

## APPENDIX A DEFINITIONS

### Section 1.1 Usage

For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Article 3. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

### Section 1.2 Words and Terms Defined

1. **AASHTO.** American Association of State Highway and Transportation Officials, a standards-setting body which publishes specifications, quality control protocols and guidelines that are used in highway design and construction throughout the United States.
2. **Adequate Public Facilities.** Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the County based upon specific levels of service, while not adversely affecting current levels of service for surrounding areas.
3. **Adjoining.** Next to; sharing a common boundary with.
4. **Adoption Date.** The date on which the Monongalia County Subdivision and Land Development Ordinance was adopted by the County Commission,  
\_\_\_\_\_.
5. **Aggrieved Person.** A person who:
  - (a) Is denied by the Planning Commission, the Subdivision Review Board, or the Board of Zoning Appeals, in whole or in part, the relief sought in any application or appeal; or
  - (b) Has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the County may suffer.
6. **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.
7. **Applicant.** The owner of land proposed to be subdivided or its representative or contract purchaser who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises. *See Developer, Subdivider.*
8. **Bond.** Any form of security in an amount and form satisfactory to the County Commission.
9. **Building.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

10. **Certify.** Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the County by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.
11. **Common 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/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
12. **Comprehensive Plan.** The Comprehensive Plan for Stewartstown, West Run, Cheat Lake, and Cheat Neck Planning Districts: Monongalia County, West Virginia, as amended from time to time.
13. **Contract Purchaser.** A person with a contractual right to purchase an identified lot, parcel, or tract of land.
14. **County Clerk.** Clerk of the Monongalia County Commission.
15. **County Engineer.** A Registered Engineer who is an employee of the County or is working under contract with the County to fulfill specified engineering duties. The County Engineer may be a different engineer or from a different engineering firm from time to time, or at the same time for different projects.
16. **Cul-de-Sac.** A local street with only one outlet that terminates in a vehicular turnaround .
17. **DEP.** The West Virginia Department of Environmental Protection.
18. **DHHR.** The West Virginia Department of Health and Human Resources.
19. **DOH.** The West Virginia Department of Transportation, Division of Highways.
20. **DOT.** The West Virginia Department of Transportation.
21. **Deck.** A flat surface attached to the exterior of a structure at floor level, intended for uses such as walking and sitting.
22. **Design Criteria.** Standards that set forth specific improvement requirements.
23. **Developer.** The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/ or approval under these regulations. *See Subdivider.*
24. **Dwelling.** Any building or portion thereof containing one or more Dwelling Units. Does not include hotels, boarding or rooming houses, institutional homes or residence clubs.

25. **Dwelling, Accessory.** A subordinate dwelling or apartment located on the same lot as a principal dwelling, either within or detached from the principal dwelling and containing no more than one third as much habitable square footage as the principal dwelling.
26. **Dwelling, Duplex (Two-Family).** A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.
27. **Dwelling, Garden Apartment.** One or more two- or three-story, multifamily structures, generally built at a gross density of ten to fifteen dwelling units per acre, with each structure containing eight to twenty dwelling units and including related off-street parking, open space, and recreation. See *DWELLING, MULTIFAMILY*.
28. **Dwelling, High-rise.** A multi-family building of eight or more stories.
29. **Dwelling, Mid-rise.** A multi-family building containing between four and seven stories.
30. **Dwelling, Multi-family.** A building containing more than four dwelling units, including units that are located one over the other. Multi-family buildings include garden apartments and mid- and high-rise apartment buildings.<sup>1</sup>
31. **Dwelling, Patio Home.** A single-family dwelling on a separate lot with open space setbacks on three sides and with a courtyard, or a single-family dwelling on a separate, generally smaller lot, similar in concept to town homes (See *DWELLING, TOWNHOUSE*) situated without common walls.
32. **Dwelling, Quadruplex.** Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.
33. **Dwelling, Single-family Attached.** A single-family dwelling attached to two (2) or more single-family dwellings by common vertical walls.
34. **Dwelling, Single-family Detached.** A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards, provided that a Detached Single-family Dwelling may include an Accessory Dwelling.
35. **Dwelling, Single-family Semidetached.** A single-family dwelling attached to one other single-family dwelling by a common vertical wall, with each dwelling located on a separate lot. See *DWELLING, DUPLEX*.
36. **Dwelling, Site-built.** A dwelling that is constructed on the site where it will be used.
37. **Dwelling, Townhouse.** A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common unpierced walls.
38. **Dwelling, Triplex.** A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

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<sup>1</sup> Drafting note: This definition was adjusted to avoid inconsistency with Triplex and Quadruplex.

39. **Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
40. **Easement.** Authorization by a property owner for another to use the owner's property for a specified purpose such as access or utilities.
41. **Effective Date.** The date on which the Monongalia County Subdivision and Land Development Ordinance took effect, \_\_\_\_\_.
42. **Escrow.** A deposit of cash with a local government or escrow agent to secure the promise to perform some act.
43. **Exempt Land Development.** A land development project that does not involve the division of a lot, parcel or tract of land into two or more lots, or the recombination of existing lots, parcels, or tracts, and therefore is exempt from the Subdivision Regulations under Article 3 thereof.
44. **Exempt Subdivision.** A subdivision that is exempt from the Subdivision Regulations under Article 3 thereof.
45. **FAA.** Federal Aviation Administration.
46. **FEMA.** The Federal Emergency Management Administration.
47. **FHWA Lighting Handbook.** Federal Highway Administration Lighting Handbook, which provides guidance to site designers and state, city, and local officials concerning roadway lighting.
48. **Factory-Built Home.** Modular home, mobile home, house trailer or manufactured home.
49. **Fire Marshal.** Office of the West Virginia Fire Marshal.
50. **Flood Hazard Area.** Any land within the County adjoining any river, stream, or watercourse as delineated in the Flood Boundary & Floodway Map, Monongalia County, West Virginia prepared by the Federal Emergency Management Agency.
51. **Floodplain Ordinance.** The Monongalia County Floodplain Ordinance.
52. **Grade.**
  - a. General - The slope of a road, street, other public way, driveway or access to any structure, specified in percentage terms.
  - b. Existing – The average grade of the ground surface prior to any disturbing of the soil.
  - c. New or Finished – The resulting level of the ground after final grading where there is a cut and where there is a fill.

53. **Grading Limits.** – Maximum width of grading that must be performed within the right-of-way to accommodate all required infrastructure, including but not limited to the vehicular travelway, pedestrian and bicycle lanes or sidewalks, and utilities, whether the infrastructure is currently required or may be needed by future development as identified in Section 9 of this Ordinance.
54. **Guidelines.** The Monongalia County Subdivision Guidelines and Toolkit, which must be adopted by the Planning Commission by the later of the Effective Date of this Ordinance or six months after adoption of this Ordinance by the County Commission.
55. **Health Department.** The Monongalia County Health Department.
56. **Home Owners Association (*Property Owners Association*).** An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision - be it a lot, condominium, or any other interest - is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, condominium, or other interest of the member.
57. **House trailer.** A trailer designed or intended for human occupancy and commonly referred to as a mobile home or house trailer, including fold down camping and travel trailers as these terms are defined in section one, article six, chapter seventeen-a of the West Virginia Code, but only when such camping and travel trailers are located in a Mobile Home Park, as defined in the Subdivision Regulations, on a continual, nonrecreational basis.
58. **Impervious Surface Allocation.** The base amount of impervious surface permitted within any development, calculated as the amount of impervious surface needed to provide the minimum number of parking spaces required by the Subdivision Ordinance or any applicable zoning regulation, plus the amount of additional pavement needed for safe, adequate, and efficient vehicular access and internal circulation.
59. **Individual Sewage Disposal System.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
60. **Infill Development.** Development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred in an area.
61. **Infrastructure.** *SEE Improvements*
62. **Installment Sales Contract for Land.** An installment sales contract is 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 is made or as otherwise stipulated in the contract.
63. **Improvements.** Those physical additions, installations and changes required, such as roads, 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.

64. **LOS.** The Level of Service on a road or roadway segment, as defined and measured by AASHTO standards.
65. **Land Development.** Depending on the context, (a) the process of preparing raw or developed land for the construction of one or more buildings on the site, including clearing, grading, construction or installation of infrastructure such as roads, utilities, sewer and water systems, and stormwater management, or any other non-farming activity that results in a change in existing site conditions; or (b) a project involving the construction of one or more buildings on a site for residential or non-residential use.
66. **Length/Width Ratio.** The comparison of the length of a lot to its width.
67. **Lot.** A contiguous area of land that is described in a subdivision plat in the land records and whose boundaries are established by the filing of said plat.
68. **Lot Area.** The area contained within the property lines of a lot as defined on a subdivision plat, including all easement areas but excluding any area of existing or proposed public right-of-way or other area in existing or proposed public ownership.
69. **Lot, Corner.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 115 degrees.
70. **Lot Line, Front:** The boundary of a lot which abuts an existing or proposed street.
71. **Lot Frontage:** The horizontal distance between side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.
72. **Lot Line, Rear:** The boundary of a lot which is opposite the front lot line. In the case of an irregular or triangular-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the lot line.
73. **Lot Line, Side:** Any boundary of a lot that is not a front or rear lot line.
74. **Lot Width:** The horizontal distance between the side lot lines of a lot, measured within the lot boundary at the front lot line or at the setback line of a cul-de-sac lot.
75. **MS4 General Permit.** The DEP General West Virginia National Pollution Discharge Elimination System Water Pollution Control Permit.
76. **Manufactured Home.** Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as HUD (U.S. Department of Housing and Urban Development) code. *Other names include: Modular, Mobile Home, or Single/Double/Triple Wide.*
77. **Metes and Bounds.** The boundaries of a piece of land as defined by reference to lines and/or points on the land. Natural or man-made features may be used as points of reference in the description but are not to be used in lieu of boundary points.

78. **Mixed-Use Development.** Land development combining residential, commercial, cultural, institutional, or entertainment uses, often mixed in a single building, and located on one or more lots with shared parking.
79. **Mobile Home.** A transportable structure that is wholly or in substantial part made, fabricated, formed or assembled in a manufacturing facility for installation, or assembly and installation, on a building site, and was designed for long-term residential use and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on June 15, 1976. Such units are usually built to the voluntary industry standards of the American National Standards Institute (ANSI)--A119.1 standards for mobile homes.
80. **Model Home.** A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model. 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 lots to be created according to the procedure for minor subdivision, as set out in these regulations.
81. **Modular Home.** Any structure that is wholly or in substantial part made, fabricated, formed or assembled in a manufacturing facility for installation, or assembly and installation, on a building site and is designed for long-term residential use and certified as meeting the standards contained in the state fire code encompassed in the legislative rules promulgated by the state Fire Commission pursuant to section five-b, article three, chapter twenty-nine of the West Virginia Code.
82. **MUB.** The Morgantown Utility Board.
83. **NIF.** Notice of Improvement Form which must be obtained by a property owner or developer pursuant to West Virginia Code Section 8A-4-2 and Section 2.6 of the Subdivision Ordinance.
84. **Nonresidential Subdivision.** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivisions shall comply with the applicable provisions of these regulations.
85. **Notification List.** A list of all properties located within 250 feet of any property line of the subject property, identified by lot, block and subdivision name if applicable, or by tax map and parcel numbers or deed references if not subdivided. The list must also provide, for each property:
- a. The name and address of each owner as of record in the office of the Monongalia County Assessor.
  - b. Tax map and parcel numbers.
  - c. The name of any applicable homeowners' association or condominium association and its president.
86. **NPDES.** National Pollutant Discharge Elimination System as created by the Clean Water Act and administered by the DEP in the jurisdiction of this ordinance.
87. **Owner.** The record owner or owners of the fee title to a piece of land.

88. **Pad Site:** An area of ground leveled, graveled, and compacted to provide a well-drained, stable area on which to set a Factory-Built Home, typically with a level surface about four (4) to six (6) inches in height and at least one (1) foot larger on each side than the home intended to be placed there.
89. **Parent Tract.** A tract of land that is subdivided, thereby creating two or more lots.
90. **Parcel.** A contiguous area of land that is described by deed or plat recorded in the land records.
91. **Perimeter Street.** Any existing street that abuts a tract of land to be subdivided on at least one (1) side.
92. **Person.** Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.
93. **Planned Unit Development (PUD).** A development constructed on a tract that meets a stated minimum size under common ownership, planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses.
94. **Planning Commission.** The Monongalia County Planning Commission.
95. **Planning Director.** The Director of the Monongalia County Planning Office.
96. **Planning Office.** The Office of the Monongalia County Planning Commission, staffed by the Planning Director and planning staff.
97. **Plat.** A drawing indicating the layout of a subdivision.
98. **Preferred Design.** Development standards identified in the Guidelines as sufficient to make a subdivision application eligible for Expedited Review under the Subdivision Ordinance.
99. **Public Hearing.** An adjudicatory proceeding held by the Planning Commission, preceded by published notice and actual notice to certain persons, and at which certain persons, including the applicant, may call witnesses and introduce to demonstrate that plat approval should or should not be granted.
100. **Public Improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
101. **Public Meeting.** A meeting of the Planning Commission or County Commission preceded by notice, open to the public and at which the public may be heard, at the discretion of the body holding the public meeting.
102. **RDU.** See Dwelling Unit.



103. **Registered Engineer.** An engineer properly licensed and registered in the State of West Virginia. Properly licensed engineers must meet the requirements outlined in §30-13-13 of the West Virginia State Code.
104. **Registered Land Surveyor.** A land surveyor properly licensed and registered in the State of West Virginia. Properly licensed land surveyors must meet the requirements outlined in §30-13A-9 of the West Virginia State Code and are allowed all scopes of practice as outlined in §30-13A-10 of the West Virginia State Code.
105. **Residue Parcel (Remainder).** The portion of a parent tract that may remain after the division of one (1) or more new lots from the parent tract by subdivision, to be subdivided later or remain undeveloped.
106. **Resubdivision.** Any change in an approved or recorded subdivision plat drawing that affects any street layout on the map, any area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the Effective Date.
107. **Retail/Service Use.** Space within any structure or portion thereof intended or primarily suitable for occupancy by persons supplying goods or services to customers on the premises.
108. **Right-of-Way.** A strip of land occupied or intended to be occupied by public infrastructure such as a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or shade trees.
109. **Road, Arterial.** A road intended to move through traffic to and from major attractors such as central business districts, regional shopping centers, colleges and/or universities, major industrial areas, and similar traffic generators within the County; and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic.
110. **Road, Collector.** A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.
111. **Road, Dead-End.** A road or a portion of a road with only one (1) vehicular-traffic outlet.
112. **Road, Local.** A road whose function is to provide access to abutting properties, to provide access from individual properties to other roads, and to provide right-of-way adjacent to it for sewer, water, and storm drainage pipes.
113. **Road Right-of-Way Width.** The distance between property lines measured at right angles to the center line of the street.
114. **Screening.** Either (a) a strip of densely planted (or having equivalent natural growth) shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall, barrier or uniformly painted fence at least six (6) feet high.

115. **Setback.** The distance between a building or other site element and the nearest street line or property line.
116. **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.
117. **Structure, Accessory.** A structure located on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed as an accessory structure.
118. **Subdivide.** The act or process of creating a subdivision.
119. **Subdivider.** Any person who, directly or indirectly, causes a tract of land to be divided into a subdivision.
120. **Subdivision.** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots for the purpose of transfer of ownership, sale, lease, or development, whether immediate or future. Subdivision includes lot mergers and resubdivision, and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.
121. **Subdivision Improvement Agreement.** A contract entered into by the applicant and the Planning Commission on behalf of the County by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.
122. **Subject Property.** Land area within the boundaries of a proposed subdivision or land development.
123. **Temporary Improvement.** Improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.
124. **Tract.** A contiguous area of land under common ownership.
125. **USDA.** United States Department of Agriculture.
126. **Utility, Private or Public.** Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.
127. **Utility, Required.** Those utilities as regulated by the West Virginia Public Service Commission.
128. **Utility, Voluntary.** Those utilities which are not regulated by the West Virginia Public Service Commission.

129. **Zoning Ordinance.** The Zoning Ordinance for the West Run Zoning District of Monongalia County and any additional zoning ordinance that may be enacted by the Monongalia County Commission after the Effective Date.
130. **Zoning Map.** The map or maps that are a part of the Zoning Ordinance and delineate the boundaries of the zoning districts.

### **Section 1.3 Words and Terms Not Defined**

For the purpose of these regulations, only a limited number of definitions shall be provided as set forth in this Appendix A. If additional verbiage is in need of definition, the Planning Office shall first consult the Zoning Ordinance (or updates thereof), and then Article 2, Definitions of the Model Subdivision Regulations, 2<sup>nd</sup> Edition (or subsequent editions). Any definition not found in either place shall be determined by the Planning Office.

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