Commission revisit their motion of October 25, 2012 and take up the Zoning Text amendment at the point in the process where it was suspended, for approval of the County Commission. Staff has discussed this with the Commission's legal counsel, who agreed that the item could be revisited at this time without another

public hearing as long as the amendments under consideration were all a part of the 9/6/12 Public Hearing held by the County Commission.

Attached is the matrix provided at the October 25, 2012 CC meeting and the revised Zoning Ordinance incorporating all the proposed revisions.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

I move _____ (approval/postponement) of the revised draft of the Proposed Zoning Text Amendments related to New Commercial and Industrial Zoning Categories based on public testimony received on and after September 6, 2012.

Attachments:

- Memo from Steve Barney to PC dated June 7, 2013 updating them on the Status of the Draft Zoning Ordinance Amendments – Proposed Commercial and Industrial Districts and Related Changes
- Matrix of Public Hearing Comments
- Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes
- Key to Formatting of Amendments
- 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.

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 recommend 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 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.

Public Comments Received at 9/6/12 County Commission Public Hearing and during public comment following the public hearing
(includes comments from 8/16/12 and 9/6/12 County Commission Workshop)
Proposed Zoning Text Amendment regarding New Commercial Zoning Districts (and Related Amendments) -
Zoning and Land Development Ordinance

#	Source	Section or Topic	Request	Comment	Staff Recommendation
1	Lyn Widmyer; Mike Cassell; Rebecca L. Harriet (NPS); David Hammer; Joe Anderson (Harpers Ferry)	Location criteria	Location criteria are too broad. (Various comments re: the Neighborhood Commercial District, General Commercial District, Highway Commercial District.)	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
2	Mark Dyck	Location criteria	Location criteria are too limiting. (Various comments re: the Major Industrial District, Planned Neighborhood Development District.)	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
3	Dale Manuel	Location criteria	Clarify whether references to "growth area" would also include a future land use map.	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria (including the reference to "Growth Area") are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
4	Lee Snyder (letter), Mike Cassell, Dr. and Mrs. James Gibson (letter)	Procedural	Comment: There is no map that designates where each zoning district should be placed. West Virginia State Code, as amended, requires that boundaries of all zones be placed on the zoning map. This is found in 8A-7-3 (g): "The boundaries of each zone and the designated classifications must be shown on a zoning district map."	Staff concurs that the boundaries of any property which has been zoned a particular district must be shown on a zoning map. However, staff finds that the intent of 8A-7-3 is not to preclude the establishment of new zoning districts in a Zoning Ordinance, in the absence of an action to simultaneously rezone property to these districts. Following the adoption of the proposed amendments, the new districts would, in effect, be shown on the zoning map as covering no land currently. Staff also finds that the Comprehensive Plan includes guidance for the location of new development.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
5	Mike Cassell, Dr. and Mrs. James Gibson (letter)	Procedural	Comment: The 2004 Comprehensive Plan does not designate the areas for these proposed new zones. Wait until the Comprehensive Plan is finished before creating these additional districts.	Staff finds that the Comprehensive Plan includes guidance for the location of new development in the form of the Growth Area shown on the Study Area Map in the 2004 Comprehensive Plan.	No change recommended.
6	Dr. and Mrs. James Gibson (letter)	Procedural	PND-type districts are usually only permitted in States that particularly authorize them in their state enabling legislation.	Per Chapter 8A of the West Virginia Code, a Zoning Ordinance may "authoriz[e] planned unit developments to achieve more efficient use of land and setting standards and regulations for the developments" and may "authorize[er] flexible planning standards to create, redevelop, reuse, protect, and enhance the physical qualities of the community." Chapter 8A also states that a Zoning Ordinance may make specific provisions to allow non-uniformity in rules, regulations and standards in a zone. Examples of other West Virginia communities with similar districts include Fairmont, Morgantown, Charleston, and Putnam County.	No change recommended.
7	Lyn Widmyer	Section 5.11, Neighborhood Commercial (NC)	Submittal of a development plan should be required for a zoning map amendment request for the Neighborhood Commercial (NC) district.	Staff finds that this requirement could be a disincentive for property owners to apply for the NC district instead of another, more permissive district.	No change recommended.
8	Mike Cassell, Lyn Widmyer, Mark Dyck	Section 5.11, Neighborhood Commercial (NC)	The Neighborhood Commercial (NC) district should not include multi-family residential uses. (Mark Dyck:) Consider removing residential uses, or write a definition of accessory residential use that would allow for a small apartment to be attached. The ability to put multifamily in this zone undermines the public trust that it will be used for the intended purpose.	Staff concurs that multi-family should not be a permitted standalone use in this district. However, staff recommends that residential uses should be permitted above retail uses.	In Appendix C, in the rows labeled "Multi-Family" and "Townhomes", change the designation for the NC district to "NR" (i.e. not permitted). In Section 5.11.C (Permitted Uses), add: <u>3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.</u>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
9	Mike Cassell	5.11, Neighborhood Commercial (NC)	NC uses should be more consistent with purpose statement (i.e. be more compatible with neighborhoods) especially group homes, vocational training centers, multi-family dwellings, country inns, heliport, building maintenance, nursing homes, bars nightclubs, campgrounds	<p>Staff concurs that "Not Permitted" would be the more appropriate land use status for a heliport in the NC District.</p> <p>Group Residential Facility/Home – required by West Virginia Chapter 17 to be permitted.</p> <p>Vocational and/or Training Facility for Adults – this land use is currently permitted in the Rural District; as such, it should be permitted in the NC district.</p> <p>Country Inns – This land use is intended to be Rural in character. Staff finds this use to be appropriate in the NC district.</p> <p>Heliport, Building Maintenance Services, Nursing Home, Bar/Nightclub, Campground – these are all conditional land uses that would require a Compatibility Assessment Meeting and approval by the Board of Zoning Appeals (following public hearing) in order to establish.</p>	In Appendix C, in the row labeled "Heliport", change the designation for the NC district to "NP" (i.e. not permitted).
10	Brian Goodman	5.11, Neighborhood Commercial (NC)	Address alcohol sales; hours of operation (should not be 24-hour)	The land use Convenience Store, Limited is a permitted use in the NC district. However, by definition, this store is limited to 1,500 square feet. Staff concurs that a Convenience Store, Limited should have limited hours of operation.	<p>Amend definition of "Convenience Store, Limited" as follows:</p> <p>"A <u>convenience feed</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></p>
11	Maral P. Strathearn	5.11, Neighborhood Commercial (NC)	Concern regarding permitted or conditional uses such as heliports, taverns, shooting ranges, campgrounds, convenience stores	<p>Shooting Ranges are not permitted in the NC district. Outdoor shooting ranges are not proposed to be permitted outright in any districts; this land use would be a conditional use in Industrial districts only.</p> <p>See above responses regarding Heliport, Bar/Nightclub, Campground, and Convenience Store, Limited.</p>	See above responses regarding Heliport, Bar/Nightclub, Campground, and Convenience Store, Limited.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
32	Mark Dyck	5.11, Neighborhood Commercial (NC)	A gas station is a critical community business and should be permitted within the NC district as a PC use. The limited gas station definition is too small to be commercially viable.	The Neighborhood Commercial District is intended for a limited set of commercial uses that may be appropriate in locations where more intensive development is not appropriate. Staff recommends that a Gas Station and a Gas Station, Large not be included as a permitted or conditional use in this district. (Property owners would continue to have the option of a Conditional Use Permit.)	No change recommended. Continue to show Gas Station, Limited as a permitted use in this category.
33	Bernard Simmons (letter)	5.11, Neighborhood Commercial (NC)	Concern that the NC district does not require setbacks.	Setbacks are required in the NC district, with the exception of side yard setbacks when a non-residential NC development is adjacent to a commercial or industrial use. Staff concurs that this allowance should be clarified in Appendix C.	Add a footnote to Appendix B to the side yard setback for the NC and Office/Commercial Mixed Use districts, stating: <u>"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."</u> In Appendix B, amend rear yard setback for the NC and Office/Commercial Mixed Use districts to 25' and add a footnote stating: <u>"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."</u>
34	Mike Cassell	5.11, Neighborhood Commercial (NC)	NC limit of 3,500 square feet per building footprint is too permissive for "small commercial" development.	It should be noted that no Jefferson County commercial zoning categories currently have a building footprint limit. As such, the NC district would be the County's most restrictive commercial district. Other stakeholders have stated that this footprint size is too small.	No change recommended.
35	Mark Dyck, Fred Blackmer	5.11, Neighborhood Commercial District	The maximum building footprint of 3,500 square feet is restrictive. (Mark Dyck:) A 7,500 square foot limitation would be appropriate and would limit oversized commercial development.	The Neighborhood Commercial District is intended for limited-scale development that may be appropriate in locations where more intensive development is not appropriate. The original staff recommendation was to limit total square footage (per building) to 3,000 square feet. Based on Gordon & Associates previous comment (increase square footage to allow for a multi-level building) staff changed the recommendation to a building footprint of 3,500 square feet.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
16	Mark Dyck	5.11.E.3, Neighborhood Commercial District	<p>The requirement of a 10' landscape buffer in front of the commercial buildings seems out of context. A buffer would visually screen the proposed building from the right-of-way. A 10' landscape area is a good idea but not a screen along the frontage.</p> <p>Existing language:</p> <p>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...</p>	Staff concurs. The landscaping requirement is not intended to establish an opaque screen but is intended to create a walkable streetscape area.	Amend Section 5.11.E.3 to add: <u>"The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of the development from the adjacent street(s)."</u>
17	Mark Dyck	Section 5.13 Highway Commercial (HC)	This district is essentially the same as the GC district for permitted uses.	The HC district is distinct from the GC district in that it permits large gas stations and large retail stores.	No change recommended.
18	Mark Dyck	Section 5.14 Light Industrial	If this is to be an employment based zone the majority of retail uses should not be permitted in this zone. The elimination of these uses would allow for a full public expectation of what would occur in this zone.	As currently proposed, the Light Industrial District is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	This is a policy decision for the County Commission. The benefit of restricting retail uses is that a Light Industrial development would be more likely to have a higher percentage of uses that are employment-oriented. The disadvantage of restricting retail uses is that units may be more likely to be unoccupied when employment tenants are not available.
19	Mark Dyck	Section 5.14 Light Industrial	This zone should be re-titled and modified to become a flex commercial and R&D zone. This category would include the light industrial as noted but provide a much broader economic base... This zone would specifically address the Summit Point Advanced Training Center and would allow for auto related research and light manufacturing. Typically these businesses would include a building with a front office area, a back area that would support light manufacturing or research and minimal outdoor storage. These businesses... have very little impact on the community other than being excellent employment centers. We know that these businesses want to come here today and that our ordinance	Establishing an additional new zoning district may not be feasible at this stage of the ordinance amendments. However, this district could be incorporated into future amendments.	Consider as part of future amendments.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
			<p>does not permit it.</p> <p>Alternatively a zone could be written specifically for flex commercial and R&D.</p> <ol style="list-style-type: none"> 1. Purpose should be modified to reflect a broader employment based zone. This would include revising the requirements for water and sewer as well as the four lane road distance. Proximity to existing employment centers and research facilities is important. 2. The location requirement should be revised to include planned parks located adjacent to the Summit Point Advanced Training Center. 3. A focus should be on employment based development, not retail. 		
20	Mark Dyck	Section 5.15, Major Industrial District	Similar to the comment in the light industrial district, uses should only permit those associated with major industrial. If other uses are desired a separate zone should be applied.	As currently proposed, the Major Industrial District is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	This is a policy decision for the County Commission. The benefit of restricting retail uses is that a Major Industrial development would be more likely to have a higher percentage of uses that are employment-oriented. The disadvantage of restricting retail uses is that units may be more likely to be unoccupied when employment tenants are not available.
21	Ted Schiltz	5.16 Planned Neighborhood Development (PND)	PND district - Size of 3 acres or more is required in PND district - this is too small a parcel size to incorporate all required land uses such as med/high density residential, roads, commercial activities, etc.	<p>It is anticipated that on a small site, some land uses may be integrated vertically - i.e. residential units built over shops. Also, low density residential units are not required.</p> <p>While some development proposals may not be accommodated on a 3-acre site, it may be advisable to allow property owners the option to design a development with a layout sufficiently compact to be developed on a 3-acre site.</p> <p>No other zoning district has a minimum acreage requirement, although some land uses have minimum lot sizes.</p>	No change recommended; however, staff recommends monitoring the performance of proposed PND developments to determine if the area limit should be adjusted.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
22	Dr. and Mrs. James Gibson (letter)	5.16 Planned Neighborhood Development (PND)	The proposed PND District allows the County Commission to approve a PND Rezoning Plan including any modifications (and variances) to the existing subdivision and land development regulations... Since it is so early in the development process, the public may not even be aware that deviations from the ordinances are being authorized at the rezoning approval.	Staff concurs that any proposed modifications of development requirements should be part of the public notice for both the Planning Commission and County Commission public hearings for a PND zoning case. Staff also finds that the section of the ordinance describing the required site development standards in a PND District should be clarified.	Amend Sections 5.16F.3.b and 5.16F.3.d to add, " <u>In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.</u> " Amend Section 5.16D.1 to add the following text: <u>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.</u> Amend Appendix C to replace the site development standards information (with the exception of 5.16A.8) with the following text: " <u>See General Commercial. Note: the Planning Commission may amend the site development standards for a development in the PND District pursuant to Article 5 of this ordinance.</u> "
23	Mark Dyck	5.16 Planned Neighborhood Development (PND)	A.8 - what are critical natural environmental and scenic features defined as. Existing, proposed language (does not appear in currently adopted ordinance): A. Purpose. The purpose of the PND District is to: 8. Preserve critical natural environmental and scenic features of the site;	While the language in Section 5.16A is a purpose statement and is non-regulatory, staff agrees that "critical natural environmental and scenic features" should be described in the ordinance.	Amend 5.16A.8 to read, "critical natural environmental features (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourse, and karst topography) and scenic features (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes).

#	Source	Section or Topic	Request	Comment	Staff Recommendation
24	Charles M. Ervin (email)	5.16 Planned Neighborhood Development (PND)	Any future large residential communities should be required to develop using PND district.	This is a broader policy issue that the County Commission may want to consider during the development of the Comprehensive Plan.	Recommend considering during development of 2014 Comprehensive Plan.
25	Mark Dyck	5.16 Planned Neighborhood Development (PND)	E.2.b – preservation of 20% of the existing tree canopy may be very difficult for sites with limited tree canopy. The final canopy should be the goal, how this is accomplished should be left to the developer.	To clarify, the requirement is for preservation of a percentage of existing tree canopy, rather than a requirement that a percentage of the site be forested. As such, a site with limited tree canopy will only be required to preserve 20% of its canopy area.	No change recommended.
26	Mark Dyck	5.16 Planned Neighborhood Development (PND)	E.3 – requirement should be reworded. If the proposed PND is next to a townhouse development is access to each townhouse lot required? Existing, proposed language (does not appear in currently adopted ordinance): Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent property. 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.	Staff concurs that this section should be clarified. 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.	Amend Section 5.16E.3 to read: The development shall provide pedestrian and vehicular connections to each adjacent <u>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.</u>
27	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	A Comprehensive Plan should outline compatibility standards for PND areas, including specific land use mixes in different PND areas.	The County Commission may want to consider establishing PND standards associated with the County's different geographic areas. While this effort is beyond the scope of the current amendments, establishing a variety of PND sub-areas could be considered during the 2014 Comprehensive Plan process.	Recommend considering during development of 2014 Comprehensive Plan.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
28	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	The ordinance should state how the land use mix requirements in the PND district are measured (e.g. gross floor area) and should define high, medium, and low densities.	Staff concurs.	Amend Section 5.16E.1 to read: 1. A PND development shall include the following mix of uses, <u>as measured in gross floor area</u> : a. 10-30% commercial b. 10-30% high density residential (<u>7+ units per acre</u>) c. 20-40% medium density residential (<u>4-6 units per acre</u>) d. 0-60% low density residential (<u>1-3 units/acre</u>) Amend Section 2.2 to establish definition of <u>Gross Floor Area</u> : <u>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.</u>
29	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	PND developments can be of great benefit to developers; as such, the developments must be required to provide significant community benefits such as open space.	While the ordinance would already require provision of significant public benefits for a PND development, staff concurs that the ordinance should require provision of a trail easement if an adopted plan identifies a trail intersecting the property. It should be noted that the draft ordinance requires a minimum of 20% of the total tract area of a PND development to be composed of common and open space. The review process for a PND development will also provide the Planning Commission and the County Commission with the opportunity to discuss other possible benefits (such as additional landscaping) with the applicant.	Add new subsection 5.16E.6: <u>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.</u> Additionally, staff recommends further clarifying the open space requirement as follows: Acreage within the 100-year floodplain, as designated by the ... (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural environmental features (as defined in this article), may constitute up to <u>50% 35%</u> of the required common and open space area.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
30	Lyn Widmyer / Mark Dyck	5.17, Office/Commercial Mixed Use	The Office/Commercial Mixed Use district should include a maximum percentage of retail so that employment is the primary land use, and retail secondary. (Mark Dyck:) Uses should be limited to those that would support the key objectives of this zone.	As currently proposed, the Office/Commercial Mixed Use district is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	Amend Section 5.17E.1 as follows: Additional Requirements At least 75% Of the gross floor area of land uses in a development in this district, <u>at least 75%</u> shall be non-residential uses, <u>and at least 50% shall be office uses.</u>
31	Mark Dyck	Section 5.17 Office Commercial Mixed Use	Existing language: "At least 75% of the gross floor area of land uses in a development in this district shall be non-residential uses." E.1 – consider revising this ratio... the residential is such a small component as to be inconsequential, it should be increased or removed.	The intent is for this district to be a primarily non-residential district, predominantly for employment. As such, only a moderate percentage of the gross floor area is proposed to be devoted to residential uses.	No change recommended.
32	Board of Zoning Appeals	Appendix A	Language in Appendix A that would allow reduced setbacks for decks on small townhouse lots in the Residential - Light Industrial - Commercial District should be more specific, and should apply only to situations in which the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a residential lot.	Staff concurs.	Amend footnote marked φ in Appendix A to read, "... 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."
33	Mark Dyck	Appendix C Permitted Uses	The initial sentence under Appendix C would appear to supersede Sections 4.3 and 4.4 which permit the Hollywood Casino and the Summit Point Advanced Training Center. It needs to be revised to defer to these sections.	SPARC is permitted in the Rural District under the "Vocational and Training Facilities for Adults" land use, and is shown as permitted in Appendix C. The Summit Point racetrack is a nonconforming use identified in Section 4.3. Because Appendix C does not address the expansion of a nonconforming use, Section 4.3 will continue to govern the expansion of SPARC. Regarding casinos, please see response to Phyllis LeTart (below).	See proposed changes in response to Phyllis LeTart's comments regarding casinos.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
34	Phyllis LeTart (email) / Mark Dyck	Appendix C Permitted Uses	<p>PNGI Charles Town Gaming Limited Liability Company... is concerned about the language changes in the proposed ordinance as it pertains to gaming being an existing permitted use in the Residential/Light Industrial/Commercial District as stated under Section 4.4. versus what is proposed in Appendix C. Our concern is that the proposed change would have a negative impact on any proposed development by HCCTR of its property.</p> <p>Existing language:</p> <p>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).</p> <p>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.</p>	<p>Please note that casinos are currently permitted only in the Industrial - Commercial District, and not in the Residential - Light Industrial - Commercial District (RLIC). As such, the proposed amendments will not change the nonconforming status of an existing casino in the RLIC district.</p> <p>However, staff agrees that the Appendix C should be more specific as to the statement in Section 4.4G regarding "betting on horses or pari-mutuel betting on horses."</p> <p>Staff also notes that, to be consistent with current status, "Gambling Facilities" should be shown as a conditional use in the Industrial - Commercial District in Appendix C; this change should also be reflected in the Major Industrial District. This land use should be not permitted in the Light Industrial District.</p>	<p>Amend Appendix C to add a new land use name, "Horse Racing Facility" and to show this land use as permitted in the Residential - Light Industrial - Commercial District, the Industrial - Commercial District, and the Major Industrial District.</p> <p>Amend Section 2.2 to establish definition of "Horse Racing Facility":</p> <p><u>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.</u></p> <p>Amend Appendix C to 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.</p>
35	Matt Knott, Dr. and Mrs. James Gibson	Appendix C	Ask that the phrase 'commercial uses' be reinstated as a permitted use in the Residential - Light Industrial - Commercial District and the Industrial - Commercial District.	Staff concurs.	In Appendix C, continue to show the use "Commercial Uses" as a permitted use in the Residential - Light Industrial - Commercial district and the Industrial -

#	Source	Section or Topic	Request	Comment	Staff Recommendation
					Commercial District.
36	Staff	Appendix C	One of the new land uses, Heavy Equipment Repair, is currently shown as conditional in the Industrial - Commercial District. Staff finds that this use is a standard industrial use and should be permitted.		In Appendix C, amend permitted status of Heavy Equipment Repair in the Industrial - Commercial District from PC to P.
37	Staff	Appendix C	Clarify permitted use status of colleges and universities.		In Appendix C, amend list of land uses to add land use "School, College or University" and show as a permitted use in the following districts: Residential - Light Industrial -- Commercial, General Commercial, Highway Commercial, Light Industrial, Planned Neighborhood Development, Office/Commercial Mixed Use.
38	Staff	Appendix C, Section 2.2	Clarify permitted status of vocational schools.		In Appendix C, amend list of land uses to add land use "School, Vocational or Professional" and show as a permitted use in the following districts: Residential - Light Industrial -- Commercial, General Commercial, Highway Commercial, Light Industrial, Industrial -- Commercial, Planned Neighborhood Development, Office/Commercial Mixed Use. In Section 2.2, add the following definition: <u>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.</u> In Section 2.2, add the following sentence to the definition of School, University or College: <u>The land use School, Vocational or Professional is not</u>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
					Included within this definition.
39	Staff	Section 2.2	Change name of Retail Food Store, Limited to Convenience Store, Limited.	The purpose of this change is so that the land use name in the Definitions section matches the land use name in Appendix C.	In Section 2.2, change name of Retail Food Store, Limited to <u>Convenience Store, Limited</u> .
40	Staff	Section 2.2	Revisit definition of Retail Store, Large Existing, proposed language (does not appear in currently adopted ordinance): A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet.	Based on market research, the threshold for the square footage of a large retail store should be increased.	In Section 2.2, amend the definition of Retail Store, Large to: <u>A retail 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 large retail store that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores connected by common walls as part of a shopping center with shared parking facilities are not included in this definition.</u> Amend the General Commercial purpose statement to include the following text: The uses in this district may be characterized by medium-to-large buildings (up to 50,000 <u>100,000</u> square feet of gross floor area ...
41	Mark Dyck	4.6	Consider deleting Section 4.6; redundant and confusing.	Elimination of all distance requirements is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.
42	Mark Dyck	4.6A	There is no reason for a 200' setback if the use does not have an adverse impact. Setbacks generally waste valuable land when visual and acoustical buffers are more effectively done in another manner.	Elimination of the existing requirement for a 200' buffer is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
43	Mark Dyck	4.6A	Provide additional guidance as to whether the rural district is considered a residential district.	Staff concurs that additional clarity is needed regarding the term "residential district." Based on the use of "Residential Growth District" in Section 4.6B, staff finds that a "residential district" means the Residential Growth District.	Amend Section 4.6A.1 to read: "Any lot in the <u>the Residential Growth</u> district;"
44	Mark Dyck	4.6A	Is parking considered a use that falls under the 200' setback requirement.	Staff concurs that additional clarity is needed regarding parking in the 200' setback.	Amend Section 4.6A to read: "Any uses (not including parking) or buildings subject to compliance with this section" Amend Section 4.6B to read: "Adjacent uses (not including parking) or buildings subject to compliance with this section"
45	Mark Dyck	4.11.B.2	If a screened buffer yard is provided, what is the purpose of the additional 185' buffer.	The Zoning Ordinance currently requires a 200' buffer for industrial uses. The purpose of the buffer is not only for visual screening but also to address potential issues of noise and odors associated with an industrial use.	No change recommended.
46	Staff	Section 6.3	Revisit proposed change to calculation of LESA points for sites with some existing development or ground disturbance. Existing, proposed language (does not appear in currently adopted ordinance): A. The Soils Assessment of a proposed development is not applied when: 1. the development is proposed to be located in an existing building, on an existing paved or disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.	The intent of this proposed amendment is that the re-use (or modest expansion) of a developed site would not require soils evaluation as part of the LESA process for a Conditional Use Permit. However, this proposed amendment should be made more specific, so that it will be clear that the land use is limited to an existing building or paved area, or a modest expansion.	The Soils Assessment of a proposed development is not applied when: 2. the <u>land use development</u> is proposed to be <u>completely contained</u> located in an existing building, <u>or</u> on an existing paved <u>or disturbed</u> area, or entails an expansion of <u>an existing building and/or an existing paved area by the lesser of either (1) than up to 1,000 square feet total of an existing building and/or an existing paved area, or (2) up to 50% of an existing building and/or an existing paved area</u>

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47	Dale Manuel	N/A	The amendments should include standards for shooting ranges.	<p>The proposed amendments would establish a definition of "Shooting Range, Indoor" and "Shooting Range, Outdoor". This definition clarifies that a shooting range must meet NRA standards.</p> <p>The definition could be further clarified to state that an outdoor shooting range must also meet the 150-yard setback and 150-acre minimum lot area standards of a Hunting, Shooting, and Fishing Club.</p>	<p>Amend Section 2.2. proposed definition of "Shooting Range, Outdoor" to add:</p> <p><u>"The operations and design of an outdoor shooting range meet National Rifle Association standards, and the range must meet the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this ordinance."</u></p>
48	Dr. and Mrs. James Gibson (letter)	N/A	County should continue to pursue recreational use and tourism amendments.	<p>There are a number of various types of ordinance amendments (such as sign regulations, residential accessory structures, and rural site plan standards) that have been identified as priorities. As time permits, staff may work on additional amendments during the Comprehensive Plan process; however, staff time will be limited until the plan is adopted.</p>	<p>Staff will continue to seek the guidance of County Commission and Planning Commission regarding the Department's annual work plan.</p>
49	Lyn Widmyer	N/A	For all proposed districts, a traffic study submittal should be required for a zoning map amendment application.	<p>The Zoning Ordinance currently requires an application for a zoning map amendment to include "Discussion on . . . Any change of transportation characteristics and neighborhood from when the original ordinance was adopted."</p> <p>A traffic study, typically prepared by a transportation engineering firm, is a study that assesses the impact of a proposed development on the existing and future transportation network.</p> <p>Some communities require this type of assessment only at the development phase (e.g. submittal of site plan or subdivision). The Jefferson County Subdivision and Land Development Regulations require a traffic study if a development would traffic of more than 100 peak hour trips.</p>	<p>This is a policy decision for the County Commission.</p> <p>Such a study would require an up-front cost by the applicant but could provide the County Commission with additional information regarding potential traffic impacts.</p> <p>An additional option is to change the submittal requirements for a zoning map amendment to require some additional information regarding potential transportation impacts, such as roadway capacity, anticipated trip generation, etc. These elements would not require a traffic study by an engineering firm but would provide the Planning Commission and County Commission with additional traffic impact information.</p>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
50	Corporation of Harpers Ferry, Joe Anderson	N/A	Consider traffic impact of development. This depends on the intensity of the proposed development and the characteristics of traffic conditions in the immediate vicinity. Consideration should be given to establishing some requirements that traffic analysis be completed and evaluated before approving more intensive zones. The Comprehensive Plan may be an appropriate forum to develop guidance for these requirements.	<p>The Zoning Ordinance currently requires an application for a zoning map amendment to include "Discussion on . . . Any change of transportation characteristics and neighborhood from when the original ordinance was adopted."</p> <p>A traffic study, typically prepared by a transportation engineering firm, is a study that assesses the impact of a proposed development on the existing and future transportation network.</p> <p>Some communities require this type of assessment only at the development phase (e.g. submittal of site plan or subdivision). The Jefferson County Subdivision and Land Development Regulations require a traffic study if a development would traffic of more than 100 peak hour trips.</p>	<p>This is a policy decision for the County Commission.</p> <p>A traffic study would be required by the applicant but could provide the County Commission with additional information regarding potential traffic impacts.</p> <p>An additional option is to change the submittal requirements for a zoning map amendment to require some additional information regarding potential transportation impacts, such as roadway capacity, anticipated trip generation, etc. These elements would not require a traffic study by an engineering firm but would provide the Planning Commission and County Commission with additional traffic impact information.</p>
51	National Parks Service, Rebecca L. Harriet	N/A	Rather than creating new commercial zones in addition to the existing zones, the NPS prefers to see all properties currently zoned "Residential-Light Industrial-Commercial" re-designated into one of the newly proposed zones.	Rezoning properties with existing commercial zoning is beyond the scope of the currently proposed amendments. This is a broader policy issue that the County Commission may want to consider at a later time.	The County Commission may want to consider following development of 2014 Comprehensive Plan.
52	National Parks Service, Rebecca L. Harriet	N/A	It may also be useful to consider design standards that could accompany some of the new zoning categories. This would be especially useful for assigning categories for properties at key intersections and other high visibility areas. More specifics might best be developed during the forthcoming Comprehensive Planning process.		Recommend considering during development of 2014 Comprehensive Plan.
53	Charles Ervin	N/A	Developers should bear all costs associated with whatever upgrades are required by the State/County, such as: supplemental road development, traffic control, etc.	This is a broader policy issue.	This Issue could be considered during the 2014 Comprehensive Plan process.
54	Bernard Simmons (letter)	N/A	No more development and no more sprawl; need for additional water treatment plants.	This is a broader policy issue.	This Issue could be considered during the 2014 Comprehensive Plan process.

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:
 - 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.
 - Clarification of applicability of standards to churches
 - 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:
 - 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.
 - Amendment of header notes regarding conditional uses, limited permitted uses, and accessory uses to a planned residential community.
 - 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.

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.

Draft Zoning and Land Development Ordinance Amendments

1. Ordinance Language
2. Appendices A, B, and C
3. Section 2.2 (Definitions)

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 retail convenience food store not exceeding 1500 square feet of retail floor space, with hours of operation limited to the period between 6:00 AM and 11:00 PM.
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. The land use School, Vocational or Professional is not included within this definition.

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 r~~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 requireded 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.
- 1.2. 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 ~~a~~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) ²
	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	10,000 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.~~ [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 ~~E.~~
- 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 ~~E.~~
- 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. Pre-school

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 ~~r~~Residential ~~g~~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(e). 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 standards~~²³

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 or 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			
		Public/Central water or sewer	3,200	7,500	N/A	40	25	15**	15	20			
	Duplex dwelling unit	Public/Central water and sewer	N/A	10,000	N/A	40	"	"	"	"			
	Townhouse	Public/Central water or sewer	1,400	3,500	N/A	40	25	12**	15	20			12' side, 15' front & rear
Multi-family dwelling (See also Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30				
Residential Growth	Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 square feet --	N/A	N/A	N/A	40	25	12	‡	12	N/A	N/A	
		30,000 sq. ft. to 40,000 sq. ft.--	N/A	N/A	N/A	40	20	10	‡	12			
		Under 30,000 square feet --	N/A	N/A	N/A	40	20	8	‡	12			
			N/A	N/A	N/A	40	20	8	‡	12			
Rural (See also Sec. 5.7)	Dwellings		40,000	N/A	100	35	40	15	‡	50	N/A	N/A	
		Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres --	N/A	N/A	N/A	35	40	15	‡			50
			40,000 sq. ft. to 2 acres --	N/A	N/A	N/A	35	25	12	‡			12
			30,000 sq. ft. to 39,999 sq. ft. --	N/A	N/A	N/A	35	20	10	‡			12
			under 30,000 sq. ft. --	N/A	N/A	N/A	35	20	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.										

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 shall prevail.

All dimensions are in feet unless otherwise indicated.

* Maximum height subject to Section 9.2

** Exterior side only

*** 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.

**** The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

† See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

‡ For all lots approved prior to Sept. 1, 1989, lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'. NOTE: All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District)

§ 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. [Note: the change to this section is also under consideration in other amendments currently under review]

Appendix B, Non-residential Site Development Standards Table [DRAFT 6/5/13]

Zoning District	Development Type ^o	Min. Lot Area (MLA)	Min. Lot Width	Max. Building Height ^a	ImperVIOUS Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks ^g			Distance (if Sec. 4.5 applies)	Buffers (Sec. 4.11) (Screened/Unscreened)										
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	Adjacent lot is:									
														Residential district, or any lot with a residence, school, church, or institution of human care			Commercial Use			Industrial Use			
											Front, Side, Rear	Front	Side	Rear	Front	Side	Rear						
Industrial - Commercial ^{2a}	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)	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)	10(S)	N/A	10(S)	10(S)		
	Industrial	3 acres ^{***}	N/A	75	90%	50' (or 25' if adjacent to industrial use)			25	25' (or 20' if adjacent to industrial use)		200	200(U) and 20(S)			25(S)	20(S)	20(S)	N/A	20(S)	20(S)		
Residential / Light Industrial / Commercial	Commercial or Industrial	N/A	N/A	60	80%	See Industrial - Commercial District																	
Rural	Churches	2 acres	200	35	N/A	25	50	50	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	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)		
	Schools, Grades K-12	Grades K-4: 10 acres+ Grades 5-8: 20 acres+ Grades 9-12: 30 acres+	500	35	N/A	100						N/A											
	Hospitals	10 acres	500	35	N/A	100						N/A	N/A			N/A	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										
	Commercial or Industrial ^{**}	See Industrial-Commercial District																					
Village District	Commercial ^g	N/A	N/A	35	N/A	25	10	40	See Industrial-Commercial														
	Industrial ^{**}	See Industrial-Commercial District																					
Residential Growth	Commercial or Industrial ^{**}	See Industrial-Commercial District																					
Neighborhood Commercial ^{2b}	Commercial	N/A	N/A	35	70%	15' (min) 25' (max)	10 ^f	10 ^f	See Industrial-Commercial District			25	See Industrial - Commercial District										
General Commercial ^{2c}	Commercial	N/A	N/A	60	80%	20	10	25	See Industrial - Commercial District														
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															
	Industrial	3 acres ^{***}	N/A	75	80%	25	50	50															
Office / Commercial Mixed Use	Commercial	N/A	N/A	60	80%	15' (min) 25' (max)	10 ^f	10 ^f															
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 text shall prevail.

All dimensions are in feet unless otherwise indicated.

^a 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 5.5(f))

^b If land use(s) approved via Neighborhood Compatibility Meeting process or Development Review System process in accordance with the Zoning and Development Review Ordinance.

^c MLA for industrial uses does not apply if the site is located in an approved Industrial Park (Source: Section 5.6(e))

^d 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: 57(b))

^e 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: 5.40c)

^f Setback may be reduced if adjacent to industrial use.

^g 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.

^h 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.

ⁱ 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.

^j 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.

^k Article 5 also provides supplemental standards for certain development types in this district.

APPENDIX C: PERMITTED USES TABLE *IDRAFT 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	PNP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	PNP	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	CNP	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													
Heavy Equipment Repair	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PCP	NP	Sec. 8.9
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	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]

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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	PNP	PPC	NP	NP	NP	NP	NP	PPC	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	P	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- Not for-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

Gas Station	operated by charitable organizations licensed under West Virginia state law. 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.

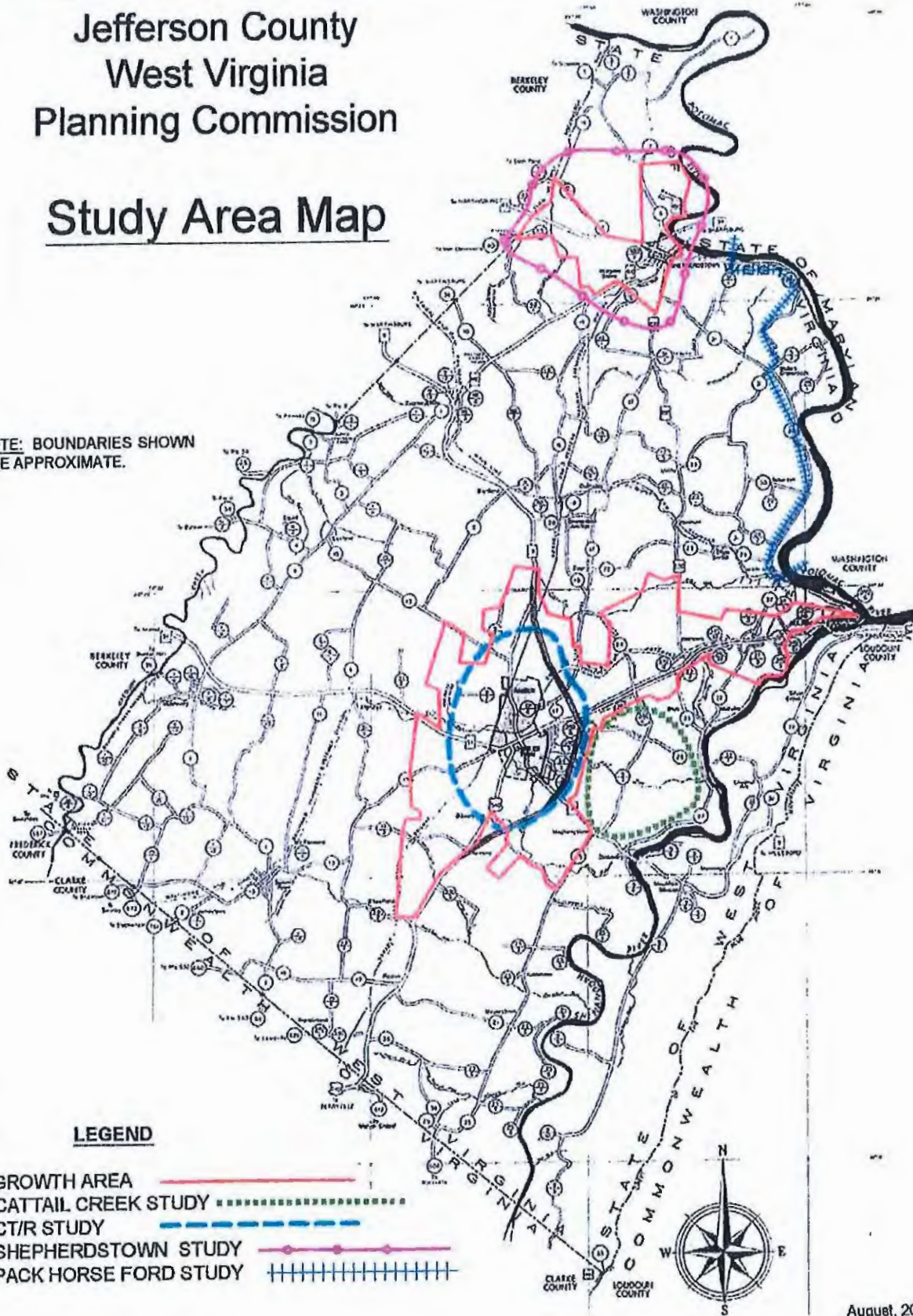
Jefferson County West Virginia Planning Commission

Study Area Map

NOTE: BOUNDARIES SHOWN
ARE APPROXIMATE.

LEGEND

- 1. GROWTH AREA
- 2. CATTAIL CREEK STUDY
- 3. CT/R STUDY
- 4. SHEPHERDSTOWN STUDY
- 5. PACK HORSE FORD STUDY



August, 2003
NOT TO SCALE

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: August 29, 2013

Date Requested – 2nd Choice: September 5, 2013

If a specific date is needed, please provide reason for specific date: N/A

Subject: Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15 (new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments)

Please provide the County Commission with a description of your request or presentation, including any background information:

As the County Commission is aware, in 2010 and 2011, the County Commission approved several amendments to the Zoning Ordinance. A number of broad amendments with significant policy implications identified by the County Commission, the Planning Commission and/or staff in 2010 remain to be addressed but are being deferred until after the completion of the Comprehensive Plan.

However, group of smaller (but still important) amendments that would reduce barriers to development, streamline processes, and improve the clarity of the ordinance have been identified over the last several months. In May, the Planning Commission determined that because these amendments are of relatively limited complexity and do not appear to have significant policy implications, this set of amendments could be undertaken now, while the Comprehensive Plan process is ongoing (see attached memo date May 9, 2013).

On June 11, 2013, the Planning Commission conducted a public hearing for amendments to various sections of the Zoning Ordinance (2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, 12.2) related to agricultural uses and other amendments. Following the public hearing, the Planning Commission reviewed a summary of comments received as well as the staff recommendations to address these comments and incorporated the relevant comments. The public comment led to related changes in Section 4A.5 and new sections 8.14 and 8.15 to clarify the amendments being considered.

At their August 13, 2013 meeting, the Planning Commission voted to recommend to approval of the proposed amendments to the County Commission. In accordance with Section 12.4C of the Zoning Ordinance, if the Planning Commission determines that a text amendment to the Zoning Ordinance is required in accordance with its work plan, for the purpose of improving or clarifying the ordinance, or for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing, and make a recommendation for action to the County Commission through a regular agenda request process. With its recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and

a Public Hearing at dates to be determined by the County Commission to receive comment and take action on the proposed amendment.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

I move to schedule a Workshop (if necessary) on _____, 2013 at ____ pm. on the Proposed Minor Amendments to the Jefferson County Zoning and Land Development Ordinance related to Agricultural Use and Other Amendments and/or to schedule a Public Hearing on the same amendments on _____, 2013 at ____ pm..

Attachments:

- **Memo from Steve Barney to PC dated May 9, 2013 regarding "Policy Neutral Zoning Ordinance Amendments, Phase II"**
- **Proposed revisions to Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14, 8.15, 9.5, 10.5, 11.1, 12.2 and Appendix C with amendments highlighted.**



JEFFERSON COUNTY, WEST VIRGINIA

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MEMO

TO: Jefferson County Planning Commission
FROM: Steve Barney, Zoning Administrator
DATE: May 9, 2013
RE: Policy Neutral Zoning Ordinance Amendments, Phase II

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 (Section 8.5, various).** 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. Additionally, staff proposes

to increase the square footage restriction for buildings associated with a winery from 10,000 to 20,000 square feet.

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 by two days (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.

Next Steps

If the Planning Commission finds the proposed draft language acceptable for purposes of receiving public comment, staff will work with the Planning Commission to schedule a public hearing on the proposed amendments. After the 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

Jefferson County Zoning and Land Development Ordinance

Jefferson County,
West Virginia

Prepared By
The Jefferson County
Planning Commission

Adopted July 7, 1988, As Amended
Amendments adopted by the County Commission, November 10, 2011
DRAFT AG USES and REALTED AMENDMENTS 8/13/13 rev 8/22/13 for CC

Table of Contents, Zoning and Land Development Ordinance

ARTICLE 1: PURPOSE, JURISDICTION, APPLICATION, INTERPRETATION AND SEVERABILITY.....	9
Section 1.0 Effective Date.....	9
Section 1.1 Purpose.....	9
Section 1.2 Jurisdiction.....	9
Section 1.3 Application and Interpretation.....	10
Section 1.4 Severability.....	10
Section 1.5 Use of Technical Information.....	10
ARTICLE 2: DEFINITIONS.....	11
Section 2.1 Definitions.....	11
Section 2.2 Terms Defined.....	11
ARTICLE 3: ADMINISTRATION AND ENFORCEMENT.....	353534
Section 3.1 Administration.....	353534
Section 3.2 Zoning Administrator.....	353534
Section 3.3 Enforcement.....	363635
Section 3.4 Boards and Commissions ²³	373736
ARTICLE 4: GENERAL PROVISIONS.....	414140
Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity.....	414140
Section 4.2 Compliance with Ordinance.....	414140
Section 4.3 Nonconforming Uses.....	414140
Section 4.4 Prohibited Uses.....	424241
Section 4.5 Agricultural Uses Permitted Generally.....	444443
Section 4.6 Distance Requirements.....	444443
Section 4.7 Essential Utility Equipment.....	444443
Section 4.8 Buildable Lot.....	454544
Section 4.9 Traffic Visibility Across Corner Lots.....	454544
Section 4.10 Site Plan Requirements.....	454544
Section 4.11 Landscaping, Screening and Buffer Yard Requirements.....	454544
Section 4.12 Design Standards for Multi-Family Developments ²³	484847
Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers ²³	484847
ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES ^{8,24}	494948
Section 4A.1 Home Occupation and Cottage Industry, General Standards.....	494948
Section 4A.2 Exempt Activities.....	494948
Section 4A.3 Home Occupation, Level 1.....	505049
Section 4A.4 Home Occupation, Level 2.....	505049
Section 4A.5 Cottage Industry.....	515150
Section 4A.6 Private Covenants Running with the Land.....	535352
ARTICLE 4B: WIRELESS TELECOMMUNICATION FACILITIES ^{10, 22}	545453
Section 4B.1 Purpose and Legislative Intent.....	545453
Section 4B.2 Classification of Wireless Telecommunication Facilities and Development Review Process.....	555554
Section 4B.3 Exempt Facilities Allowed by Right.....	555554
Section 4B.4 Concealed Wireless Telecommunication Facilities.....	565655
Section 4B.5 Co-located Wireless Telecommunication Facilities.....	575756

Section 4B.6	Temporary Wireless Telecommunication Facilities.....	585857
Section 4B.7	Wireless Telecommunication Towers.....	595958
Section 4B.8	Maintenance & Removal Bonds.....	666665
Section 4B.9	Abandonment & Removal.....	666665
ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES;		
DISTRICT REGULATIONS		
Section 5.1	Establishment of Districts ¹	676766
Section 5.2	Boundaries of Districts.....	676766
Section 5.3	District Maps.....	676766
Section 5.4	Residential-Growth District.....	686867
Section 5.5	Reserved ²³	707069
Section 5.6	Industrial - Commercial District ²³	707069
Section 5.7	Rural District ²³	747473
Section 5.8	Residential/Light Industrial/Commercial District ¹	787877
Section 5.9	Reserved ²³	808079
Section 5.10	Village District ^{8, 23}	808079
ARTICLE 6: DEVELOPMENT REVIEW SYSTEM.....		
Section 6.1	Development Review System (DRS).....	828281
Section 6.2	Issuance of a Conditional Use Permit.....	828281
Section 6.3	The Soils Assessment.....	828281
Section 6.4	Amenities Assessment ^{17, 21}	858584
Section 6.5	Computation of Soils/Amenities Assessment.....	888887
ARTICLE 7: PROCEDURAL REQUIREMENTS FOR REVIEW.....		
Section 7.1	Purpose.....	898988
Section 7.2	Zoning District Principal Permitted Uses.....	898988
Section 7.3	General Development Review System Requirements.....	898988
Section 7.4	Filing the Application.....	898988
Section 7.5	Planning and Zoning Staff Evaluation of the Development Review System 919190	919190
Section 7.6	Compatibility Assessment Meeting.....	919190
Section 7.7	Public Hearings for Development Review System ²³	929291
ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³.....		
Section 8.1	Adult Use Requirements ^{16, 23}	949493
Section 8.2	Barns and Feeding Pens ²³	949493
Section 8.3	Bed and Breakfast ²³	949493
Section 8.4	Kennels ²³	949493
Section 8.5	Farm Brewery or Winery ²³	959594
Section 8.6	Farm Market ²³	959594
Section 8.7	Jails and Prisons ²³	959594
Section 8.8	Hunting, Shooting and Fishing Clubs ²³	969694
Section 8.9	Industrial and Commercial Uses ²³	979795
Section 8.10	Model Homes/Sales Offices ²³	10010099
Section 8.11	Petroleum Products Refining or Storage ²³	10010099
Section 8.12	West Virginia Legal Fireworks ²³	10110199
Section 8.13	Dormitory ²³	10110199
ARTICLE 9: EXCEPTIONS.....		
		102102100

Section 9.1	General	<u>102102100</u>
Section 9.2	Building Height Limitations.....	<u>102102100</u>
Section 9.3	Lot Area Modification.....	<u>102102100</u>
Section 9.4	Setback Modifications.....	<u>102102100</u>
Section 9.5	Projections Into Yards ⁸	<u>103103101</u>
Section 9.6	Accessory Structures	<u>103103101</u>
Section 9.7	Other Exceptions ³	<u>103103101</u>
Section 9.8	Seasonal Uses ^{5,7}	<u>104104102</u>
ARTICLE 10:	PROVISIONS FOR SIGNS	<u>105105103</u>
Section 10.1	Purpose of Sign Provisions.....	<u>105105103</u>
Section 10.2	General Provisions	<u>105105103</u>
Section 10.3	Permitted Signs Without Zoning Permit.....	<u>105105103</u>
Section 10.4	Signs Requiring a Zoning Permit.....	<u>106106104</u>
Section 10.5	Special Exception Uses	<u>107107105</u>
Section 10.6	Zoning Certificate ²	<u>108108105</u>
ARTICLE 11:	OFF-STREET PARKING STANDARDS ²³	<u>109109106</u>
Section 11.1	Non-Residential Parking Standards.....	<u>109109106</u>
Section 11.2	Residential Parking Standards ²	<u>111111108</u>
ARTICLE 12:	MAP AND TEXT AMENDMENTS	<u>112112109</u>
Section 12.1	Purpose	<u>112112109</u>
Section 12.2	Procedure for Amendment by County Commission ^{1,25}	<u>112112109</u>
Section 12.3	Procedure for Map Amendment by Petition ²⁵	<u>113113110</u>
Section 12.4	Procedure for Initiating a Zoning Ordinance Text Amendment ²⁵	<u>114114111</u>
APPENDIX A:	RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE ²³	<u>117117114</u>
APPENDIX B:	NON-RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE ²³ <u>118118115</u>	
APPENDIX C:	PRINCIPAL PERMITTED USES TABLE ²³	<u>119119116</u>

ARTICLE 2: DEFINITIONS

Section 2.1 Definitions

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, the singular number includes the plural and the plural is the singular. The word "shall" is mandatory and the word "may" is permissive. The words "used for" shall include "arranged for", "designed for", "intended for", "maintained for", "constructed for", or "occupied for". The word "person" shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lease, agent, servant, officer or employee of any of them. The word "land" shall include water surface and land under water.

Section 2.2 Terms Defined

Abandonment or Abandoned ^{17, 21}	The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
<u>Accessory Agricultural Dwelling Unit</u>	<u>A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.</u>
Accessory Equipment ²²	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Use	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. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks.
Addition, Major	A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation

together and sharing living areas in a dwelling unit; or
D. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.

Farm Market²³

Market for the sale of farm products, and products incidental to farm products.

Farm Winery

An agricultural use licensed as a "Farm winery" pursuant to the West Virginia Code, and meeting the requirements for a "Farm winery" in §60-1-1 et seq of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.

Farm Distillery

An agricultural use licensed as a "Mini-distillery" pursuant to the West Virginia Code, and meeting the requirements for a "Mini-distillery" in §60-1-1 et seq of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.

Farm Brewery

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.

Farm Vacation Enterprise²³

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.

FCC²²

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

FCC licensed providers of Commercial Mobile Radio Services

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.

Rural Reception/Event Facility

A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts (permitted by Special Exemption).

Rural Reception/Event Facility, Small

A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month.

School, University or College²³

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.

Seasonal Use⁵

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

Sensitive Natural Area⁵

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

Setback Line²³

That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. For attached dwelling unit types (duplex, multi-family, townhouse, two-family, and similar residential uses) no setback between attached dwelling units is required.

Sexual Paraphernalia Store¹⁵

Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual activities or used in connection with specified sexual activities.

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~~ Submitted 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}

4. An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.
- H. The maximum combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in subsection (j)(1) – (4), to be used as a Cottage Industry, is 3,000 square feet. For any additional building area exceeding 3,000 square feet, the development and property shall meet all requirements of the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance. If the proposed use of an existing structure and related outdoor area is for use as a “Rural Reception/Event Facility, Small”, a larger gross floor area may be considered as a part of the review process.
- I. Setbacks shall be as provided below for an accessory structure used for a Cottage Industry:
1. For an accessory structure lawfully constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry, setbacks are 25 feet from all lot lines.
 2. For an accessory structure lawfully constructed more than five years prior to application for a Zoning Certificate for a Cottage Industry, the applicable zoning district setbacks for an accessory structure apply.
- J. For a Cottage Industry located in the Residential Growth District or an existing residential subdivision, the minimum lot size is 2 acres.
- K. If a proposed Cottage Industry would utilize a private, shared right-of-way, driveway or easement for vehicular access, a Compatibility Assessment Meeting is required. The meeting shall be conducted as described in Sections 7.6A and 7.6C of this Ordinance, with the following exceptions:
1. The purpose of the meeting is for the applicant to inform adjacent owners of the proposed Cottage Industry and to describe any associated traffic impacts.
 2. Owners of all properties with vehicular access to the right-of-way or easement shall be notified of the date, time, and place of the meeting by registered mail. Letters shall be mailed 14 days prior to the scheduled date of the meeting. Staff shall approve the letter as adequate prior to mailing, and the applicant must provide proof of mailing.
 3. During the Compatibility Assessment Meeting, attendees should limit their comments to the adequacy of the private, shared right-of-way, driveway or easement, to accommodate traffic generated by the proposed Cottage Industry.
 4. No Board of Zoning Appeals approval of the application is required.
- L. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.

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. 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. Accessory Agricultural Dwelling Unit
- ~~7-9.~~ Cottage Industry⁸
- ~~8-10.~~ Home Occupation, Level 1⁸
- ~~9-11.~~ Home Occupation, Level 2⁸
- ~~10-12.~~ Day Care Center, Small^{12, 11, 15}
- ~~11-13.~~ Public Safety Facility
- ~~12-14.~~ Cultural Facility
- ~~13-15.~~ Farm Market (subject to the requirements for such a use in Article 8)⁸
- ~~14-16.~~ Horticultural nurseries and commercial greenhouses
- ~~15-17.~~ Hospital
- ~~16-18.~~ Essential Utility Equipment
- ~~17-19.~~ Accessory uses
- ~~18-20.~~ Group Residential Facility
- ~~19-21.~~ Bed and Breakfast (subject to the requirements for such a use in Article 8)^{7, 15}
- ~~20-22.~~ Publicly Owned Facility⁸
- ~~21-23.~~ Wireless Telecommunications Facilities pursuant to Article 4B.¹⁰

~~22-24.~~ Model Homes/Sales Office (subject to the requirements for such a use in Article 8)¹²

~~23-25.~~ Non-profit Community Centers¹⁵

~~24-26.~~ Landscaping business outside of Planning Commission approved subdivisions¹⁵

~~25-27.~~ Veterinary services outside of Planning Commission approved subdivisions¹⁵

~~26-28.~~ Feed and/or Farm Supply Center

~~27-29.~~ Agricultural Repair Center¹⁵

~~28-30.~~ Kennels (subject to the requirements for such a use in Article 8)¹⁵

~~29-31.~~ Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)²⁰

~~30-32.~~ Agricultural Tourism

~~31-33.~~ Farm Vacation Enterprise

~~32-34.~~ Farm Brewery, or Winery, or Distillery

~~35.~~ Rural Reception/Event Facility or Rural Reception/Event Facility, Small (subject to the requirements of 10.5B)

~~33-36.~~ Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)

~~34-37.~~ 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

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. 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. 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.
4. Proposed uses in this zone do not have to comply with 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. 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. Wireless Telecommunications Facilities pursuant to Article 4B

B. Conditional Uses²³

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

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

Section 8.1 Adult Use Requirements^{16, 23}

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 under the following conditions:

- A. All elements of the use, including parking areas, shall be located at least 1,500 feet from any Rural, Residential-Growth, Village or Residential Growth-Light Industrial-Commercial Zoning District not separated from the subject property by a public road or railroad right-of-way.
- B. A proposed adult arcade, adult bookstore, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors or any sign advertising the operation thereof, shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.
- C. All elements of any use described in this section, including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless it is separated by a public road or railroad right-of-way.

This provision does not apply to any specific existing use that legally qualifies as a nonconforming use; provided, however, that an existing nonconforming use cannot add any of the uses described in this section to their operations as existing on May 1, 2003.

Section 8.2 Barns and Feeding Pens²³

Barns and feeding pens must be set back a minimum of 75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.

Section 8.3 Bed and Breakfast²³

A bed and breakfast may contain up to 7 bedrooms, and may conduct up to 4 receptions per year, with 1 tent per reception. Breakfast is the only meal served, and is served only to overnight tenants and their guests. An owner or designated caretaker must reside on the premises while the bed and breakfast is occupied. Up to 2 bedrooms may be located in an accessory dwelling unit, provided that the total number of bedrooms associated with the land use does not exceed 7.

Section 8.4 Kennels²³

All portions of a Kennel land use must be buffered pursuant to Article 4 and set back at least 500 feet from any property that contains a residence. Kennels cannot be located within a Planning Commission approved residential subdivision.¹⁵

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 a 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. No more ~~, with no more than twenty-five percent of any such~~ produce utilized for farm wineries and farm distilleries shall originate ~~ing~~ from any source outside of West Virginia ~~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
 - c. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor
- G. Buildings located on the premises may exceed the square footage limit of 8.5 (A) 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.

Section 8.6 Farm Market²³

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 Prisons²³

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

Section 8.12 West Virginia Legal Fireworks²³

Sales of fireworks are only permitted in the commercial 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.

Section 8.14 Rural Reception/Event Facility

A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events are allowed by Special Exception in accordance with Section 10.5B of this Ordinance.

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. Such events are permitted administratively in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance.

Section 8.15 Accessory Agricultural Dwelling Unit

A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and is meets all of the following criteria: (a) is limited in size to a maximum of 1,000 heated square feet, gross floor area; (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 or acts as a caretaker for the property.

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 and Residential Growth 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 (in addition to associated stairs or concrete slabs located beneath the deck) 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.

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

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 itsuch 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 Agricultural Dwelling Units" for agricultural purposes, such as units for occupancy by farmworkers or caretakers, 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. One unit meeting the definition of "Accessory Agricultural Dwelling Unit" may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exemption in accordance with this Section.
- c. Use of existing structures and outdoor areas as "Rural Reception/Event Facilities" for weddings and similar events in the Rural, Village, Residential Growth, and Residnetial-Light Industrial-Commercial Districts. 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. For events exceeding 300 persons, applicants shall provide a traffic control plan.

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}

ARTICLE 11: OFF-STREET PARKING STANDARDS²³

Section 11.1 Non-Residential Parking Standards

- A. 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 use and are as follows:⁵

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space.
Auto Service Station	2 spaces per service bay plus 1 space per employee
Bank, Financial Institution ²³	1 space per 200 square feet of floor space plus 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane
Church	1 space for each 5 persons for which seating is provided in the sanctuary
Commercial Retail Sales (Less than 2,000 square foot floor space)	1 space per 150 square feet retail floor space
Commercial Retail (Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales)	1 space per 500 square feet retail floor space
Community Center, Cultural Facility ²³	1 space per 400 square feet floor space
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided
Educational (Schools)	1 space per employee; ample student and visitor parking
Fire Station	10 spaces minimum
Hospital ²³	1.5 spaces for each bed plus 1 space for every

Hotel, Resort	employee 1 space per guest room plus 1 space per 5 employees
Manufacturing Plant	1 space per employee on maximum working shift
Medical or Dental Offices/Clinic	5 spaces per 1000 square feet of gross floor space
Mortuary or Funeral Parlor ²³	1 space per 150 square feet of floor area devoted to viewing and 1 space per vehicle used in activity PLUS 1 space per each two employees; with a minimum of 20 spaces
Motel, Tourist Home	1 space per guest room or suite
Nursing Home	1 space per 400 square feet floor space
Office Building	1 space per 300 square feet floor space
Professional Building (Other than Medical)	2 spaces per 300 square feet floor space
Recreational Establishment ²³ (Other than theaters, swimming pools and bowling lanes)	1 space per 80 square feet of floor space and/or as determined by extent of outdoor use
Restaurant, Tavern, Lounge, Nightclub	1 space per 50 square feet customer floor space
Shopping Center ²³ (Retail greater than 2,000 square feet of floor space)	5.5 spaces per 1,000 square feet floor space
Swimming Pool	1 space for every 7 persons permitted at any one time
Theater, Auditorium, Stadium	1 space per every 2 seats
Transportation Terminal	1 space per main shift employec
Warehouse or Wholesale Establishment	1 space per main shift employee plus 2 spaces per wholesale establishment

B. Parking requirements for uses not listed in 11.1(a) may be either approved or established by the Departments of Planning and Zoning on a case-by-case basis. Justification for said requirements must be documented.^{8, 17, 21, 23}

C. 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. 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 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.

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}

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

APPENDIX C: PRINCIPAL PERMITTED USES TABLE²³

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.

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Residential Uses							
Dwelling, Single Family	P	P	P	NP	P		
Dwelling, Two Family	P	P	P	NP	P		
Dwelling, Duplex	NP	P	P	NP	P		
Dwelling, Townhouse	NP	P	P	NP	NP		
Dwelling, Multi-Family	NP	P	P	NP	NP		
Day Care Center, Small	P	P	NP	P	NP		
Mobile Home	P	NP	NP	NP	NP		
Mobile Home Park	NP	P	P	NP	NP		
Model Homes/Sales Office	P	P	P	NP	NP	Sec. 8.10	
Home Uses							
Home Occupation, Level 1	P	P	P	P	P	4A.3	4A.1
Home Occupation, Level 2	P	P	P	P	P	4A.4	4A.1
Cottage Industry	P	P	P	P	P	4A.5	4A.1
Institutional Uses							
Church	P	P	P	NP	PC		
Day Care Center, Large	NP	P	P	P	PC		
Hospital	P	P	P	NP	NP		
Group Residential Facility	P	P	P	NP	P		
Group Residential Home	P	P	P	NP	P		
Residential Care Home	P	P	P	NP	P		
Nursing or Retirement Home	NP	P	P	NP	NP		
Cultural Facility	P	NP	P	P	P		
Elementary or Secondary School	P	P	P	NP	NP		
Preschool	P	P	P	NP	NP		
Vocational and Training Facility for Adults	P	P	P	NP	NP		
Public Safety Facility	P	P	P	P	P		
Publicly Owned Facility	P	P	P	P	NP		
Essential Utility Equipment	P	P	P	P	P	4.7	
Industrial							
Salvage Yards	NP	NP	NP	PC	NP		
Slaughterhouses, Stockyards	NP	NP	NP	PC	NP		
Heavy Industrial Uses	NP	NP	NP	P	NP		Sec. 8.9
Light Industrial Uses	NP	**	P	P	NP		Sec. 8.9
Shooting Range	NP	NP	NP	P	NP		

Principal Permitted Uses Table (continued)^{23, 24}

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Industrial Manufacturing & Processing							
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	PC	NP		
Bituminous concrete mixing and recycling plants	NP	NP	NP	PC	NP		
Cement or Lime Manufacture	NP	NP	NP	PC	NP		
Commercial Sawmills	NP	NP	NP	PC	NP		
Concrete and ceramic products manufacture, including ready mixed	NP	NP	NP	PC	NP		
Explosive manufacture or storage	NP	NP	NP	PC	NP		
Foundries and/or casting facilities	NP	NP	NP	PC	NP		
Garbage or dead animal reduction or	NP	NP	NP	PC	NP		
Jails and Prisons	NP	NP	NP	PC	NP		Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	PC	NP		
Petroleum products refining or storage	NP	NP	NP	PC	NP		Sec. 8.11
Adult Uses							
Adult Uses	NP	NP	NP	P	NP		Sec. 8.1
Recreational Uses							
Hunting, Shooting, Archery and Fishing Clubs, public or private	P	NP	NP	NP	NP		Sec. 8.8
Commercial Uses							
Antique Shop	NP	NP	P	P	PC		
ATM	NP	NP	P	P	PC		
Branch Bank	NP	NP	P	P	PC		
Barber/Beauty Shop, Limited	NP	NP	P	P	PC		
Bed and Breakfast	P	NP	NP	NP	PC		Sec. 8.3
Commercial Uses	*	**	P	P	*		Sec. 8.9
Country Inn	NP	NP	P	P	PC		
Kennel	P	NP	P	P	NP		Sec. 8.4
Dry Cleaners	NP	NP	P	P	PC		
Florist	NP	NP	P	P	PC		
Medical/Dental/Optical Office, Small	NP	NP	P	P	P		
Non/Not for Profit Commercial Uses	NP	NP	P	P	NP		
Non-Profit Community Centers	P	NP	P	P	NP		
Restaurant, Fast Food, Limited	NP	NP	P	P	PC		
Restaurant, Limited	NP	NP	P	P	PC		
Retail Food Store, Limited	NP	NP	P	P	PC		
Veterinary Services	P	NP	P	P	NP		Sec. 8.x
Video Rental Stores	NP	NP	P	P	PC		
Wireless telecommunications facilities	P	PC	PC	P	PC	Sec. 4B	

Principal Permitted Uses Table (continued)²³

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Agricultural Uses							
Accessory Agricultural Dwelling Unit	P	NP	NP	NP	NP	Sec. 10.5B	
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		
Rural Reception/Event Facility, Small	P	NP	NP	NP	NP	Sec. 4A.5	
Rural Reception/Event Facility	P	P	P	NP	P	Sec. 10.5B	
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

AGENDA REQUEST FORM

Name: Commissioner Noland

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: Follow-up discussion regarding contracting the position of the Financial Consultant for the Jefferson County Commission

Please provide the County Commission with a description of your request or presentation, including any background information:

Due to the absence of a qualified individual in the position of Jefferson County's Chief Financial Officer, I propose that the County Commission contract for services to review the 2014 Fiscal Year Budget to make recommendations and offer input to the County Commission regarding the state of the county's finances and to provide a written report of the finds to include recommendation at the conclusion of the review.

Furthermore, as is the intention of the County Commission to fill the county's CFO position, it will be necessary to provide the necessary training in county finances to the person appointed to that position. To that end, I propose that the County Commission enter into contract negotiations for services to review the county's 2014 Fiscal Year Budget to provide opinions, input and make recommendations to the County Commission regarding the state of the county's finances and to provide a written report on the findings of said review and to provide training for the County's Chief Financial Officer at such a time as Commissioners approve that hire. (*Executive Session may be necessary to discuss contract negotiations*).

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

I move that the County Commission approve the terms of the contract for services on a temporary basis, as discussed during executive session, to review the county's 2014 Fiscal Year Budget and to provide opinions, input and make recommendations to the County Commission regarding the state of the county's finances and to provide a written report on the findings of said review and to provide training for the County's Chief Financial Officer at such a time as Commissioners approve that hire.

Are documents attached? No

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: September 5, 2013

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: Bidding/Contract Policy

Please provide the County Commission with a description of your request or presentation, including any background information:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Are documents attached? Yes

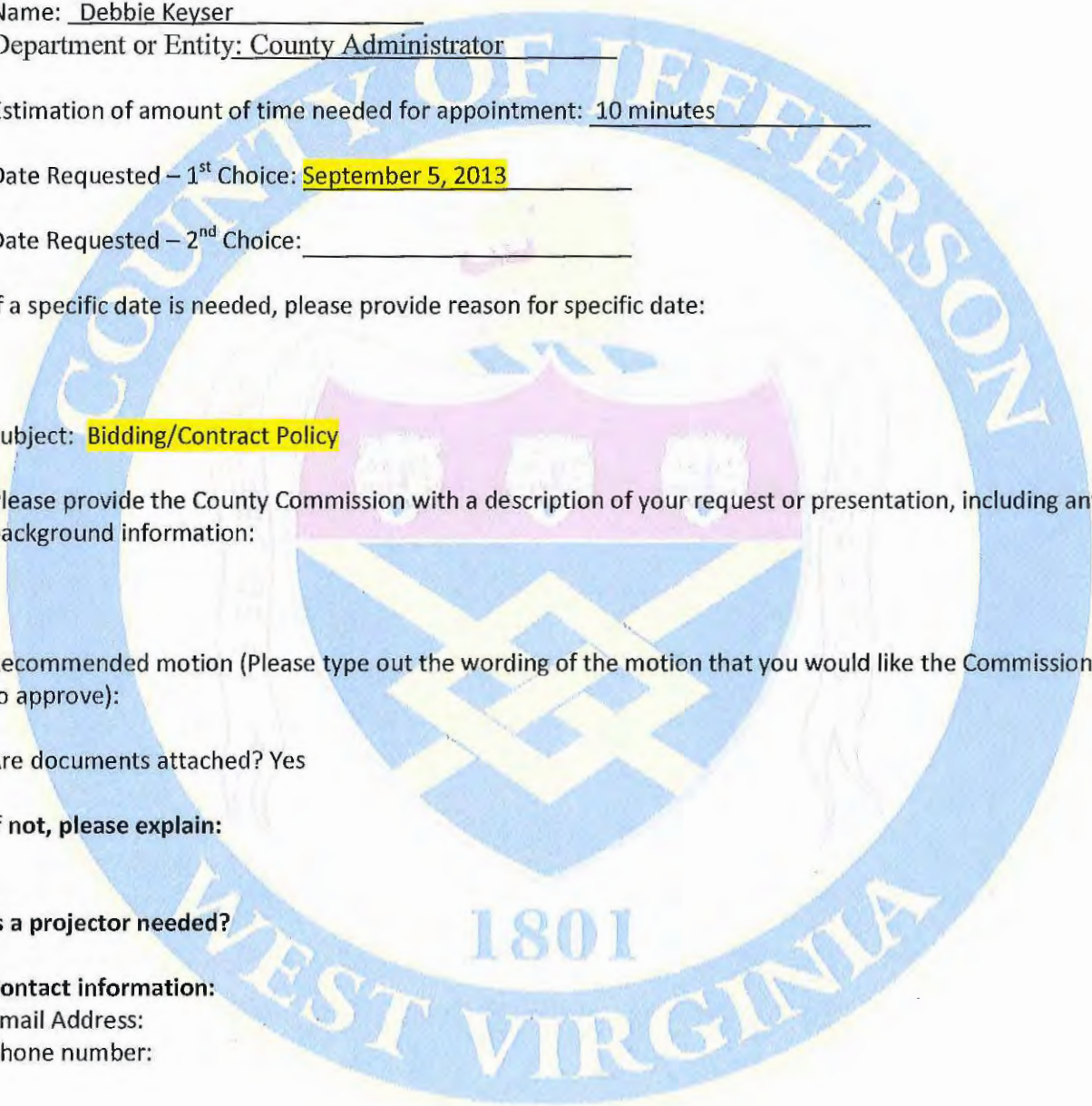
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



<i>Jefferson County Policies & Procedures</i>			
Policy Name:	Bidding and Contract Policy	Approved:	
Policy Number:	909	Author:	
Associated:			

1. Determination of Need

- a. The county office must determine the product or service required, including the quality level, quantity, delivery requirement and estimated cost.

2. Availability through State or Federal Resources

- a. Once the need is established, the county office should determine if the product or service is available from
 - i. Statewide contract
 - ii. Sheltered Workshops
 - iii. WV State Agency for Surplus Property
 - iv. Sole Source

3. Sole Source

- a. A written, signed quotation from the sole source vendor and written justification from the county office for purchases of printing and commodities over \$15,000.00 must be obtained. Fax quotations are permitted. A specific description, terms, FOB point of shipment and price must be included in the signed quotation.
- b. The county office must maintain written documentation in their office certifying that no other sources are available and that the county office exhausted all attempts to secure competition.

4. Emergency Purchases

- a. An emergency purchase is a purchase which can be made after exercising sound judgment and discretion, the county office concludes in good faith some unforeseen or unexpected circumstance has suddenly created a situation requiring that commodities or services be immediately purchased by the county office. A record of competitive bids upon which the purchase was based is to be submitted to the county commission with the proof of purchase.
- b. A minimum of three bids should be obtained.

5. Obtain Bids on Printing and Commodities over \$15,000 (WV Code §7-1-11)

a. Printing means

- i. Printing
- ii. Binding
- iii. Ruling
- iv. Lithographing
- v. Engraving
- vi. And other similar services (WV Code §5A-1-1)

b. Commodities means

- i. Supplies,
- ii. Material,
- iii. Equipment,
- iv. Contractual services means,
 1. Telephone,
 2. Telegraph,
 3. Electric light
 4. And power,
 5. Water and similar services.
- v. And any other articles or things used by or furnished to a department, agency or institution of state government.

c. For printing or commodities over \$15,000.00, competitive bids must be obtained. All requests for bids must be sent to the County Commission.

6. Obtain Bids on All Construction Projects over \$25,000.00 (WV Code §5-22-1)

- a. The county commission will obtain competitive bids on all construction projects of \$25,000 or more.
- b. West Virginia Code §5-22-1 covers all projects that includes both the labor and materials.

7. Request for bids

- a. All requests for bids will be processed by the County Commission. See Formal Acquisition Procedures in this document.

8. Evaluation and Award

- a. After the official bid opening, all bids or proposals are opened, evaluated, and an award is made in accordance with the purchase guidelines.

9. Purchase Order Encumbrance

- a. Encumbrance of purchase orders ensures that the county office has the appropriate funds to make the specific purchase. The encumbrance date is the earliest date that a vendor may commence on any contract.

10. Contract Management

- a. The county office is responsible for establishing benchmarks for contracts to ensure that the product acquired or services to be rendered are offered in accordance with the contract specifications. All contracts will be file with the county commission.

11. Questionable purchases

- a. When a clear determination of whether a project or service requires competitive bids, the project or service will be treated as if it was subject to competitive bids and go through the bidding process as outline in the "Formal Acquisition Procedures".

12. Non-Competitive Procurement

- a. The following equipment and other commodities or services can be purchased directly from a vendor without competitive bidding:
 - i. The item cannot be obtained through ordinary purchasing procedures (no bid obtained)
 - ii. The item is unique, or is not available from any other source (sole source)
 - 1. Copyright materials
 - 2. Conference facilities
 - 3. Speakers
 - iii. The item is technology related
 - iv. The item is available from a statewide contract
 - v. The item is available from the federal government at the same price
 - vi. Item is from a shelter workshop.
 - vii. Item is available from an internet website, maintained by a legitimate government.
 - viii. The item is a construction project less than \$25,000
 - ix. The item is a commodity or service of less than \$15,000.

13. Other counties bids

- a. A bid obtained from another county can be used, if the following procedures are follow (West Virginia Code §7-1-11):
 - i. A copy of the other county's bidding policies and procedures are obtained and compare to the written policies and procedures adopted by the county commission.
 - ii. The other county policy and procedures meets or exceeds this policy and the adopted procedures of the county commission.
 - iii. The other county has followed all applicable laws and regulations in obtaining this bid.
 - iv. All bids are obtained and reviewed.

14. This policy refers to bidding of a contract, and does not cover leasing contracts.
15. All contracts must be reviewed by Legal. The attorney for the Commission is responsible for ensuring the contract is worded in the best interest of the Commission and the County. Any changes or recommendations by the County's attorney should be changed accordingly or have the attorney document he/she is in agreement with your proposal.
 - a. The manager submitting the contract for review is responsible for ensuring the contract is appropriate for their needs. The manager should read the contract thoroughly to ensure the contract requirements/County obligations can be met.
 - b. The contract should be signed by the Commissioners, County Administrator, County Attorney, or Elected Official, as appropriate, with a copy to the County Clerk and County Administrator to maintain records and the County's financial obligations.

Formal Acquisition Procedures

The overall objective of the purchasing function is to acquire the goods and services necessary to provide the essential services for which an organization is responsible. All procurement transactions must be conducted in a manner that provides the essential services for the county, in an efficient and cost effective manner.

Once a request for bid is received the following procedures should be followed:

1. **Request for bids from the county office must contain the following information:**
 - a. A detailed description of, or specification for the item(s) being purchased
 - b. Delivery date, if required
 - c. Possible warranty or services agreements needed
 - d. List of possible suppliers
2. **Decide the basic type of purchase:**
 - a. One-time/ Single purchase
 - b. Open ended contracts
 - c. Agreements
 - d. Emergency purchases
 - e. Leases and lease agreements
 - f. Direct purchases
3. **Determine what kind contract is involved**
 - a. Terms of the contracts
 - b. Services and warranties to be provided
 - c. Length of the contract
4. **Determine the possible vendors**
 - a. Reference sources such as telephone book, etc.
 - b. Supplier's catalogs
 - c. Meeting with business representative
 - d. Contacting other counties with like goods and services
 - e. Utilizing the internet

5. Prepared notice for soliciting of bids

- a. A detailed description of, or specification for the item(s) being purchased
- b. Delivery date,
- c. Possible warranty or services agreements needed
- d. Require sealed bids
- e. Bonds required, if applicable
- f. Policy of awarding bids available
- g. Date of opening bids
- h. Contract Approval and Award date

6. Soliciting bids

- a. Public Notice
 - i. The notice may be published by any advertising medium deemed advisable.
 - ii. The notice shall be posted at the courthouse
 - iii. The notice may be by electronic devices,
 - iv. The notice may be by email to prospective vendors
- b. Notifying of possible vendors
 - i. Phone call
 - ii. Mailing of notice
 - iii. Emailing

7. Hold Pre-Bid Conferences, when appropriate

- a. Have sign in sheets
 - i. Name of company
 - ii. Person attending
 - iii. Address
 - iv. Phone number
 - v. Fax number
 - vi. Date and time of pre-conference
 - vii. Item being bid
 - viii. Email and website information
- b. Hold between the hours of 10:00 a.m. and 3:00 p.m.
- c. Tuesday through Thursday

8. Determine a response time for opening date and time

- a. Time should allow a timely delivery of product or services solicited

9. Bids submission

- a. Designate a person to receive the sealed bids,
- b. Designate a location, and time for bids to be submitted
- c. Refuse all bids after the designated time has passed
- d. Involve county office that request the item
- e. Determine if the bids meets requirements
- f. Determine if further details are needed
- g. Tie bids
 - i. Flip a coin
 - ii. Pull a card to determine or
 - iii. Award multiply contracts if possible
- h. Lowest responsible bidder, or a written justification signed by commissioners for awarding to other vendor.(WV Code §5A-3-11)

10. Bid Opening

- a. At the time and place noted in the advertisement, publicly open the bids

- b. Read all bids aloud
- c. No bids may be opened on days which are recognized as holiday by the Postal Services.
- d. Do not accept or consider any bids that do not contain a valid bid bond or other surety
- e. Maintain a file on all rejected bids. Reasons for rejection of a bid:
 - i. An error made
 - ii. The error materially affected the bid
 - iii. Rejection of the bid would not cause a hardship on the county
 - iv. Enforcement of the bid in error would be unconscionable.

- f. A contractor who withdraws a bid may not submit another

11. Contract Approval and Award

- a. Negotiation when all bids exceed available funds
 - i. May negotiate a lower price within available funds with lowest bidder
 - ii. Void all bids and send request back to county office for new request
- b. Name date and time of awarding the contract

Paul- do you have a revised -
version of this -

Jefferson County, WV Policies and Procedures			
Policy Name:	Bidding Contracts Policy	Approved:	
Policy Number:		Author:	
Associated:			

Purpose:

To provide a uniform basis for the Publication and solicitation of requests for sealed bids in compliance with WV Code 7-15-16, which states:

A purchase of or contract for all supplies, equipment and materials and a contract for the construction of facilities by any authority, when the expenditure required exceeds the sum of ten thousand dollars, shall be based on competitive sealed bids. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provision of article three, chapter fifty-nine of this code and the publication area for the publication is the service area of the authority. The second publication shall be made at least fourteen days before the final date for submitting bids. In addition to publication, the notice may also be published by any other advertising medium the authority may consider advisable and the authority may also solicit sealed bids by sending request by mail to prospective suppliers and by posting notice on a bulletin board in the office of the authority.

Policy: *include consulting contracts

* All purchases of or contracts for supplies, equipment, materials and construction projects costing more than ten thousand dollars must be advertised as a Class II advertisement in a newspaper of local circulation as well as other forms of advertisement as outlined in WV Code 7-15-16 as stated above. The bid period shall be thirty days.

Length of a Contract: - 3 years

Unless conditions arise that would require review of a contract before the life of the contract had expired or the useful life of the product purchased using the bid had passed; the contract period shall be considered to be the useful life of the product or service agreement purchased using the bid process.

Re-occurring purchases:

If the cost of an item requires the item to be purchase using the bid process, but the quantity needed cannot readily be determined; the item should be purchased on the best terms of availability, cost, and quantity to minimize cost to the county,

Review Contract

Sole source applications:

When purchasing a product or service from a sole source vendor because of design, licensing restrictions, application or other restrictions; documentation must be available to support the "Sole Source" purchase application. Sole source application are to be reviewed periodically to determine if other sources have become available due to changes in the market place or new technology is available.

Other contract considerations:

Availability, service area, delivery, location, or other factors may be considered in addition to cost in determine a final source for products or services purchased through the bid process.

City of Charles Town, West Virginia Bid/Purchasing Policy

Purpose

The purposes of this regulation ^{Policy} are to standardize the sales, bids and purchasing procedures of the City of Charles Town; to promote the fair and equitable treatment of all consumers and suppliers of goods and services; to secure goods and services from local vendors whenever practical; and to provide the most advantageous services to the citizens of Charles Town. city wide

Policy Statement

All purchases over \$10,000.00 require a minimum of three written bids. Purchases over \$25,000.00 require an advertisement for bid solicitation in addition to at least three written *and sealed* competitive bids.

Per WV State Code, any construction of facilities exceeding a cost of \$10,000.00 requires a minimum of three written *and sealed* competitive bids.

Solicitation for competitive, sealed bids will be open for 30 days and advertised in the local newspaper and on the City website. Emergency Situations

Preference will be given to local contractors and vendors where the local bid is within a 5% difference of the lowest bid received.

Renewal of existing contracts may be exempt from this policy with approval of the appropriate City governing body.

This policy supplements existing WV State Code §8-12-10 and §8-27-23.

✓ add Bid Comm
P+Rec

Council
Action
in other
approvals

Council meeting on May 21. Flower planting will begin Wednesday, May 9 in the downtown area, and City Hall will be closed tomorrow, May 8, for the West Virginia Primary Election.

CHIEF OF POLICE REPORT

Chief Kutcher informed Council that he would appreciate any feedback on what type of information the Council would like provided, such as statistics or reports. There was previous discussion of purchasing two new sport utility vehicles for the Police Department and those two vehicles are now available for purchase. Most of the existing SUVs have high mileage or maintenance problems. The current vehicles are also not equipped as police vehicles. These will be paid for out of the Police Capital Reserve Fund. Chief Kutcher also informed Council that Lieutenant George Manning has been recognized by the Highway Safety program and will be traveling to Florida for a conference in June.

FINANCE COMMITTEE REPORT

The Finance Committee met on April 20 and had two recommendations for City Council. The Finance Committee recommended approval of the donation requests to total \$72,599 from the General Fund and \$52,000 from the Capital Reserve Fund. A motion was made by Councilman Slover, seconded by Councilman Clendening, and upon discussion, the Council unanimously voted to approve the donation requests. The Finance Committee also recommended approval of the Bid/Purchasing Policy. A motion was made by Councilwoman Paonessa, seconded by Councilman Slover, and upon discussion, the Council voted to approve the Bid/Purchasing Policy with the addition of language for emergency situations where an immediate release of funds may be necessary, the requirement that other City committees follow this policy as well, and that terminology within the Policy be changed from "regulation" to "policy".

NEW BUSINESS

Mayor Smith opened the floor for Budget Revision No. 2. The revision showed an increase of approximately \$400,000.00, which gives the City an increased likelihood of a more significant carryover amount for our next fiscal year. This was due to increased table games and video lottery revenue as well as ad valorem tax. Table games revenue is now \$650,000.00 and is deposited into the Capital Reserve Fund. A motion was made by Councilman Clendening, seconded by Councilman Hines, and the Council unanimously voted to approve Budget Revision No. 2.

Mayor Smith opened the floor for Rezoning Application: REZ 2012-0001 – 112/114 North West Street. This application will be referred to the Planning Commission and scheduled for a public hearing. A motion was made by Councilman Clendening, seconded by Councilman Slover, and upon discussion, the Council voted unanimously to refer Rezoning Application: REZ 2012-0001 – 112/114 North West Street to the Planning Commission.

Mayor Smith opened the floor for Resolution 2012-08: Support for the Charles Town Utility Board Water Projects. A motion was made by Councilman Clendening, seconded by Councilman Slover, and the Council unanimously voted to approve Resolution 2012-08: Support for Charles Town Utility Board Water Projects, as follows:

Resolution 2012-08

**In Support of the Charles Town Utility Board's Efforts
to Seek Bond Funding for Water System Projects**

Jefferson County Policies & Procedures			
Policy Name:	Fleet Vehicle Policy	Approved:	
Policy Number:		Author:	dak
Associated:			

Minimum Standards for Driving a State Vehicle

Only county employees who sign a Vehicle Use Agreement may drive county vehicles. They may only use county vehicles if they are on official county business, meet minimum driving standards and are authorized by their supervisor and Fleet Manager. The Vehicle Use Agreement will be documented and kept on file by the Fleet Manager and copy in the employee's personnel file.

County employees may be allowed to drive a county vehicle if the following minimum standards are met:

- Must have a valid operator's license,
- Must have minimum of two years licensed driving experience
- Must be eighteen (18) years of age
- Must sign a release to have a driver's license report completed if driving a County vehicle
- Must have a driver's license record eligible to drive a county vehicle as defined below
- Interns attending college with a perfect driving record.

Vehicle Use Agreements

All drivers must sign a Vehicle Use Agreement and submit the completed document to their supervisor and Human Resources for approval prior to operating a county vehicle. It is the driver's responsibility to immediately notify the supervisor and agency fleet manager/coordinator of any changes or updates in their driving record such as a DUI or license revocation, restriction or suspension. Any failure to comply with the Vehicle Policy will be reviewed by the driver's supervisor and may be considered a violation of work rules resulting in a loss of county vehicle driving privileges and possible discipline, up to and including discharge. Any questions should be directed to Human Resources

Driver Disqualification

County employees may not drive a county vehicle if their driving record reflects any of the following conditions:

- Three or more moving violations and/or at-fault accidents in the past two years
- Suspension or revocation of driver's license
- Employees with a DWI (Driving While Intoxicated) citation within 12 months

Exceptions to this policy can only be made by the County Administrator. Drivers denied the use of a county vehicle based on an unsatisfactory driving record may request a review of the denial by the County Administrator.

General Rules for all uses of County Vehicles:

- Employees are responsible for utilizing the Vehicle Information Data Sheet to know where to obtain gas and car washes for the vehicles.
- All vehicles are to be returned clean to the supervisor, ready for the next driver.
- All drivers and passengers in county vehicles must comply with all West Virginia laws, including the seat belt law.
- Drivers and/or their agency are personally responsible for the cost of all traffic citations, parking tickets, locksmith calls for retrieving keys, etc.
- Drivers are responsible for compliance with IRS requirements that are related to mileage reimbursement and personal use of a county vehicle.
- Compliance with county vehicle use policies is required of all drivers and passengers. No person may use a county vehicle, or permit the use of a county vehicle, in the following prohibited manners:
 - Reckless driving or speeding
 - The driver is impaired by fatigue, alcohol, drugs or any other condition
 - Drivers of county vehicle who feel that their driving abilities may be impaired must cease operating the vehicle immediately.
- Employees who believe another employee is impaired have a duty to prevent that person from driving a county vehicle.
- Tobacco use (smoking or chewing) is prohibited in county vehicles
- Drug or alcohol use is prohibited in county vehicles or being under the influence while in county vehicles
- Transporting non-county employee passengers, including family members, is not permitted.

Vehicle Policy

- Use for personal gain, such as delivering goods or services is not permitted.
- Modifications including affixing signs, stickers, bike racks, ski racks, etc. is not permitted
- Modifications to county vehicles is not permitted may be undertaken only with the prior written consent of the Fleet Manager.
- Transporting animals/pets is not permitted / exception Animal Control, K9 Units, or approval by the fleet manager
- Hauling loads that could structurally damage the vehicle (e.g., firewood, paper, gravel) is not permitted unless authorized by the fleet manager
- Use of trailer hitches and towing for personal use is not permitted
- Installation or use of any radar-detection devices is not permitted
- Transporting hitchhikers is not permitted
- Bicycles transported inside vehicles is not permitted unless authorized by the fleet manager or human resources
- Use for vacations or any other use not expressly authorized by this policy

Drivers who have questions regarding the appropriate use of a county vehicle should consult with their Supervisor or Fleet Manager to provide written authorization for exceptions.

Status of Driver:

1. Occasional Use of County Vehicle
2. Assigned a County Vehicle
3. Work Shared Vehicle

Occasional Use

Employees are required to reserve a vehicle, when needed, with the appropriate assigned Manager. Assigned Managers with County Vehicle Lending Authority:

- Engineering Department Manager (Roger Goodwin)
- Fleet Manager – Maintenance Department Manager (Bill Polk)

Failure to schedule a vehicle properly, failure to cancel a reservation, failure to pick up a vehicle on the day it is reserved, or failure to return a vehicle on the designated return date may result in suspension of the privilege to use county vehicles.

In the event a county vehicle is not available, rental cars may be used.

Assigned Vehicles

A few select individuals will be granted permission to have an assigned county vehicle due to the nature of their position. An employee may be assigned a county vehicle based upon job responsibilities, an approved driving record and whether there is a critical business need. Employee must need to use the vehicle for official county business 5-7 days per work week. Employee is required to be on-call due to emergency services for the area. When an employee with a personal vehicle assignment is on leave or no longer works for the agency, the vehicle should be made available to other County employees for county business travel or returned to the County.

Employees are required to ensure they respond promptly to the maintenance schedule provided to them for all preventative maintenance so it is performed on schedule and have the vehicle serviced in a timely manner when notified of a recall or preventive maintenance. Your failure to deliver the vehicle on a timely basis to ensure maintenance and repairs are completed in accordance with agency policy may result in loss of the vehicle.

In the rare event an assigned vehicle is used for personal use, the employee is responsible for reporting their annual personal mileage to Payroll by December 31st of each year, so proper taxation can occur for personal mileage. The employee is responsible for maintaining a log of a personal mileage.

Work Shared Vehicles

Work shared and pool vehicles may not be used for commuting unless required by the employer. Further, work shared or motor pool vehicles are to be parked at the agency when not being used by an employee. A work-shared vehicle may only be used for business miles and associated incidental travel. No one is authorized to ride in a County vehicle except County employees without written permission from Legal.

Personal Use of County Vehicles

With the exception of commuting an assigned vehicle, county vehicles shall not be used for personal purposes. County vehicles may be used for commuting only if the County requires the employee to commute for valid business needs of the County.

Vehicle Policy

Incidental Travel and Stops

Drivers are not permitted to use a county vehicle for a personal purpose. The only exceptions to this rule are incidental stops. Examples are stops at a restaurant for a meal, an Automatic Teller Machine (ATM) or financial institution, urgent care or emergency room or a gas station or convenience store. Drivers should remember that public perception of county employees is important and influenced by how and where the public sees county vehicles being used. Drivers should not make incidental stops at locations the public would perceive as inappropriate. Examples are gaming and sports venues, liquor outlets and other locations where it is unlikely that any county business or allowable incidental use is involved. Drivers required to stay overnight(s) away from home may, with permission of their supervisor, use a county vehicle for the types of necessary activity that could be expected of a traveler away from home. Examples include evening use to go to a pharmacy, grocery, laundromat, fitness center, or other locations to purchase goods or conduct activities necessary for the employee's health and well being.

Rental Cars:

The use of a rental vehicle when traveling on official business for Jefferson County should only be used when absolutely necessary and when use of the rental vehicle is the most economical mode of transportation. The following shall be adhered to when renting a vehicle for official Jefferson County business.

- All rentals shall be at the most economical rate per day.
- The least costly rental vehicle suited to the trip is to be used, taken into account the number of passengers, luggage, equipment, etc. (1-2 people = intermediate or below; 3-4 people = full size or below).
- The County will not pay for the use of a rental vehicle to accommodate family members or non-County business associates traveling with the County employee.
- All authorized drivers must be listed on the vehicle rental agreement.
- Mileage is not reimbursable for rental vehicles. Direct cost of gasoline is reimbursable.

Idling:

Limiting of idling reduces air pollution and greenhouse gas emissions, and contributes to healthier work environments and the efficient use of company resources. Limiting vehicle idling will also assist in the environment and efficient use of company resources of fuel and vehicle maintenance. This also is in alignment with the measure to reduce pollutants as outlined in the Eastern Panhandle West Virginia Ozone Early Action Compact.

This refers to all County vehicles or any other equipment (motors which freeze up quickly, tractors, etc.) utilizing fuels such as diesel, gasoline, propane or compressed natural gas.

Initial warm-ups are allowed as follows: 2 minute idle for diesel fueled vehicles. 1 minute for unleaded fueled cars or trucks. No operator shall unnecessarily idle the engine of a vehicle (unleaded or diesel) in excess of 90 seconds.

Operators making frequent and multiple stops that require their car/truck to be stationary for time periods up to 2 minutes may idle up to 2 minutes during those circumstances.

When engines must be left running for any reason, the operator must remain in the vehicle.

Exceptions: This policy does not apply where engine power is necessary for an associated power need such as, but not limited to, electrical or pressure generation, inverter or tool use, lift gate or boom operation. Vehicles may idle for the purpose of defogging, defrosting, deicing windows. Idling must end once conditions have been eliminated. This does not apply to vehicles being serviced or inspected. It does not apply to vehicles which house animals such as K-9 units or Animal Control vehicles. Where safety may be compromised by shutting down the engine during extreme weather conditions, vehicles may idle at the discretion of the operator. At railroad crossing, traffic accident, or engaged in heavy traffic, or traffic lights.

Driver's Responsibility:

Drivers are responsible for immediately reporting all accidents or any damage to county vehicles to the Fleet Manager and Human Resources. Reports must also be made to local law enforcement personnel. If all paperwork is not submitted in a timely manner, the claim may be denied and the County may be responsible for additional costs. Each county vehicle will have an accident kit in the glove compartment advising employees of the procedures to be followed in the event of an accident. All procedures included in the accident kit need to be followed.

- Contact the nearest law enforcement agency to notify them of an accident.
- Obtain relevant information required from other parties involved to complete the Accident/Incident Report
- Ask for the case number and when the police report will be available.
- Driver is required to seek a police report for all vandalism or hit-and-runs that exceed \$200, accidents resulting in injuries, vehicle damage over \$1,000, and/or property damage over \$200.

Vehicle Policy

- Report the accident immediately your supervisor, the Fleet Manager and Human Resources.
- If outside of normal business hours, leave a voice mail or send an e-mail to the Fleet Manager and Human Resources with phone number, and a brief description of the loss.
- If the driver is unable to complete the accident report form, the supervisor is responsible for completing it. It is extremely important that the information is accurate and all blanks are filled in, including the driver and supervisor signatures.
- If a County employee is injured, the appropriate workers compensation forms should be completed by the employee or Human Resources if the employee is unable to complete the forms.
- Obtain and submit a copy of the police report to County Administrator and a copy to the employee's Department Manager.

Privately Owned Vehicles

Damages to the employee's personal vehicle are covered by the employee's own auto insurance and the employee is responsible for the insurance deductible. Under no circumstances will the County's property program pay for the employee's vehicle repairs. It is the employee's responsibility to carry personal auto liability insurance. Recommended minimum limits of personal auto insurance coverage are \$100,000 for bodily injury per person, \$300,000 for bodily injury per accident when two or more people are injured, and \$50,000 for property damage per accident. The employee's personal auto liability insurance also provides primary coverage for medical expenses incurred by other parties involved in an employee's at-fault accident, and primary coverage for repairs to other vehicles or property involved in an accident caused by the employee. The County liability program only provides coverage for amounts in excess of the employee's auto liability insurance if the county employee was negligent and within the scope of employment when the accident occurred. Questions may be referred to the Fleet Manager or Human Resources.

Fleet Manager Responsibility:

The Fleet Manager is responsible for the following:

- Designate and review vehicle assignments
- Establish maintenance procedures
- Maintain maintenance procedures on all county vehicles
- Maintain vehicle history records
- Develop and maintain procedures to evaluate and recommend vehicle for replacement.
- Monitor direct and indirect fleet costs
- Maintain fleet required
- Authorize the use of county vehicles
- Ensure adherence to fleet maintenance procedures
- Communicate and forward information regarding vehicle needs to fleet managers/drivers/supervisors
- Monitor vehicle use (e.g., mileage logs)
- Monitor costs that must be reimbursed to the County by the employee
- Investigate citizen driver complaints
- Assist in obtaining missing or erroneous driver reports
- Utilize county provided supplies to ensure cost containment for maintenance of vehicles
- Keep up-to-date information and instructions in each vehicle so the driver knows what to do in the event of an accident or failure of equipment
- Removal and additions to the insurance policy
- Review and update applicable county policies as they relate to vehicle administration
- Current purview and discretion of purchasing, maintaining and disposal of all County Commission, Elected and Contingency agencies vehicles to ensure we are utilizing all of our resources appropriately and cost efficiently

Vehicle disposal and replacement:

- The fleet manager will be responsible for preparing a list of surplus vehicles for disposal and submit the list to the County Administrator, the Director of Financial Management and the County Clerk's Bookkeeping Department. The Fleet Manager will be responsible for proper advertising the surplus vehicles for public auction.
- The fleet manager will be responsible for preparing a specification sheet for required new vehicles and submitting same to the County Administrator and the Director of Financial Management for procurement of new vehicles. This should be accomplished at budget time and if possible purchased through fleet management.

Supervisor of a driver is responsible for the following:

- Maintain up-to-date knowledge of fleet policies and procedures
- Educate their staff/drivers of all policies and procedures
- Ensure completion of initial Vehicle Use Agreement for their employees
- Submit requests for a vehicle assignment

Vehicle Policy

- Manage mileage envelopes/logs including a review of personal use

Human Resources Responsibility:

- Maintain up-to-date knowledge of fleet policies and procedures
- Maintain up to date annual records for drivers license records for the county. Review and advise supervisors and employees with issues regarding the results
- Manage workers compensation claims and third party litigation claims in conjunction with Legal
- Assist Fleet Manager with policy and policy revisions as required

Vehicle Policy

Vehicle Assignment for Occasional Use

Employee:	Date Form Completed:
Date Car Requested:	Date Car to be Returned:
Time Requested:	Time to be Returned:

Business Reason for the request:

Employee's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

Fleet Manager/Supervisor Response:

Make/Model Assigned: _____ Tag Number: _____

Returned in clean condition: _____

Maintenance Needed/Problems with Vehicle: _____

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: JCESA Board Members, JCESA Management, JC Fire and Rescue Assoc. President

Department or Entity: Jefferson County Emergency Services Agency

Estimation of amount of time needed for appointment: 1 hour

Date Requested – 1st Choice: Thursday, September 5, 2013

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: **Continuation of previous topic.**

Subject: **Ambulance Ordinance**

Please provide the County Commission with a description of your request or presentation, including any background information:

Presentation of revised budget and potential fee rates.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

To amend / approve the Ordinance.

Attachments: **Yes - Ordinance Budget and Fee Chart**

Is projector needed? **No**

Contact information:

Email address: dpittinger@jcesa.org

Phone number: **304-728-3287**



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 Sixteenth Avenue
Ranson, WV 25438
E-mail – jcesa@jcesa.org
Telephone – 304-728-3287
Fax – 304-728-6221

August 27, 2013

Jefferson County Commission
124 E Washington Street
Charles Town, WV 25414

Dear Commissioners:

Attached is the Revised Ordinance Budget approved by the Jefferson County Emergency Services Agency Board, not including Fire-related expenses. The budget of \$1,066,011 includes nine operational and two clerical positions. The operational positions, while following the number recommended in the Delta Study, are not allocated by location but will be based on call volume and response times in the interest of best servicing the citizens of Jefferson County at the time the positions are filled. It has further been decided by the Board that all positions will be placed in the volunteer fire stations, and no additional positions will be placed at Station 11.

We have also prepared a chart with seven options for the potential fee. It is recommended that the Commission select a rate that will protect the base JCESA budget to prevent reduction in operational coverage and/or volunteer company funding.

Your consideration of our proposal is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Williams", written over the word "Sincerely,".

Alan Williams
President
Jefferson County Emergency Services Board

Attachments

ORDINANCE BUDGET

	Full Time Pos	FTE	Base Salary	Year 1 Total	Year 2 Total	Year 3 Total	Year 4 Total	Year 5 Total
① Operational Positions								
EMT - III/A	3	4.5	35152	158,184	162,930	167,817	172,852	178,037
Paramedic - IV/A	6	9	40997	368,973	380,042	391,443	403,187	415,282
Part-time - Vacation Coverage				13,517	13,923	14,340	14,770	15,214
Overtime - Unscheduled leave coverage				12,167	12,532	12,908	13,295	13,694
TOTAL SALARY	9	13.5		552,841	569,426	586,509	604,104	622,227
② Benefits:								
FICA @ .062				34,276	35,304	36,364	37,454	38,578
Medicare @ .0145				8,016	8,257	8,504	8,760	9,022
Pension @ .105				38,179	39,324	40,504	41,719	42,971
Workers Comp				50,585	52,103	53,666	55,276	56,934
Insurance				80,059	82,461	84,935	87,483	90,107
Fitness and Physicals				12,240	12,240	12,240	12,240	12,240
Total Benefits				223,355	229,689	236,212	242,931	249,852
TOTAL SALARY AND BENEFITS				776,196	799,115	822,721	847,036	872,080
③ Other Expenses								
Employee Equipment				34,083	8,100	8,100	8,100	8,100
Training				1,080	1,080	1,080	1,080	1,080
Chase Vehicle				70,000	0	0	0	0
Total Cost Operational Positions				881,359	808,295	831,901	856,216	881,260
④ Collection System Expenses Other than pers								
Fee Collection System				20,000	3,972	3,972	3,972	3,972
Contractor Installation on A5400 Include Travel				30,000	0	0	0	0
Data Conversion and VPN access				2,475	0	0	0	0
Hardware				3,200	0	0	0	0
Equipment including files and a Safe				10,000	0	0	0	0
Printing and Mailing				27,742	27,742	27,742	27,742	27,742
				93,417	31,714	31,714	31,714	31,714
Total Operational Positions and System				974,776	840,009	863,615	887,930	912,974
⑤ Ambulance Fee Data/Collection								
Clerk - IIA	1	1	29286	29,286	30,165	31,070	32,002	32,962
Clerk Collections - IIIA	1	1	35152	35,152	36,207	37,293	38,412	39,564
				64,438	66,371	68,362	70,413	72,526
Benefits:								
FICA @ .062				1,816	1,870	1,926	1,984	2,044
Medicare @ .0145				425	437	451	464	478
Pension @ .105				6,766	6,969	7,178	7,393	7,615
Insurance				17,790	18,324	18,873	19,440	20,023
Total Salary and Benefits				91,234	93,971	96,791	99,694	102,685
GRAND TOTAL				1,066,011	933,980	960,406	987,624	1,015,659

This budget does not include the cost of collecting delinquent fees

Operational Positions ①

WAGE SUMMARY

	Pos	FTE		Total
<u>New Positions</u>				
FF/EMT	3	4.5	\$ 35,152	\$ 158,184
FF/Paramedic	6	9	\$ 40,997	\$ 368,973
	9	13.5		\$ 527,157

EMS CALL VOLUME BY SEVERITY OF CALL

13-Jul	Alpha	18%	
	Bravo	9.00%	
	Charlie	42.00%	
	Delta	24.00%	
	Echo	2.00%	
	Omega	0.00%	68.00%
	Unclassified	5.00%	

Sixty eight percent of calls as of July require a Medic therefore the ratio of Medics to EMT of 6/3

Operational Positions 1B

Monday thru Friday

			Pos	Hours Per Week	FTE Hrs/40
To be determined	12 hrs	FF/P	1	60	1.5
	12 hrs	FF/P	1	60	1.5
	12 hrs	FF/P	1	60	1.5
	12 hrs	FF/P	1	60	1.5
	12 hrs	FF/P	1	60	1.5
	12 hrs	FF/P	1	60	1.5
		Subtotal	6	360	9
To be determined	12 hrs	FF/EMT	1	60	1.5
	12 hrs	FF/EMT	1	60	1.5
	12 hrs	FF/EMT	1	60	1.5
		Subtotal	3	120	4.5
		Total	9	60	13.5

The number of positions (9) was determined by the Delta Study which recommended one position at each station plus 2 at JCESA. The current allocation of positions by station will be based on response time data and call volume. No additional positions will be assigned to Station 11. Twelve hour a day coverage will be 40 permanent full time and 20 hours part time personnel.

Current Coverage 1A

				Full Time		
				Pos	Hours Per	FTE
					Week	Hrs/40
Monday thru Friday						
Company 1 - Friendship	8a-6p	EMT		1	50	1.3
Thurs-Mon						
Company 2 - Citizens	10p-8a	Med		1	50	1.3
Monday thru Sunday						
Company 5 - Blue Ridge Mtn	8a-6p	EMT		1	50	1.3
Monday thru Friday						
Company 6 - Middleway	6a-4p	EMT		1	50	1.3
Company 7 - Bakerton						
						0
				<hr/>		
Subtotal				4	200	5.0
Monday thru Sat/ Sunday						
Station 11 - JCESA	24 hrs	Med		4	168	4.2
		EMT		4	188	4.7
Company 4 - Independent	6a-6p	Med		2	84	2.1
Monday thru Friday						
Company 3 - Shepherdstown	6a-6p	Med		1	84	2.1
				<hr/>		
Subtotal				11	524	13
HDQ-Supervisory/Paramedic						
		Med		2	80	2
				<hr/>		
Total				17	804	20
				<hr/> <hr/>		

Coverage during Vacation and Sick Leave (1)

Positions are scheduled for 60 hours per week; 40 regular time and 20 hours for part-time personnel.

There are limits to the availability of PT personnel; most have EMS jobs elsewhere.

In an attempt to keep budget minimum, annual leave will be scheduled leave giving adequate lead time to attempt to fill with part-time personnel. Sick leave is generally unplanned and is estimated at the overtime rates.

	Annual Salary	Hrly Rate 2080	OT Rate 1.5		
EMT	35152	16.90	25.35		
Paramedic	40997	19.71	29.57		
		36.61	54.92		
		Hours			
Annual Leave	PT	80	16.90	3	4,056
		80	19.71	6	9,461
Total				9	13,517
Sick Leave	OT	48	25.35	3	3,650
		48	29.57	6	8,516
Total				9	12,167

PENSION (2)

		Full Time Pos Only	
	Pos		Total
Operational Positions			
FF/EMT	3	35152	105,456
FF/Paramedic	6	40997	245,982
Overtime			12,167
Subtotal	9		<u>363,605</u>
		Rate	0.105
		Total	38,179

Full Time Permanent Operational positions pension is mandatory through the State of WV Retirement System and is computed against total PFT salaries.

Workers Comp (2)

Projected Salaries	552,841
Divided by \$100	5,528
Delta Forcasted rate	9.15
	50,585

Billings for Workers Comp are based on salaries of all personnel and charged at different rates for operational and administrative. The Delta Study was used to determine a rate/100 of salary.

Insurance (2)

Blue Cross- Health

Annual Cost

2011 rate	483.95	
2012 rate	554.93	
2013 rate	608.36	
Increase	1.0963	
2014 Budget rate	667	
12 months	8,003	
Full Time Pers	9	72,029

Dearborn Life

2011 rate	28.73	
2012 rate	29.87	
2013 rate	30.68	
Increase	1.0679	
2014 Budget rate	33	
12 months	393	
Full Time Pers	9	3,538

Guardian - Dental

2011 rate	26.31	
2012 rate	28.15	
2013 rate	33.08	
Increase	1.2573	
2014 Budget rate	41.59	
12 months	499	
Full Time Pers	9	4,492

Total Insurance

80,059

Backgrounds, Physicals and Fitness (2)

Physicals and Background	1000	9	9,000
Fitness	360	9	3,240
			<u>12,240</u>

Annual Physicals (\$900) and Backgrounds (\$100) are based on the actual payments for 2012-2013.

All Employees are required to meet standards of fitness as part of their job performance. Gym membership is reimbursed based on meeting a minimum standard of participation.

Equipment and Training (3)

Employee Equipment

Each Employee receives an allotment of uniform clothing.

Coat	400		
Shirts Tshirt Ball Cap	300		
Pants and Boots Allow per year	300		
Total	1000	9	\$9,000

Recurring: 600 FT and 300 PT

One Time Purchase

Radio	2787	9	\$25,083
			\$34,083

Training

New Positions	Total		per year
		3240	1080
EMT (every three years)			
Application Fee (WVVOEMS)	\$50		\$50
Test Fee (WVOEMS)	\$75		\$75
Electronic Fingerprints	\$35		\$35
	\$160		\$100
3 Pos	\$480		\$100
			\$460
			\$2,760 6 pos
48 Hours continuing education + 4 Hours for CPR recertification class Required every three years			

Chase Vehicle

Chase Car for staff mobility	\$55,000	
ALS Equipment installed in vehicle	\$15,000	\$70,000
Additional positions assigned around the County		

Cost of Collection (4)

	One Time	Recurring
AMB Fee Collection System	20,000	3,972
Installation Training Travel	30,000	0
Data Conversion and VPN access	2,475	0
Hardware	3,200	0
Equipment files, safe	10,000	0
Printing and mailing billing*	27,742	27,742
Cost of Collection	<u>0</u>	<u>Unknown</u>
Subtotal	93,417	31,714

*Based on County Tax office figures	22,003	0.73	16,062
Follow up mailings of unpaid accounts in Oct/Jan	11,000	0.73	8,030
	5,000	0.73	3,650
			27,742
System Maintenance	206 per month		
Tech Support			2,472
			1,500

Per estimates provided by Software Systems
 Developing, updating and maintaining database of billable properties.
 Issuing bills, collecting and depositing fees and reporting regularly on income.
 Developing a system to pursue delinquent payments

Cost of Collection is unknown. Berkeley County Fire Board Files in Magistrate Court Ambulance Authority utilizes a collection agency. However, this will not affect the first year expenses. Collection will take one to two years and will be developed a later date.

ORDINANCE FEE OPTIONS

<u>Residential</u>	<u>Units</u>		<u>Option 1</u>		<u>Option 2</u>		<u>Option 3</u>		<u>Option 4</u>		<u>Option 5</u>		<u>Option 6</u>		<u>Option 7</u>
	21,221	85	1,803,785	75	1,591,575	65	1,379,365	60	1,273,260	55	1,167,155	50	1,061,050	45	954,945
Adj for Homestead 3538	21,221	-42.50	-150,365	-37.50	-132,675	-32.50	-114,985	-30	-106,140	-27.50	-97,295	-25	-88,450	22.50	-79,605
			1,653,420		1,458,900		1,264,380		1,167,120		1,069,860		972,600		875,340
Commercial															
0-2500	256	85	21,760	75	19,200	65	16,640	60	15,360	55	14,080	50	12,800	45	11520
2501-25000	487	500	243,500	500	243,500	500	243,500	500	243,500	500	243,500	500	243,500	500	243500
25001-100000+	39	1,000	39,000	1000	39,000	1000	39,000	1000	39,000	1000	39,000	1000	39,000	1000	39000
			304,260		301,700		299,140		297,860		296,580		295,300		294,020
Adj for CAP	782		-73,035		-64,443		-55,850		-51,554		-47,258		-42,962		-38666
			231,225		237,257		243,290		246,306		249,322		252,338		255,354
Grand Total	22,003		1,884,645		1,696,157		1,507,670		1,413,426		1,319,182		1,224,938		1,130,694
Ordinance Budget			1,066,011		1,066,011		1,066,011		1,066,011		1,066,011		1,066,011		1,066,011
Difference in Res/Comm			818,634		630,146		441,659		347,415		253,171		158,927		64,683
Difference in Res			587,409		392,889		198,369		101,109		3,849		-93,411		-190,671

**MADD and the Governor's Highway Safety Office
Cordially Invites You**

And a Guest

To the

Annual Law Enforcement Appreciation Breakfast

Saturday, September 7, 2013 at 9:00 AM

At the Holiday Inn in Martinsburg, WV

Special awards will be presented to top achieving officers
And honoring all of the Local Law Enforcement Officers
For their continuous efforts in keeping our roadways safe

So, Please join us as we celebrate, recognize, and award
Law Enforcement Officers
of Berkeley, Jefferson & Morgan Counties
For their outstanding work to help promote
MADD's mission to Eliminate Impaired Driving
Decreasing the number of DUI offenders and crashes

RSVP is required. Please RSVP by August 23, 2013.

By calling Margaret Walker at (304) 671-6906



MADD

Activism | Victim Services | Education

INDEPENDENT FIRE CO. NO. 1, INC.**ORGANIZED 1884**MAILING:
P.O. BOX 925
CHARLES TOWN, WV 25414LOCATION:
200 W. SECOND AVENUE
RANSON, WV 25438

PHONE: 304-725-2514

FAX: 304-728-6006

9/11 REMEMBRANCE CEREMONY

The Independent Fire Company will host its 12th annual **9/11 Remembrance Ceremony on Wednesday, 11 September 2013 at 9:58 a.m.** The ceremony will take place at the fire station, 200 W. 2nd Ave. Ranson, WV. It should last approximately ½ hour.

The guest speaker is to be George Harris, a Jefferson County resident, who was at the World Trade Center that morning serving with the Secret Service.

The commemoration will occur between the times the World Trade Center towers collapsed. The victims at the Pentagon, in Shanksville, PA and in the War on Terror will also be honored. Assisting will be members of the Jefferson High School Cougar Air Force Junior ROTC and the Washington High School Patriot Voices. Bagpipe music will be presented by Joe Kent.

The public is encouraged to attend to remember with us. Available Police, Fire, EMS and Military personnel are requested to attend in uniform, if possible.

Contact: Henry Christie, Chaplain 304-279-6024 (c)
304-725-9622 (o)

RECEIVED

AUG 7 2013

Jefferson County Commission



August 7, 2013

Ms. Sandy McDonald McDonald
Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

RE: WVCoRP Annual Business Meeting and Board Member Elections

Dear Ms. McDonald,

On Friday, September 13, 2013, at 10:00 a.m., WVCoRP will hold its Annual Business Meeting at the Wingate/Bridgeport Conference Center in Bridgeport, WV. In addition to the annual business meeting, Board Member elections will be held. All members are encouraged to send at least one representative to this meeting for both Pool information and election participation. A buffet lunch for all attendees will be provided following the meeting.

There will be two (2) separate elections this year. Nominees can run for EITHER the full terms OR for the unexpired term, not both. Commission members must be present to vote. Only authority members are permitted to proxy their voting right in writing to a representative of their county commission attending the meeting. Each attending or proxy member-entity can place one vote per open seat.

The first election will be for the three seats set to expire on December 31, 2013, which are currently held by Blair Couch, Wood County Commission, JR Keplinger, Hardy County Commission, and Janice LaRue, Mineral County Commission. Individuals elected to the three seats will hold three year terms beginning on January 1, 2014, and expiring on December 31, 2016. Mr. Couch, Mr. Keplinger, and Ms. LaRue are eligible for reelection and will be on the ballot.

In accordance with Article 5, Section 5.02 of the By-laws, the second election will be for the remainder of Webster County Commissioner W.M. "Chuck" Armentrout's unexpired term. Mr. Armentrout resigned his seat on the Board due to personal reasons. This seat's term begins immediately and will expire on December 31, 2014.

Included with this correspondence are nomination forms that outline nomination guidelines. Please consider nominations carefully, as anyone elected will be one of seven individuals controlling the direction of the Pool.

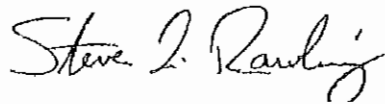
Administrator

308 Market St, S.E. Suites 1&2, Roanoke, VA24011

(888) 822-6772

We look forward to seeing all members at this important meeting.

Sincerely:

A handwritten signature in cursive script that reads "Steve L. Rawlings".

Steven L. Rawlings, Director of Operations
WVCoRP

Encl: WVCoRP 2013 Election Nomination Forms, Expired and Unexpired Terms



WVCoRP 2013 Election Nomination Form
UNEXPIRED TERM – 1 YEAR ONLY

Election Date: Friday, September 13, 2013, at 10:00 a.m.
Election Location: Wingate/Bridgeport Conference Center,
Bridgeport, West Virginia 26330

Number of Open Seats: **1**
Date of Term: **September 13, 2013 – December 31, 2014**
Current Officeholder: **Open**

Nomination/Election Guidelines:

1. Each Member Can Nominate a Total of One Person
2. Nominees Must Be a County Commissioner; see Bylaws, Article 5, Section 5.02
3. Nominees Must Be Willing to Consistently Attend Quarterly Board Meetings; see Bylaws, Article 5, Section 5.04
4. Voting at the meeting will be per Bylaws, Article 5, Section 5.02

Member Name: _____

Nominee (ONE YEAR TERM): _____

Expected Number of Annual Meeting Attendees: _____

President/Chairman Signature: _____

Please return this form to the following address no later than Friday, September 6:
Steve Rawlings, Director of Operations
WVCoRP
308 Market Street, SE, Suites 1 & 2
Roanoke, Virginia 24011

Or Toll-Free Fax this form to Steve Rawlings at (877)212-8599



WVCoRP 2013 Election Nomination Form
FULL TERM – 3 YEARS

Election Date: Friday, September 13, 2013, at 10:00 a.m.
Election Location: Wingate/Bridgeport Conference Center,
Bridgeport, West Virginia 26330

Number of Open Seats: 3
Dates of Terms: **January 1, 2014 – December 31, 2016**
Current Officeholders: **Blair Couch, Wood County (eligible)**
J.R. Keplinger, Hardy County (eligible)
Janice LaRue, Mineral County (eligible)

Nomination/Election Guidelines:

1. Each Member Can Nominate a Total of One Person
2. Nominees Must Be a County Commissioner; see Bylaws, Article 5, Section 5.02
3. Nominees Must Be Willing to Consistently Attend Quarterly Board Meetings; see Bylaws, Article 5, Section 5.04
4. Voting at the meeting will be per Bylaws, Article 5, Section 5.02

Member Name: _____

Nominee (THREE YEAR TERM): _____

Expected Number of Annual Meeting Attendees: _____

President/Chairman Signature: _____

Please return this form to the following address no later than Friday, September 6:
Steve Rawlings, Director of Operations
WVCoRP
308 Market Street, SE, Suites 1 & 2
Roanoke, Virginia 24011

Or Toll-Free Fax this form to Steve Rawlings at (877)212-8599

**NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY
Thursday, September 19, 2013 at 1:30 PM**

The County Commission of Jefferson County has scheduled a Public Hearing on the 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.

You may provide oral or written comments at the hearing, **1:30 PM, Thursday, September 19, 2013** during the regularly scheduled County Commission meeting **in the Charles Town Library meeting room at 200 East Washington Street**, at the side entrance on Samuel Street. In addition, you may provide written comments to info@jeffersoncountywv.org, or mail to P.O. Box 250, Charles Town, WV 25414, or fax to 304-728-8126.

Copies of the above referenced documents are available on the Departments of Planning and Zoning webpage within the County's website – www.jeffersoncountywv.org. Questions related to the documents may be directed to the County's Engineering Department at 304-728-3257.

By Order of the County Commission of Jefferson County
Dale Manuel, President

South Jefferson Public Library

49 Church Street • Summit Point, WV • 304.725.6227

is sponsoring a



Love Your *Heart* Movement  *Walk*

Saturday

September 28, 2013

10:00 am - 2:00 PM

THIS IS A 3 MILE CHALLENGE WALK FOR WOMEN TO STRENGTHEN THEIR HEARTS, PLUS HULA HOOP CHALLENGE FOR KIDS. WE WILL ALSO HAVE A STORYWALK FOR KIDS COURTESY OF POTOMAC VALLEY AUDUBON SOCIETY.

Everyone who  meets the challenge gets a Love Your Heart  water bottle!



A program of the National Institutes of Health

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Jefferson County
Development Authority

August 9, 2013

Commissioner Dale Manuel
President, Jefferson County Commission
P. O. Box 250
Charles Town, West Virginia 25414

Dear Commissioner Manuel,

On behalf of the Board of the JCDA, I am writing to provide comments to the Jefferson County Stormwater Ordinance. While the JCDA understands and supports the need for a stormwater ordinance, we advocate for a stormwater management ordinance that, while accomplishing County and community objectives, does not adversely impact small business. We support an ordinance that considers cost and provides a measure of flexibility that will protect the community and promote small business development, protection and job creation in the County.

Regarding section (g) in Article I.D.2, we respectfully request clarification regarding any provisions of the proposed ordinance that would affect the comprehensive stormwater management system in Burr Business Park. The system makes Burr Park a more attractive option for expanding businesses and was designed to accommodate the build out of the park.

We further encourage the Commission to adopt an ordinance that considers cost in the decision process by providing Planning and Zoning staff some amount of discretion in the design, construction, implementation and maintenance of a business's stormwater management plan. A flexible, cost conscious ordinance will allow county staff to make common-sense decisions to often complex and highly variable situations. For example, the ordinance has provisions that will place an undue and costly burden on existing small businesses planning expansions as small as 400 square feet.

The JCDA believes that these and other business-friendly considerations will go a long way to support growth and development in Jefferson County.

Thank you for your consideration. As always, please do not hesitate to contact me if I can provide additional information or be of further help.

Sincerely,

John W. Reisenweber
Executive Director

PO BOX 237
CHARLES TOWN
WV 25414

304.728.3255
304.725.3133 fax

www.JCDA.net



The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

LEO/AA Employer

August 23, 2013

Mr. Dale Manuel
Jefferson County Commission
P.O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Mr. Manuel:

We hereby notify you that Potomac Mills (River and Trough Roads, Shepherdstown vicinity) will be considered by the West Virginia Archives and History Commission for nomination to the National Register of Historic Places. The National Register is the Federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our Nation's heritage.

Listing of Potomac Mills provides recognition of the property's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic property. A state income tax credit is also available to owners of buildings that are rehabilitated. If the property is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the property by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

You are invited to attend the Archives and History Commission meeting at which the nomination will be considered. The Commission will meet at 9:30 a.m. on September 27, 2013. The meeting will take place at Independence Hall, 1528 Market Street, Wheeling.

Attached please find a notice that explains, in greater detail, the results of listing in the National Register and that describes the rights and procedures by which an owner may comment on or object to listing in the National Register.

Should you have any questions about this nomination before the Archives and History Commission meeting, please contact Ms. Erin Riebe, National Register Coordinator, at 304.558.0240.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

enclosure

RIGHTS OF OWNERS TO COMMENT AND/OR OBJECT TO LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing may submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility of the property for listing in the National Register. If the property is then determined to be eligible for listing, although not formally listed, Federal agencies will be required to allow for the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the notarized objection must be submitted to Ms. Susan M. Pierce, Deputy State Historic Preservation Officer, West Virginia Division of Culture and History, 1900 Kanawha Boulevard East, Charleston, West Virginia, 25305-0300 by September 27, 2013

If you wish to comment on the nomination of the property to the National Register, please send your comments to the State Historic Preservation Office before the Archives and History Commission considers this nomination on September 27, 2013. A copy of the nomination and information on the National Register and the Federal tax provisions are available from the above address upon request.

FEDERAL RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Eligibility for Federal tax provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 percent and 20 percent Investment Tax Credits (ITCs) for rehabilitations of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Consideration in planning for Federal, federally licensed, and federally assisted projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies take into account the effect of an undertaking on any building, structure, site, or district that is listed in or eligible for inclusion in the National Register of Historic Places. Agencies must also afford the Advisory Council on Historic Preservation the opportunity to comment on all projects affecting historic properties listed in or eligible for inclusion in the National Register. For further information, please refer to 36 CFR 800.

Consideration in issuing a surface coal mining permit: In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit where coal is located. For further information, please refer to 30 CFR 700 et. seq.

Qualification for Federal grants for historic preservation where funds are available: Presently, funding is unavailable.

FirstEnergy Corp.
5001 NASA Boulevard
Fairmont, WV 26554
www.firstenergycorp.com

For Release: August 21, 2013

News Media Contact:
Todd Meyers
(724) 838-6650

Investor Relations Contact:
Irene Prezelj
(330) 384-3859

**Comprehensive Settlement with Majority of Parties Achieved on Mon Power and Potomac Edison Generation Transaction
Residential Customers Would See Monthly Bill Decrease**

Fairmont, W. Va. – FirstEnergy Corp. (NYSE:FE) subsidiaries Mon Power and Potomac Edison, along with the majority of the parties to the companies’ generation transaction proceedings involving the Harrison Power Station, today filed a comprehensive settlement agreement with the Public Service Commission (PSC) of West Virginia, which, if approved, would be expected to reduce an average residential customer’s electric bill by about \$1.50 a month.

The settlement agreement also includes the companies’ commitments to bring more jobs to the state, and provides financial contributions for economic development, weatherization programs, low-income assistance for paying utility bills, and an education program designed to promote energy efficiency initiatives in West Virginia public schools.

Parties signing the settlement agreement include: the PSC Staff; the Consumer Advocate Division; the West Virginia Energy Users Group; the Utilities Workers Union of America, AFL-CIO and its Local 304; the West Virginia State Building and Construction Trades Council, AFL-CIO; the West Virginia Coal Association; and Local Union 2357 of the International Brotherhood of Electrical Workers, AFL-CIO.

“We appreciate the support of the parties in reaching this agreement, and look forward to implementing our cost-effective plan to provide our customers with electricity generated in the heart of our service territory,” said Holly Kauffman, president of FirstEnergy’s West Virginia operations. “Having 100 percent ownership of the Harrison

Power Station will help shield our customers from unpredictable spot market prices and help provide greater rate stability for years to come.”

Under the terms of the agreement, a typical Mon Power and Potomac Edison residential customer using 1,000 kilowatt-hours (kWH) of electricity per month would be expected to see their current \$95.13 monthly bill drop about 1.5 percent to \$93.71 if approved by the PSC.

Commitments from Mon Power and Potomac Edison in the settlement include:

- Increasing their employment levels in West Virginia by an additional 50 employees either employed by Mon Power, Potomac Edison or by an affiliate of the companies
- Economic Stability Credits of about \$2.3 million over a two-year period for large commercial and industrial customers to benefit the regional economy
- A \$500,000 contribution over five years to the Dollar Energy Fund or similar agency to assist low-income customers with paying their electric bills
- A \$500,000 contribution over five years to the West Virginia Office of Economic Opportunity’s weatherization program to assist residential customers with weatherizing their homes
- A \$500,000 contribution over five years to the Governor’s West Virginia Kids First Initiative to support energy efficiency initiatives in public schools
- Development of a Phase II Energy Efficiency Plan to achieve reductions of 0.5 percent of 2013 distribution sales in the delivery year ending May 31, 2018.

The parties have requested that the PSC issue a final order approving the settlement agreement and the transaction no later than August 30, 2013. If approved as requested, the transaction would likely close in the third quarter or early in the fourth quarter. The Federal Energy Regulatory Commission has already reviewed and approved the proposed transaction.

Under the proposed plan, Mon Power will purchase about 80 percent of the Harrison Power Station from FirstEnergy subsidiary Allegheny Energy Supply, adding to its approximate 20 percent share and giving it sole ownership of the 1,984-megawatt (MW) supercritical coal plant in Haywood, W. Va. The plan would ensure that Mon Power has adequate resources to meet a slow, but steady, annual load growth rate of 1.4 percent. As part of the transaction, Mon Power will transfer its approximate 8 percent interest in the Pleasants Power Station to Allegheny Energy Supply.

The proposed transaction represents a \$1.1 billion investment by Mon Power and benefits customers and the West Virginia economy. Harrison produces electricity with locally mined coal, and the transaction would preserve the opportunity to continue to use such coal, sustaining employment levels and helping local economies. Among the nation's largest and cleanest coal-fired plants, Harrison is equipped with modern emission controls.

Mon Power supplies electricity to both its 385,500 customers and 132,000 Potomac Edison customers in the state's Eastern Panhandle.

FirstEnergy is a diversified energy company dedicated to safety, reliability and operational excellence. Its 10 electric distribution companies form one of the nation's largest investor-owned electric systems, serving customers in Ohio, Pennsylvania, New Jersey, West Virginia, Maryland and New York. Its generation subsidiaries control more than 20,000 megawatts of capacity from a diversified mix of scrubbed coal, non-emitting nuclear, natural gas, hydro, pumped-storage hydro and other renewables. Follow FirstEnergy on Twitter [@FirstEnergyCorp](https://twitter.com/FirstEnergyCorp).

Forward-Looking Statements: This news release includes forward-looking statements based on information currently available to management. Such statements are subject to certain risks and uncertainties. These statements include declarations regarding management's intents, beliefs and current expectations. These statements typically contain, but are not limited to, the terms "anticipate," "potential," "expect," "believe," "estimate" and similar words. Forward-looking statements involve estimates, assumptions, known and unknown risks, uncertainties and other factors that may cause actual results, performance or achievements to be materially different from any future results, performance or achievements expressed or implied by such forward-looking statements. Actual results may differ materially due to the speed and nature of increased competition in the electric utility industry, in general, and the retail sales market in particular, the impact of the regulatory process on the pending matters before FERC and in the various states in which we do business including, but not limited to, matters related to rates and pending rate cases, the uncertainties of various cost recovery and cost allocation issues resulting from ATSI's realignment into PJM, economic or weather conditions affecting future sales and margins, regulatory outcomes associated with storms, including, but not limited to Hurricane Sandy, Hurricane Irene and the October snowstorm of 2011, changing energy, capacity and commodity market prices including, but not limited to, coal, natural gas and oil, and availability and their impact on retail margins, the continued

ability of our regulated utilities to recover their costs, operation and maintenance costs being higher than anticipated, and the success of our policies to control costs and to mitigate low energy, capacity and market prices, other legislative and regulatory changes, and revised environmental requirements, including possible GHG emission, water discharge, water intake and coal combustion residual regulations, the potential impacts of CSAPR, CAIR, and/or any laws, rules or regulations that ultimately replace CAIR, and the effects of the EPA's MATS rules including our estimated costs of compliance, the uncertainty of the timing and amounts of the capital expenditures that may arise in connection with any litigation, including NSR litigation or potential regulatory initiatives or rulemakings (including that such expenditures could result in our decision to deactivate or idle certain generating units), the uncertainties associated with the deactivation of certain older regulated and competitive fossil units including the decision to deactivate the Hatfield's Ferry and Mitchell Power Stations, the impact on vendor commitments, and the timing thereof as they relate to, among other things, the RMR arrangements and the reliability of the transmission grid, adverse regulatory or legal decisions and outcomes with respect to our nuclear operations (including, but not limited to the revocation or non-renewal of necessary licenses, approvals or operating permits by the NRC or as a result of the incident at Japan's Fukushima Daiichi Nuclear Plant), adverse legal decisions and outcomes related to ME's and PN's ability to recover certain transmission costs through their TSC riders, the impact of future changes to the operational status or availability of our generating units, the risks and uncertainties associated with litigation, arbitration, mediation and like proceedings, including, but not limited to, any such proceedings related to vendor commitments, replacement power costs being higher than anticipated or inadequately hedged, the ability to comply with applicable state and federal reliability standards and energy efficiency and peak demand reduction mandates, changes in customers' demand for power, including but not limited to, changes resulting from the implementation of state and federal energy efficiency and peak demand reduction mandates, the ability to accomplish or realize anticipated benefits from strategic and financial goals including, but not limited to, the ability to reduce costs and to successfully complete our announced financial plans designed to improve our credit metrics and strengthen our balance sheet, including but not limited to, proposed capital raising and debt reduction initiatives, the proposed West Virginia asset transfer and potential sale of non-core hydro assets, our ability to improve electric commodity margins and the impact of, among other factors, the increased cost of fuel and fuel transportation on such margins, the ability to experience growth in the Regulated Distribution segment and to continue to successfully implement our direct retail sales strategy in the Competitive Energy Services segment, changing market conditions that could affect the measurement of liabilities and the value of assets held in our NDT's, pension trusts and other trust funds, and cause us and our subsidiaries to make additional contributions sooner, or in amounts that are larger than currently anticipated, the impact of changes to material accounting policies, the ability to access the public securities and other capital and credit markets in accordance with our announced financial plan, the cost of such capital and overall condition of the capital and credit markets affecting us and our subsidiaries, actions that may be taken by credit rating agencies that could negatively affect us and our subsidiaries' access to financing, increase the costs thereof, and increase requirements to post additional collateral to support outstanding commodity positions, LOCs and other financial guarantees, changes in national and regional economic conditions affecting us, our subsidiaries and our major industrial and commercial customers, and other counterparties including fuel suppliers, with which we do business, issues concerning the stability of domestic and foreign financial institutions and counterparties with which we do business, and the risks and other factors discussed from time to time in our SEC filings, and other similar factors. Dividends declared from time to time on FE's common stock during any period may in the aggregate vary from prior periods due to circumstances considered by FE's Board of Directors at the time of the actual declarations. A security rating is not a recommendation to buy or hold securities and is subject to revision or withdrawal at any time by the assigning rating agency. Each rating should be evaluated independently of any other rating. The foregoing review of factors should not be construed as exhaustive. New factors emerge from time to time, and it is not possible for management to predict all such factors, nor assess the impact of any such factor on FirstEnergy's business or the extent to which any factor, or combination of factors, may cause results to differ materially from those contained in any forward-looking statements. FirstEnergy expressly disclaim any current intention to update, except as required by law, any forward-looking statements contained herein as a result of new information, future events or otherwise.

(082113)

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending
	August 24, 2013
	FY14
To be Deposited on:	August 30, 2013
Amount Played	63,211,519.30
Amount Won	56,780,691.62
Amount Promo	266,703.00
MWAP Contribution	<u>3,477.42</u>
Adjusted Gross Terminal Revenue	<u>6,160,647.26</u>
Administrative Costs @ 4%	246,425.88
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,914,221.38</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	<i>0.00</i>
Adjusted Net Terminal Revenue	<u>5,914,221.38</u>
Racetrack @ 46.50% / 42%	2,750,112.94
Lottery Fund @ 30% / 0%	1,774,266.38
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	413,995.50
Workers' Compensation Debt Reduction @ 7% / 0%	413,995.50
Employee Pension Fund @ 1% / .5%	59,142.22
Greyhound Development @ .75%	44,356.66
Thoroughbred Development @ .75%	44,356.66
Racing Commission @ 1%	59,142.22
County/Municipality @ 2%	118,284.44
3% Funds:	
Tourism Promotion Fund @ 1.375%	81,320.54
Development Office Promotion Fund @ .375%	22,178.33
Research Challenge Fund @ .5%	29,571.11
Capitol Renovation and Improvement Fund @ .6875%	40,660.27
2004 Capitol Complex Parking Garage Fund @ .0625%	3,696.39
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	29,571.11
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>29,571.11</u>
	<u>5,914,221.38</u>

WEST VIRGINIA LOTTERY
First Benchmark
Charles Town
County / City Split
Fiscal Year 2014

Charles Town
1999 Net Terminal Revenue \$ 45,603,174
Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
6 days ending: 07/06/13	\$ 123,196.88	\$ 123,196.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/13/13	\$ 128,060.40	\$ 128,060.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/20/13	\$ 115,128.84	\$ 115,128.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/27/13	\$ 123,049.56	\$ 123,049.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/03/13	\$ 116,180.80	\$ 116,180.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/10/13	\$ 120,078.64	\$ 120,078.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/17/13	\$ 124,888.56	\$ 124,888.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/24/13	\$ 118,284.44	\$ 89,882.12	\$ 28,402.32	\$ 2,252.30	\$ 11,332.53	\$ 616.33	\$ 9,565.90	\$ 4,635.26
Subtotal	\$ 968,868.12	\$ 940,465.80	\$ 28,402.32	\$ 2,252.30	\$ 11,332.53	\$ 616.33	\$ 9,565.90	\$ 4,635.26

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT

FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
07/04/2009 *	128,262.42	07/03/2010	115,402.58	7/1-2/2011	69,824.12	07/07/2012	161,637.92	07/06/2013	123,196.88
07/11/2009	168,815.08	07/10/2010	205,731.64	07/09/2011	171,717.28	07/14/2012	129,458.04	07/13/2013	128,060.40
07/18/2009	160,652.98	07/17/2010	161,386.76	07/16/2011	143,019.52	07/21/2012	130,037.00	07/20/2013	115,128.84
07/25/2009	158,869.08	07/24/2010	160,368.28	07/23/2011	146,508.00	07/28/2012	137,164.44	07/27/2013	123,049.56
08/01/2009	174,493.08	07/31/2010	157,802.08	07/30/2011	144,510.28	08/04/2012	132,931.16	08/03/2013	116,180.80
08/08/2009	138,408.80	08/07/2010	136,494.98	08/06/2011	151,495.28	08/11/2012	134,212.88	08/10/2013	120,078.64
08/15/2009	81,222.14	08/14/2010	78,376.68	08/13/2011	117,350.38	08/18/2012	110,241.90	08/17/2013	124,888.56
08/22/2009	76,260.31	08/21/2010	76,199.02	08/20/2011	71,614.12	08/25/2012	66,209.90	08/24/2013	89,882.12
08/29/2009	80,472.92	08/28/2010	72,460.03	08/27/2011	63,432.14	09/01/2012	67,133.42		
09/05/2009	80,798.15	09/04/2010	76,362.84	09/03/2011	80,837.76	09/08/2012	74,029.40		
09/12/2009	86,286.92	09/11/2010	82,969.36	09/10/2011	84,845.80	09/15/2012	61,838.04		
09/19/2009	70,010.15	09/18/2010	67,638.78	09/17/2011	66,748.62	09/22/2012	56,996.90		
09/26/2009	69,316.87	09/25/2010	70,435.06	09/24/2011	68,929.80	09/29/2012	61,611.40		
10/03/2009	72,286.04	10/02/2010	71,013.86	10/01/2011	68,871.64	10/06/2012	62,715.20		
10/10/2009	69,650.63	10/09/2010	69,311.50	10/08/2011	70,866.90	10/13/2012	60,710.18		
10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66	10/20/2012	62,333.08		
10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72	10/27/2012	58,073.54		
10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98	11/03/2012	56,545.30		
11/07/2009	63,741.59	11/06/2010	61,337.62	11/05/2011	70,673.88	11/10/2012	56,110.96		
11/14/2009	65,959.64	11/13/2010	64,595.28	11/12/2011	67,627.10	11/17/2012	57,432.36		
11/21/2009	59,547.05	11/20/2010	56,010.08	11/19/2011	60,690.60	11/24/2012	65,888.86		
11/28/2009	72,399.98	11/27/2010	71,170.90	11/26/2011	74,140.54	12/01/2012	50,243.34		
12/05/2009	51,006.51	12/04/2010	53,215.08	12/03/2011	59,429.94	12/08/2012	50,770.96		
12/12/2009	52,460.58	12/11/2010	46,944.00	12/10/2011	51,395.44	12/15/2012	47,022.38		
12/19/2009	32,834.39	12/18/2010	42,076.76	12/17/2011	55,981.32	12/22/2012	46,838.96		
12/26/2009	53,406.34	12/25/2010	50,450.28	12/24/2011	54,248.62	12/29/2012	59,697.22		
01/02/2010	92,980.40	01/01/2011	85,152.12	12/31/2011	94,661.00	01/05/2013	71,673.52		
01/09/2010	55,020.46	01/08/2011	54,301.30	01/07/2012	74,863.40	01/12/2013	50,416.30		
01/16/2010	60,551.28	01/15/2011	54,005.90	01/14/2012	58,901.92	01/19/2013	51,211.88		
01/23/2010	69,943.53	01/22/2011	60,924.74	01/21/2012	61,819.92	01/26/2013	46,966.26		
01/30/2010	48,527.75	01/29/2011	48,036.94	01/28/2012	62,898.78	02/02/2013	52,067.92		
02/06/2010	37,155.14	02/05/2011	60,777.44	02/04/2012	72,154.66	02/09/2013	52,222.20		
02/13/2010	44,334.00	02/12/2011	67,471.84	02/11/2012	66,429.04	02/16/2013	64,243.52		
02/20/2010	76,946.12	02/19/2011	72,018.54	02/18/2012	77,455.88	02/23/2013	64,115.70		
02/27/2010	72,024.40	02/26/2011	75,544.02	02/25/2012	77,611.78	03/02/2013	62,602.74		

03/06/2010	76,936.85	03/05/2011	74,535.34	03/03/2012	75,963.86	03/09/2013	59,213.26
03/13/2010	71,007.37	03/12/2011	66,979.48	03/10/2012	76,808.62	03/16/2013	62,366.36
03/20/2010	74,335.38	03/19/2011	73,113.26	03/17/2012	76,883.92	03/23/2013	59,841.02
03/27/2010	69,941.88	03/26/2011	68,490.80	03/24/2012	72,108.36	03/30/2013	57,567.98
04/03/2010	70,636.28	04/02/2011	70,846.58	03/31/2012	74,244.22	04/06/2013	63,108.84
04/10/2010	69,692.79	04/09/2011	67,076.78	04/07/2012	75,382.98	04/13/2013	56,849.30
04/17/2010	69,335.92	04/16/2011	64,698.56	04/14/2012	71,065.34	04/20/2013	55,432.12
04/24/2010	68,714.11	04/23/2011	67,674.14	04/21/2012	68,055.08	04/27/2013	58,612.74
05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66	05/04/2013	61,102.92
05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30	05/11/2013	57,428.70
05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92	05/18/2013	61,172.80
05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36	05/25/2013	57,131.24
05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66
06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74
06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52
06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12	06/22/2013	54,690.28
06/26/2010	63,950.29	06/25/2011	65,470.44	06/23/2012	55,921.30	06/29/2013	55,991.38
06/30/2010	29,667.19	06/30/2011	34,351.16	06/30/2012	58,207.40	06/30/2013	11,509.54

TOTALS **4041141.56**

4016541.01

4124906.8

3580645.18

940465.8

Table Game Revenue

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	99,274.36
September, 2010	94,247.84	August, 2011	137,473.92	August, 2012	133,245.83		
October, 2010	105,903.60	September, 2011	110,375.25	September, 2012	127,532.40		
November, 2010	108,717.67	October, 2011	124,273.94	October, 2012	126,482.02		
December, 2010	118,721.11	November, 2011	121,118.87	November, 2012	134,443.93		
January, 2011	106,189.21	December, 2011	140,509.93	December, 2012	146,677.92		
February, 2011	105,776.45	January, 2012	137,812.68	January, 2013	132,650.35		
March, 2011	120,927.10	February, 2012	142,770.01	February, 2013	121,636.62		
April, 2011	130,654.61	March, 2012	151,845.46	March, 2013	149,033.62		
May, 2011	130,492.02	April, 2012	127,862.26	April, 2013	105,545.23		
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38		
		June, 2012	129,235.38	June, 2013	104,803.37		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2012-2013	1530462.31	Total 2013-2014	99274.36

Table Game Revenue Distribution - Jefferson County School Board

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08
August, 2011	412,421.76	August, 2012	399,737.49		
September, 2011	331,125.75	September, 2012	382,597.20		
October, 2011	372,821.82	October, 2012	379,446.06		
November, 2011	363,356.61	November, 2012	403,331.79		
December, 2011	421,529.79	December, 2012	440,033.75		
January, 2012	413,438.04	January, 2013	397,951.05		
February, 2012	428,310.03	February, 2013	381,857.07		
March, 2012	455,536.38	March, 2013	447,100.86		
April, 2012	383,586.78	April, 2013	316,635.69		
May, 2012	413,715.39	May, 2013	329,242.14		
June, 2012	387,706.12	June, 2013	314,410.11		
Total 2011-2012	4,808,702.50	Total 2012-2013	4,608,334.13	Total 2013-2014	297,823.08