

ARTICLE 1500**DEFINITIONS**

1500.01 Word Usage

1500.02 Words and Terms Defined

1500.00 DEFINITIONS**1500.01 WORD USAGE**

- I. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- II. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".
- III. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1500.02 WORDS AND TERMS DEFINED

As used in this chapter, the following terms shall have the meanings indicated:

Administrative Subdivision - Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal public facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with these regulations.

Alley - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

Bond - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Commission, which must be sufficient to cover the cost of completing construction and which includes the cost of materials and labor as would be charged by a third party contractor.

Buffer Area - A strip of land, a mound or berm planted and maintained in shrubs, bushes, trees, grass or other ground cover material.

Building - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building Permit - See Improvement Location Permit

Building Site or Lot - A single parcel of land occupied or intended to be occupied by a building or structure. A "building site" shall be synonymous with lot or parcel of land.

Central Sewerage System - A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Central Water System - A private water company formed by a developer to serve a new community development in an outlying area. It includes water treatment and distribution facilities.

Common Area - See Open Area

Construction Plan - The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

County Commission - The body of the local government having the power to adopt ordinances.

County Engineer - The registered professional engineer designated by the Planning Commission to furnish engineering assistance for the administration of these regulations.

Cul-De-Sac - A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Cut - An excavation; the difference in vertical elevation between a point on the surface of the original ground and a point on the final grade; or the material removed in excavation.

Developer - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development - A planning or construction project involving substantial property improvements and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.

Duplex Dwelling (Two Family) - A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

Dwelling - Any building or portion thereof which is designed for and/or occupied as, in whole or in part, a home or residence for one (1) or more persons. It shall not be deemed to include hotels, boarding- or rooming houses, institutional homes and residence clubs.

Easement - A right-of-way granted for the use of private land for a public or private purpose, within which the grantor shall not erect any permanent structure.

Engineer - A registered professional engineer licensed as such by the State of West Virginia.

Escrow - A deposit of cash with the County in lieu of an amount required and still in force on a performance of maintenance bond. Such escrow funds shall be deposited by the Planning Commission in a separate account.

Exempt Lot - A lot created under the terms of this ordinance for which no subdivision fee is required.

Fill - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, filled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designed point of higher elevation on the final grade; or the material used to make a fill.

Final Plat - The as-built map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Floodplain or Flood Hazard Area - Any land within the County adjoining any river, stream, or watercourse as delineated in the Flood Boundary & Floodway Map, Putnam County, West Virginia, prepared by the Federal Emergency Management Agency or as delineated in the Mill Creek and Poplar Fork Watersheds, Putnam County, West Virginia Floodplain Management Study, prepared by the Putnam County Commission, Town of Scott Depot, Western Soil Conservation District, West Virginia Soil

Conservation Agency with federal assistance provided by United States Department of Agriculture and Natural Resources Conservation Service, May, 1996, which is subject to partial or complete inundation or an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

Frontage - That side of a lot abutting on a road or way.

Frontage Street - Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Grade -

1. **Existing** - The average grade of the ground surface prior to any disturbing of the soil.
2. **New or Finished** - The resulting level of the ground after the final grading where there is a cut and after normal settlement where there is a fill.

Health Department and Health Officer - The agency and person designated by the County to administer the health regulations of the county and state.

Highway, Limited Access - A freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Improvement Location Permit - Permit required prior to the construction of any permanent structure, placement of a mobile home or other manufactured housing, and all other items as referred by the Floodplain Management Program Ordinance and Improvement Location Permit Ordinance.

Improvements - Those physical additions, installations and changes required, such as streets, curbs, sidewalks, parking areas, water mains, street lights, sewers, drainage facilities, public utilities and recreational areas, and any other physical changes deemed appropriate by the Planning Commission, to render land suitable for the use proposed.

Individual Sewage Disposal System - A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Installment Land Sale Contract - A written agreement for the sale of land, with payment to be made in installments over a period of time, and with title to the land not to pass until the final payment has been made or as otherwise stipulated in the said contract.

Joint Ownership - Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

Junk or Salvage Yard Permit - A permit issued under the terms and conditions of the Putnam County Junk or Salvage Yard Ordinance.

Land Development - Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

Landowner - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase whether or not such option or contract is subject to any condition; a lessee if he is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in land.

Licensed Land Surveyor - A land surveyor properly licensed and registered in the State of West Virginia.

Local Road - A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and strong drainage pipes.

Lot - Any tract or parcel of land held in single or separate ownership which is or may be occupied by a main building and its accessory uses or buildings.

Lot Area - The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by this chapter, excluding any area within an existing or proposed street right-of-way and any area within all permanent drainage easements. But including the areas of all other easements.

Lot, Corner - A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Improvement - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Major Boundary Change - A major boundary change makes substantial adjustment to lot layout and/or improvements that will require Planning Commission staff review for the adequacy of drainage, roads, water, sewer, septic and any other improvements or conditions.

Major Subdivision - All subdivision not classified as administrative subdivision, including but not limited to subdivision of four (4) or more lots, or any size subdivision requiring any new street or extension of the location of governmental facilities or the creation of any public improvements.

Marker - A metal pipe or pin of at least ½" diameter and at least 24" in length.

Minor Boundary Change - A minor boundary change consists of lot line adjustments that do not affect improvements and requires no site visit.

Model Home - A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedure for minor subdivision, as set out in these regulations.

Monument - An iron pin at least 30" in length marking change of direction of and intersections of boundary lines.

Nonresidential Subdivision - A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions or these regulations.

Off-Site - Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Open Spaces - Land or water set aside or dedicated for recreation, resources protection, amenities or buffers, which is freely accessible to all residents of a particular development or subdivision.

Ordinance - Any legislative action, however denominated, of a county which has the force of law, including any amendment or repeal of any ordinance.

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity

having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Planned Development Group (PDG) -

A residential development under single ownership planned and developed as an integral unit and consisting of single family detached residences combined with multi-family residences.

A development under single ownership planned and developed as an integral unit and consisting of a combination of residential and non-residential uses.

Planning Commission - The county's planning commission established in accordance with law.

Planning Officer - The individual designated by the Planning Commission to be responsible for the administration of the terms of this ordinance.

Plat -

1. As-built Final: A survey map signed by a registered professional engineer and licensed land surveyor showing location of improvements and boundaries of lots and common areas, along with required supplementary data, to be recorded in the County Clerk's office.
2. Conceptual: A very informal sketch prepared by a developer for presentation of concepts or ideas prior to initiating a major subdivision plat. A "conceptual plat" does not constitute an official submission to the Planning Commission.
3. Major Subdivision: A survey map signed by a registered professional engineer and licensed land surveyor showing location of proposed improvements and lot layout, along with required supplementary data, for consideration for approval by the Planning Commission.

Plat of Record - The copy of the final plat which contains the required original endorsements and which is recorded with the Putnam County Clerk.

President - The chief elected officer of the Planning Commission.

Prosecuting Attorney - The duly elected individual or representative holding the office of county prosecuting attorney.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement, or other facility for which the county government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which county responsibility is established. All such improvements shall be properly bonded.

Resubdivision - A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivision.

Right-of-Way -

1. Street - The total extent of land reserved or dedicated as a street or alley for public or private purpose.
2. Utility - The total extent of land reserved for a declared or recorded right-of-way for public or private utility purposes.

Road - A public or private right-of-way deeded or dedicated for public use, which provides a means of access for vehicles or pedestrians. The term "road" shall include "street", "highway", and "thoroughfare".

Alley - A minor public right-of-way providing secondary vehicular access to the side or rear of

two or more properties.

Cul-de-Sac Road - A minor road intersecting another road at one end, and terminating at the other end by a permanent vehicular turn-around.

Frontage Road - A service road that runs parallel to a higher order road and provides access to abutting properties and separation from through traffic. May be designed as a residential access road or subcollector according to anticipated traffic.

Major - A road that serves more than 6 homes.

Major Arterial - A road or route specifically designed to accommodate high traffic flow and carrying generally a high percentage of through traffic.

Minor - A dead-end that serves 6 or less homes.

Perimeter - An existing road to which the parcel of land to be subdivided abuts on only one side.

Residential - A road designed to serve individual residential parcels and not generally carrying through traffic.

Road, Classifications - The classification of each street, highway, road, and right-of-way is based upon its present and estimated future traffic volume and its relative importance and function as specified by these regulations.

Road, Dead-End - A road or a portion of a street with only one (1) vehicular traffic outlet.

Road Right-of-Way Width - The distance between property lines measured at right angles to the center line of the street.

Sale or Lease - Any immediate or future transfer of ownership, or any possessory interest in land, including contract or sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

Same Ownership - Ownership by the same person, corporation, firm entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Sanitary Sewage Disposal Systems -

1. **On-Site** - Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.
2. **Public** - A sanitary sewage collection system, managed and operated by a public authority, in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Sediment Control Plan - A clearly written plan illustrated on a preliminary plat to prevent the process of erosion from removing soil and rock materials from the subdivision during and after construction and/or allowing sedimentation of nearby watercourses within or outside of said subdivision.

Septic Tank - A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Site Plan - A plan meeting the requirements of this chapter for land developments or as required by the Putnam County Planning Commission.

Slope - The face of an embankment, fill or cut section or any ground whose surface makes an angle with the plane of the horizon. "Slope" is expressed as a percentage, based upon the vertical difference in feet per

one hundred (100) feet of horizontal distance.

Soil Percolation Test - A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil.

Storm Drainage Facility - Any ditch, gutter, pipe, culvert, swale, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public right-of-way, parks, recreational areas or any part of any subdivision, land area or contiguous land areas.

Storm with a 2-year, 24-hour frequency - 2.7 inches in 24 hours as defined in the WV Erosion and Sediment Control Handbook for Developing Areas.

Stormwater with a 10-year, 24-hour frequency - 3.9 inches in 24 hours as defined in the WV Erosion and Sediment Control Handbook for Developing Areas.

Stormwater Management Facility - A measure that singularly or combined is designed to retain or detain storm water and release it over time.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Subdivider - Any individual, co-partnership or corporation (or agent authorized thereby) which undertakes the subdivision of land, as defined herein, as the owner, lessee or equitable owner (or agent authorized thereby) of the land being subdivided.

Subdivision -

1. Major - The Division of a lot, tract or parcel of land or part thereof into four (4) or more lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building development.
2. Administrative - The division of a single tract or parcel of land into no more than three (3) or fewer tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building development, provided that the proposed tracts or parcels of land thereby created have frontage on an improved public road, and provided further that there is no created by the subdivision any new road or roads or the need for required improvements, easement or access or the need therefore.
3. Exempt - The division of a single tract or parcel of land between family members as defined in Section 300.02.

Subdivision Plat - The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the County Clerk for filing.

Surveyor - A licensed land surveyor licensed as such by the State of West Virginia.

Swale - A low-lying stretch of land which gathers or carries surface water runoff.

Temporary Improvement - Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Variance – See Waiver

Waiver – Deviation from the minimum standards of the subdivision regulations.

Watercourse - Storm sewers, lakes, dammed water, ponds, wetlands, springs and all other bodies or channels of conveyance of surface and underground water.

Water Distribution System, Public - A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one (1) neighborhood.

Yard - An open space at grade between a yard line and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard Setback - The distance between the street right-of-way(s) and adjacent property line(s) and a structure.

