

GUIDELINES FOR ZONING CHANGE APPROVAL RALEIGH COUNTY, WEST VIRGINIA

10/23/97

Property owners must present a signed petition and necessary attachments, requested supplement, amendment or change to the Raleigh County Planning and Zoning Ordinance to the Clerk of the County Commission of Raleigh County. The County Commission shall then refer the petition to the Raleigh County Planning and Zoning Commission for its consideration and report before final action is taken.

After review of the petition and necessary attachments and when deemed complete by the Planning and Zoning Commission, a public hearing will be held. The applicant will serve notice of a public hearing a minimum of fifteen (15) days prior to the hearing date. Notice of the hearing date will be provided by placing a Class I legal advertisement in the "general circulation" newspaper and by sending notification by certified mail to adjacent property owners, as herein defined, at least fifteen (15) days prior to the hearing date.

All applicants must appear at the hearing either in person or by representative, provided this representative must be someone without any other interest in the property or its zoning.

After the public hearing, a copy of the Planning and Zoning Commission's report will be delivered to the County Commission for its consideration. The applicant or his representative must appear before the County Commission, at which time the petition will be acted upon.

The following items are required to constitute a complete application:

1. Petition, with filing fee of \$30.00 (Form Z-1)
2. Copy of Deed of Petition area.
3. Plot Plan Map (Form Z-2).
4. Listing of adjacent property owners (Form Z-3).
5. Legal advertisement (Form Z-4).
6. Description of proposed use of property (Form Z-5).
7. Plans for proposed use of property (See Form Z-5).
8. Appropriate Certificates of Approval (See Form Z-6).
9. Deed Examination that property is not restricted.

CHECKLIST FOR ZONING AMENDMENT

- _____ Petition, with Filing Fee of \$ 30.00 (Form Z-1)
- _____ Copy of Deed of Petition Area
- _____ Plot Plan Map (Form Z-2)
- _____ Listing of Adjacent Property Owners (Form Z-3)
- _____ Legal Advertisement Notification (Form Z-4)
- _____ Description and Plan of Proposed Use (Form Z-5)
- _____ Certificates of Approval (Form Z-6)
- _____ Deed Examination

**PETITION FOR AMENDMENT TO THE RALEIGH COUNTY
PLANNING AND ZONING ORDINANCE**

TO THE COUNTY COMMISSION OF RALEIGH COUNTY

DATE: _____

PROPERTY OWNER: _____

ADDRESS: _____

AGENT (if applicable): _____ Telephone _____

AGENT'S ADDRESS: _____

PROPERTY ADDRESS AND LOCATION: _____

PROPERTY TAX ID: District _____; Map _____; Parcel _____

TOTAL AREA (in acres): _____

LEGAL DESCRIPTION OF PROPERTY:

Deed Book Number _____ Page Number _____

Copy of deed or description of property must accompany this application.

CURRENT ZONING: _____ REQUESTED ZONING: _____

PROPOSED USE OF PROPERTY: _____

I certify that the information supplied on this petition and other information provided is accurate and true to the best of my knowledge.

SIGNATURE OF OWNER: _____

SIGNATURE OF AGENT (if applicable): _____

Taken, subscribed and sworn to before the undersigned authority this the _____ day of _____, 19____.

My commission expires: _____

NOTARY PUBLIC

PLOT PLAN MAP REQUIREMENTS

The application shall be accompanied by a plot plan map, clearly showing the following:

1. The boundaries and dimensions of the property, along with a metes and bounds description. If boundaries are from courthouse records and not by actual survey, a note stating "This is not a Land Survey" is to be shown on the map.
2. Acreage of the area to be rezoned.
3. All adjacent property owners of the area to be rezoned. If any of the adjacent owners cannot be located on the plot plan map, include a separate vicinity map (minimum scale 1" = 5,280') showing their locations. A separate site plan may be submitted with the plot plan. Adjacent owners shown must comply with Form Z-3.
4. Existing and proposed structures and utilities. Location of septic tank with seepage fields.
5. Deed or legal description with source of title and Tax Map location of area to be rezoned.
6. Location of access road(s), parking lots, signs, etc. with size and type of cover material.
7. Title Block, Date and Scale.
8. Buffer zones, if applicable.

ADJACENT PROPERTY OWNERS

In addition to a Class I legal advertisement (Form Z-4), notice must be sent to all adjacent property owners. Notification shall be by certified mail and must occur a minimum of fifteen (15) days prior to the public hearing. Proof that notification was sent may be made by submission of the certified receipts. The applicant's requirement to notify adjacent property owners will be fulfilled if the notification is mailed to the adjacent property owners current address as listed with the County Assessor's office.

Adjacent property owners shall mean all persons, firms, corporations, etc. whose property borders at any point of the property to be rezoned, including any owners whose property would border the parcel to be rezoned, but for the location of a street, alley or other roadway between that property and the parcel to be rezoned. Notification shall be given to property owners or other entities that the Planning and Zoning Commission may deem necessary. The location of all property owners to be notified are to be shown on the Plot Plan Map.

Notification must, at a minimum, advise the property owner that his/her property is adjacent to that property proposed to be rezoned. Also, the notification must contain a copy of completed form Z-4.

Failure to fully comply with this section will require the public hearing to be rescheduled and proper notice to be given again.

**RALEIGH COUNTY PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

Notice is hereby given that on the _____ day of _____,
(date) (month) (year)

in the County Commission Courtroom, 116 1/2 North Heber Street, Beckley, West Virginia at 5:30 PM, the Planning and Zoning Commission of Raleigh County, West Virginia will hold a public hearing upon the application of _____
(applicant name)

or the purpose of _____
(accurate description of purpose)

The present zoning of the property to be affected is _____ and the proposed zoning is to be _____. The property to be affected contains _____ acres and the physical location of the property is _____
(accurate description of location)

Any person wishing to be heard concerning this matter should be present at the time and place indicated above. Written comments concerning this matter received by _____ will be
(date)

considered. Written comments should be sent to: Raleigh County Planning and Zoning Commission, P. O. Box 2518, Beckley, West Virginia 25802. A copy of the application for public review is on file in the office of the County Commission at the address listed above.

APPROPRIATE CERTIFICATES

- A. Appropriate certificates of approval (entrance permits) from the West Virginia Department of Highways.
- B. Appropriate certificates of approval from State and/or local health authorities concerning water/sewer systems.
- C. Appropriate agreements between the County Public Service District (if applicable) and the developer.
- D. Appropriate certificates of approval from the State Division of Natural Resources, if applicable.
- E. Letter stating new construction or improvements will meet the Federal Americans with Disability Act (ADA).
- F. If demolition is required, letter from appropriate agencies that the removal meets all environmental regulations relating to asbestos, clean air act, etc.
- G. Letter from Emergency Operations Center that compliance with Street Naming and Physical Addressing is met.
- H. Certification from Attorney that the property is not restricted for the proposed use.