

PUTNAM COUNTY SUBDIVISION REGULATIONS

PUTNAM COUNTY PLANNING COMMISSION

Putnam County Courthouse
12093 Winfield Road
Winfield, West Virginia 25213
Telephone: (304) 586-0237
FAX (304) 586-0208 or 586-0200

Adopted: July 1, 1985
Amended: October 11, 1990
May 7, 1992
August 29, 1994
July 10, 1995
February 9, 1998
May 26, 1999 / Effective: June 26, 1999
October 4, 2005
March 13, 2007
September 11, 2018
October 29, 2018
November 30, 2018
March 9, 2022
October 11, 2022
December 13, 2022
July 25, 2023

INTRODUCTION

Putnam County is one of the fastest growing counties in the State. There are no indications that the rapid growth rate will change. The subdivision of land to accommodate the high growth rate is a major activity that needs attention.

These subdivision regulations have been developed to protect the quality of life in Putnam County from subdivisions that would negatively impact the residents of the county. Subdivision regulations can be a burden to subdividers. However, this must be balanced against the cost to taxpayers and landowners associated with uncontrolled or poorly planned subdivisions.

These subdivision regulations will provide the residents of Putnam County the ability to:

- * minimize the impact of subdivisions on surrounding landowners, taxpayers, and the environment;
- * assure the costs of construction are borne by the developers and not taxpayers and present residents;
- * provide that streets, utilities, and safety design standards meet acceptable specifications;
- * assure the suitable layout of lots to fit physical conditions;
- * protect natural and unique areas; and
- * establish a process for negotiation between the developer and county to determine how the county's policies and concerns can best be met.

PUTNAM COUNTY SUBDIVISION REGULATION PROCEDURE

(Amended 12-13-22)

NOTE: This is a general description of subdivision process. See the Subdivision Regulations for details.

1. Staff discusses with subdivider, requirements of the Putnam County Subdivision Regulations.
2. Subdivider completes appropriate application and submits it to the Planning Commission office.
3. Planning Commission staff classifies application as an Exempt Division of Land, a Minor Subdivision, or a Major Subdivision.

Types of Subdivision:

Whenever any division of land is proposed, before any contract is made for the sale of any part thereof, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedures:

1. Exempt Division of Land:

- a. Application Completed
- b. Planning Director and Staff Review and Action
- c. Requires no public hearing

2. Minor Subdivision:

***Minor Division of Land:** See Article 100

- a. Application Completed
- b. Planning Director and Staff Review and Action
- c. Requires no public hearing

***Minor Subdivision Development:** See Article 100

- a. Application Completed
- b. Planning Director and Staff Review and Action
- c. Requires no public hearing

3. Major Subdivision:

***Major Division of Land:** See Article 100

- a. Application Completed
- b. Planning Director and Staff Review and Action
- c. Requires no public hearing

***Major Subdivision Development:** See Article 100

- a. Application Completed
- b. Conceptual Plat Review by Planning Director and Staff
- c. Major Subdivision Development Plat Review and Action by Planning Director and Staff and requires a public hearing
- d. Final Subdivision Development Plat Approval by President of Planning Commission

Appeal:

The applicant may appeal the Planning Director's decision in determining subdivision type by submitting the application as an appeal to the Planning Commission.

ARTICLE 100**SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**

- 100.01 General Procedure *(Amended 10-11-22) (Amended 12-13-22)*
- 100.02 Exempt Division of Land *(Amended 12-13-22)*
- 100.03 Minor Subdivision *(Amended 12-13-22)*
- 100.04 Major Subdivision *(Amended 10-11-22) (Amended 12-13-22)*
- 100.05 Signing & Recording of Major Subdivision Development Plat *(Amended 12-13-22)*
- 100.06 Assurance for Completion and Maintenance of Improvements *(Amended 12-13-22)*
- 100.07 Conformity with Existing Statutes *(Amended 12-13-22)*
- 100.08 Sale of Property *(Amended 10-11-22) (Amended 12-13-22)*
- 100.09 Identification of Subdivision Development *(Amended 12-13-22)*

100.00 SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**100.01 GENERAL PROCEDURE** *(Amended 10-11-22) (Amended 12-13-22)***I. Application:**

1. A plat of a division of land shall meet the requirements of the Putnam County Subdivision Regulations unless it has been determined as an exempt division of land and shall be approved by the Planning Director and filed with the County Clerk prior to the transfer or sale of any such parcel. The sole use of metes and bounds description for the division of property for the purpose of sale, transfer, or lease shall not be permitted.
 - a. The potential impact and processing procedure of a subdivision application may be discussed by the Planning Director and the President of the Planning Commission to determine if a public hearing is required to approve the subdivision request.
2. A plat for a minor division of land or a minor subdivision development shall meet the requirements of the Putnam County Subdivision Regulations and shall be approved by the Planning Director and filed with the County Clerk prior to the transfer or sale of any such parcel. The sole use of metes and bounds description for the division of property for the purpose of sale, transfer, or lease shall not be permitted.
3. A plat for a major division of land or a major subdivision development shall meet the requirements of the Putnam County Subdivision Regulations and shall be approved by the Planning Commission and filed with the County Clerk prior to the transfer or sale of any such parcel. The sole use of metes and bounds description for the division of property for the purpose of sale, transfer, or lease shall not be permitted.
4. An installment land sale contract for the subdivision of any lot or any parcel of land or any other document required for a future conveyance of real estate shall be recorded in the Office of the County Clerk and a plat meeting all requirements of the subdivision regulations and approved by the Planning Commission shall be attached to said document.
5. It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). Each permit can be obtained in phases and does not require pre-approval or approval from stated entities for the Planning Commission or Planning Director to approve the development/construction and/or plats, regardless of development type. Therefore, it is not the responsibility of the Office of Planning and Infrastructure, Staff, Planning Commission, or County Commission if development/construction begins prior to obtaining applicable permits from stated entities during each phase of development. It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.

II. Authority:

The Planning Commission and this Ordinance grants the Planning Director or Staff authority to review the proposed subdivision application and determine the subdivision type.

III. Types of Subdivision:

Whenever any division of land is proposed, before any contract is made for the sale of any part thereof, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedures:

1. Exempt Division of Land:

- a. Application Completed
- b. Planning Director and Staff Review and Action
- c. Requires no public hearing

2. Minor Subdivision:***Minor Division of Land:**

- a. Application Completed
- b. Planning Director and Staff Review and Action
- c. Requires no public hearing

***Minor Subdivision Development:**

- a. Application Completed
- b. Planning Director and Staff Review and Action
- c. Requires no public hearing

3. Major Subdivision:***Major Division of Land:**

- a. Application Completed
- b. Planning Director and Staff Review and Action
- c. Requires no public hearing

***Major Subdivision Development:**

- a. Application Completed
- b. Conceptual Plat Review by Planning Director and Staff
- c. Major Subdivision Development Plat Review and Action by Planning Director and Staff and requires a public hearing
- d. Final Subdivision Development Plat Approval by President of Planning Commission

IV. Appeal:

The applicant may appeal the Planning Director's decision in determining subdivision type by submitting the application as an appeal to the Planning Commission.

100.02 EXEMPT DIVISION OF LAND (Amended 12-13-22)**I. Definition:**

An exempt division of land, for the purpose of these regulations, shall be defined as that division of land which involves combination/ recombination (Putnam County refers to this as a merger), divisions greater than 10 acres, two into three lots, estate exclusion, court ordered survey, easement plats, non-occupied facilities, a division of land for federal, state, or local government to acquire street right-of-way, a combination or retracement of an existing parcel(s) of record and family subdivisions. An exempt division of land is a division that is exempt from the requirements of the subdivision regulations and requires no public hearing but must adhere to the application fee and procedural requirements. The following are exempt divisions of land:

1. **Combination/ Recombination:** The combination or recombination of portion of lots if the total number of lots is not increased.
 - a. Putnam County refers to this as a merger plat:
 - b. Merger Plat Definition: A boundary adjustment where land from two or more parcels is merged into one or more parcels, where the number of parcels created is less than originally existed.
2. **Divisions Greater than 10 Acres:** The division of land into parcels greater than ten (10) acres.
3. **Two Acres into Three Lots:** The division of land in single ownership; the entire area of which is no greater than two (2) acres into not more than 3 lots. (Note: "Single ownership" refers to all the contiguous land owned by the qualifying owner which does not exceed two acres).
4. **Estate Exclusion:** The division of land among heirs to settle an estate by a probated will or by order

of a court of jurisdiction in the settlement of a decedent's estate. A copy of the will or order shall be submitted to the Planning Director or Staff.

5. **Court Ordered Survey:** The division of land pursuant to an Order of the General Court of Justice. A copy of the court order shall be submitted to the Planning Director or Staff.
6. **Easement Plats:** Access and utility easements may be platted and recorded as exemptions from subdivision regulations.
7. **Non-Occupied Facilities Examples:** Utility substations, septic tanks, family cemetery lots, dock access.
8. A division of land for federal, state, or local government to acquire street right-of-way.
9. A combination or retracement of an existing parcel(s) of record in which either a survey plat does not exist, a survey error is being corrected, or an error associated with an existing legal description is being resolved.
10. **Family Subdivision:** A division that involves the creation of lots for residential purposes that are exempt from subdivision regulations, which are to be deeded only to immediate family members and cannot be for the purpose of circumventing the requirements of the Subdivision ordinance. For the purposes of a family exemption subdivision, "immediate family member" is limited to any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner.

II. **Responsibility:**

It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). Each permit can be obtained in phases and does not require pre-approval or approval from stated entities, for the Planning Commission or the Planning Director or Staff to approve the development/construction and/or plats, regardless of development type. Therefore, it is not the responsibility of the Office of Planning and Infrastructure, Staff, Planning Commission, or County Commission if development/construction begins prior to obtaining applicable permits from stated entities during each phase of development. It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.

III. **Existing Easement:**

If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access easement and is not governed by the right of way regulations of this ordinance. If a new easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.

IV. **Application Procedure and Requirements:**

The applicant shall file an application for approval of an exempt plat and a minimum of three copies of the exempt division of land plat.

The application and plat shall include:

1. All items enumerated on the Exempt Division of Land Plat Checklist (See Appendix A), and
2. Exempt Division of Land application fee (confer with the Office of Planning and Infrastructure).

V. **Approval:**

The Planning Commission and this Ordinance grants the Planning Director authority to approve all exempt divisions of land. The Planning Director shall endeavor to render a decision within fourteen (14) working days after all necessary documentation for plat approval is properly received. The plat shall not be approved by the Planning Director until all additional documents have been reviewed and approved. If the division is disapproved, the Planning Director or Staff shall promptly furnish the applicant with a written statement of the reasons for disapproval.

VI. Appeal:

The applicant may appeal the Planning Director's action by submitting the application to the Planning Commission.

100.03 MINOR SUBDIVISION *(Amended 12-13-22)***I. MINOR DIVISION OF LAND:**

1. **Definition:** A minor division of land, for the purposes of this ordinance, shall be defined as that division of land into not more than five (5) lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years.
2. **Responsibility:** It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). Each permit can be obtained in phases and does not require pre-approval or approval from stated entities, for the Planning Commission or the Planning Director or Staff to approve the development/construction and/or plats, regardless of development type. Therefore, it is not the responsibility of the Office of Planning and Infrastructure, Staff, Planning Commission, or County Commission if development/construction begins prior to obtaining applicable permits from stated entities during each phase of development. It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.
3. **Existing Easement:** If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access easement and is not governed by the right of way regulations of this ordinance. If a new easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.
4. **Application Procedure and Requirements:** The applicant shall file an application for approval of a minor division of land plat and a minimum of three copies of the minor division of land plat. The application and plat shall include:
 - a. All items enumerated on the Minor Division of Land Plat Checklist (See Appendix B), and
 - b. Minor Division of Land application fee (confer with the Office of Planning and Infrastructure).
5. **Approval:** The Planning Commission and this Ordinance grants the Planning Director authority to approve a minor division of land. The Planning Director shall endeavor to render a decision within fourteen (14) working days after all necessary documentation for plat approval is properly received. The plat shall not be approved by the Planning Director until all additional documents have been reviewed and approved.
6. **Appeal:** The applicant may appeal the Planning Director's action by submitting the application to the Planning Commission.

II. MINOR SUBDIVISION DEVELOPMENT:

1. **Definition:** Activities associated with the platting and proposed development of any parcel of land into not more than five (5) lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years.
2. **Definition of 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.
3. **Responsibility:** It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of

Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). Each permit can be obtained in phases, and do not require pre-approval or approval from stated entities, for the Planning Commission or the Planning Director to approve the development/construction and/or plats, regardless of development type. Therefore, it is not the responsibility of the Office of Planning and Infrastructure, Staff, Planning Commission, or County Commission if development/construction begins prior to obtaining applicable permits from stated entities during each phase of development. It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.

4. **Existing Easement:** If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access easement and is not governed by the right of way regulations of this ordinance. If a new easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.
5. **Application Procedure and Requirements:** The applicant shall file an application for approval of a minor subdivision development plat and a minimum of three copies of the minor subdivision development plat. The application and plat shall include:
 - a. All items enumerated on the Minor Subdivision Development Plat Checklist (See Appendix C), and
 - b. Minor Subdivision Development application fee (confer with the Office of Planning and Infrastructure).
6. **Approval:** The Planning Commission and this Ordinance grants the Planning Director authority to approve a minor subdivision development. The Planning Director shall endeavor to render a decision within fourteen (14) working days after all necessary documentation for plat approval is properly received. The plat shall not be approved by the Planning Director until all additional documents have been reviewed and approved.
7. **Appeal:** The applicant may appeal the Planning Director's action by submitting the application to the Planning Commission.

100.04 MAJOR SUBDIVISION *(Amended 10-11-22) (Amended 12-13-22)*

I. MAJOR DIVISION OF LAND:

1. **Definition:** A major division of land is a division of Six (6) or more lots, including the residual or parent lot, and/or any property within 500 feet from the original property boundaries, for a period of (10) years. For the purposes of these regulations, a major division of land shall be defined as all divisions of land not determined by the Planning Director or Staff as an exempt or minor division of land.
2. **Responsibility:** It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). Each permit can be obtained in phases and does not require pre-approval or approval from stated entities, for the Planning Commission or the Planning Director or Staff to approve the development/construction and/or plats, regardless of development type. Therefore, it is not the responsibility of the Office of Planning and Infrastructure, Staff, Planning Commission, or County Commission if development/construction begins prior to obtaining applicable permits from stated entities during each phase of development. It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.

3. **Existing Easement:** If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access easement and is not governed by the right of way regulations of this ordinance. If a new easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.
4. **Application Procedure and Requirements:** The applicant shall file an application for approval of a major division of land plat and a minimum of three copies of the major division of land plat. The application and plat shall include:
 - a. All items enumerated on the Major Division of Land Plat Checklist (See Appendix D), and
 - b. Major Division of Land application fee (confer with the Office of Planning and Infrastructure).
5. **Approval:** The Planning Commission and this Ordinance grants the Planning Director authority to approve all major divisions of land. The Planning Director shall endeavor to render a decision within fourteen (14) working days after all necessary documentation for plat approval is properly received. The plat shall not be approved by the Planning Director until all additional documents have been reviewed and approved. If the major division of land is disapproved, the Planning Director or Staff shall promptly furnish the applicant with a written statement of the reasons for disapproval.
6. **Appeal:** The applicant may appeal the Planning Director's action by submitting the application to the Planning Commission.

II. **MAJOR SUBDIVISION DEVELOPMENT:**

1. **Definition:** Activities associated with the platting and proposed development of any parcel of land into six (6) or more lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years.
2. **Definition of 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.
3. **Responsibility:** It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). Each permit can be obtained in phases, and do not require pre-approval or approval from stated entities, for the Planning Commission or Planning Director to approve the development/construction and/or plats, regardless of development type. Therefore, it is not the responsibility of the Office of Planning and Infrastructure, Staff, Planning Commission, or County Commission if development/construction begins prior to obtaining applicable permits from stated entities during each phase of development. It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.
4. **Existing Easement:** If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access easement and is not governed by the right of way regulations of this ordinance. If a new easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.
5. **Application Procedure and Requirements:** The applicant shall file an application for approval of a major subdivision development plat and a minimum of three copies of the major subdivision development plat. The application and plat shall include:
 - a. All items enumerated on the Major Subdivision Development Plat Checklist (See Appendix E), and

- b. Major Subdivision Development application fee (confer with the Office of Planning and Infrastructure).
6. **Provision:** Provided if a parcel has been subdivided in the past ten (10) years, and the subdivider now decides to develop any of those parcels they must comply with the Major Subdivision Regulations and the following procedure:
7. **Conceptual Plat (Required):** Discussion of Requirements. Before preparing the sketch for a subdivision, the applicant is obligated to discuss with the Office of Planning and Infrastructure the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.
 - a. The Planning Director or Staff shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction. It is the intent of this Section that said discussion is necessary and desirable to advise the applicant of all requirements so that future problems and questions can be reduced.
8. **Conceptual Plat Procedures and Requirements:** Prior to major subdivision development, an owner of the land, or his representative, shall file an application for approval of a conceptual plat. The application shall:
 - a. Be made on application forms available at the Office of Planning and Infrastructure and be presented to the office.
 - b. Include all contiguous holdings of the owner including land in the "same ownership" as defined herein, with an indication of the portion which is proposed to be subdivided.
 - c. Be accompanied by a minimum of three (3) copies of the conceptual plat as described in these regulations and complying in all aspects with these regulations.
 - d. The application shall include an address and telephone number of an agent who shall be authorized to receive all notices required by these regulations.
9. **Study of Conceptual Plat:** The Developer shall transmit the conceptual major subdivision development plat for review to appropriate officials or agencies in the County, adjoining counties or municipalities, school and special districts, and other official bodies as the Planning Director or Staff deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Planning Director or Staff shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Office of Planning and Infrastructure within twenty (20) days after receipt of the request. The Planning Director or Staff will consider all the reports submitted by the officials and agencies concerning the conceptual plat. The Planning Director or Staff shall study the conceptual plat, taking into consideration the requirements of the Subdivision Regulations and the best use of the land being subdivided in the development. Particular attention will be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the further development of adjoining lands yet unsubdivided, the right-of-way width and pavement width of the existing access road to the proposed subdivision development, and the requirements of the Planning Commission.
10. **Field Trip:** The Planning Commission, or Planning Director or Staff may schedule a field trip to the site of the proposed subdivision development, accompanied by the applicant or his representative. To facilitate field inspection and review of the site of the proposed subdivision, temporary staking along the center line of all proposed roads in the subdivision development may be required in time for such field trip, or if impractical, the Planning Commission shall permit a suitable alternative procedure.
11. **Acceptance of Conceptual Plat:** After reviewing and discussing the conceptual plat and other reports, as submitted by invited agencies and officials, the Planning Director or Staff will advise the applicant of the specific changes or additions, if any, it may require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the

approval of the subdivision development plat. The Planning Director or Staff may require additional changes because of further study of the subdivision in final form. Said acceptance shall constitute authorization to prepare and submit a major subdivision development plat.

III. MAJOR SUBDIVISION DEVELOPMENT PLAT:

1. **Application Procedure and Requirements:** Based upon the acceptance of the Planning Director or Staff of the conceptual plat, the applicant should file an application for approval of a major subdivision development plat. The application shall:
 - a. Be made on an application form available at the Office of Planning and Infrastructure and be presented to that office.
 - b. Include all contiguous holdings of the owner including land in the “same ownership” as defined herein, with an indication of the portion which is proposed to be subdivided.
 - c. Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet therefrom, or of that directly opposite thereto, extending one hundred (100) feet from the road frontage of such opposite land, with the names of the owners as shown in the Assessor's files. This information may be shown on a separate current Tax Map reproduction from the Assessor's Office showing the major subdivision development superimposed thereon.
 - d. Be accompanied by a list of owners of property immediately adjacent extending 100' therefrom or directly opposite thereto extending 100' from the road frontage of such opposite property owner as shown on the latest tax records in the County Assessor's office. If the list includes a lot within a major subdivision development, the applicant must submit the name and address of the president of that subdivision's homeowner's association.
 - e. Be accompanied by the number of stamped No. 10 envelopes equal to the number of property owners and homeowners' associations within 100' of the proposed major subdivision development.
 - f. Include all items enumerated in Appendix E Major Subdivision Development Plat Checklist in this ordinance.
 - g. Be accompanied by a minimum of seven (7) copies of the major subdivision plat as described in Appendix E in this ordinance.
 - h. Be accompanied by a minimum of three (3) copies of construction plans as described in Appendix E in this ordinance.
 - i. Be accompanied by major subdivision development application fee.
 - j. Comply in all respects with the conceptual plat as accepted.
 - k. Include three (3) copies of a stormwater analysis that bears the name, address, signature, and seal of an engineer.
 - l. Include a minimum of three (3) copies of a drainage plan, that bears the name, address, signature, and seal of an engineer, and includes all information listed in Section 300.04 Storm Water Management and Erosion Control Plan.
 - m. Include three (3) copies of drainage calculations that bear the name, address, signature, and seal of an engineer, for all culverts, swales, and stormwater drains.
 - n. If applicable, include three (3) copies of the design of the stormwater management facility and drainage calculations that bear the name, address, signature, and seal of an engineer and that meet the requirements of Article 300 Drainage and Storm Sewers in these Subdivision Regulations.
 - o. Include copy of Declaration of Restrictive Covenants, which shall include:
 - i. Creation of Homeowner Association, which includes when the Homeowner Association shall become a governing body and how it will be governed.
 - ii. Establishment of fee structure, which shall include special assessments for capital improvements.
 - iii. Enforcement of fee structure.
 - iv. Litigation authority.
 - v. Ability of Developer and Homeowner Association to change Declaration of Restrictive Covenants.
 - vi. Requirement that Declaration of Restrictive Covenants shall not expire if the Homeowners Association is responsible to maintain common improvements and

- common areas.
- vii. Ability of Homeowner Association to maintain existing roads, drainage structures, all other common improvements, and common areas.
 - viii. Stipulation of when roads, drainage structures, all other common improvements, and common areas become Homeowner Association responsibility.
 - ix. Stipulation of utility easements.
 - x. Stipulation of yard setbacks.
 - xi. Severability; and
 - xii. Stipulation of drainage easements and conditions, which shall include the following:
 - a. Drainage of each lot shall conform to the general drainage plan for the major subdivision development.
 - b. Roof drains shall be discharged directly on the lawn and shall not be discharged into the storm drain system or into the street.
 - c. All swales, ditches, culverts, and other instruments of drainage shall always remain open and clear of debris.
 - d. The area around/along an open stream channel shall be maintained with landscaped banks and an adequate width reserved for discharge of the base flood. (If applicable)
 - xiii. If a stormwater management facility is constructed in the major subdivision development, stipulation of when the Homeowners Association will be responsible for the maintenance of said facility.
 - a. The Declaration of Restrictive Covenants shall be reviewed by the Planning Director or Staff for compliance with the above requirements.
 - b. The approved Declaration of Restrictive Covenants shall be filed with the County Clerk's office prior to final plat approval of a lot. A copy of the recorded Declaration shall be submitted to the Planning Commission.
- p. Be presented to the Planning Commission a minimum of forty-five days prior to a regular meeting of the Commission.
2. **Notice of Public Hearing:** The Planning Commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans. Upon receipt of formal application and all accompanying material, the Planning Director or Staff shall schedule a public hearing. The Planning Director or Staff will submit a notice for publication in one (1) newspaper of general circulation to be published at least twenty-one (21) days prior to the public hearing giving the date, time and place of the public hearing; will send a written notice to the applicant; will send notices to all property owners immediately adjacent, extending one hundred feet (100') from the subdivision or that directly opposite thereto, extending one hundred feet (100') from the road frontage of such opposite property owners; if that list of property owners includes a lot within a subdivision, will send a notice to the president for that subdivision's homeowners association; and will maintain file copies of the plat and construction plans for public review prior to the hearing. The Planning Commission may recess and schedule a continuance of the hearing if all required information is not available at the time of public hearing.
3. **Major Subdivision Development Approval:**
- a. After the Planning Commission has reviewed the major subdivision development plat and construction plans, any County recommendations or requirements, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, conditionally approve, or disapprove the major subdivision development plat within forty-five (45) days after the date of closing the Planning Commission public hearing. One (1) copy of the proposed major subdivision development plat and drainage plan shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefor accompanying the plat.
 - b. The first phase of construction of the subdivision shall be implementation of the sediment control plan. If a stormwater management facility is required, the second phase of construction of the subdivision development shall be the construction of said facility.
 - c. If the Planning Commission denies the application, then the Planning Commission shall

notify the applicant in writing of the reasons for the denial. The applicant may request, one time, a reconsideration of the decision of the Planning Commission, which request for reconsideration must be in writing and received by the Planning Commission no later than ten days after the decision of the Planning Commission is received by the applicant.

- 4. **Public Improvements:** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the President of the Planning Commission. If the Planning Commission shall not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the President of the Planning Commission, the amount of the escrow or bond shall be established by the Planning Commission, which bond shall be submitted by the applicant at the time of application for final subdivision plat approval. The Planning Commission shall require the applicant to indicate on the plat all roads and public improvements, all special districts for water, fire, and utility improvements which shall be required to be established or extended, any other special requirements deemed necessary by the Planning Commission.
- 5. **Effective Period of Preliminary Approval:**
 - a. Major subdivision development approval is granted for a specified period depending on the number of lots to be developed, as shown below:

Total Number of Lots in Subdivision	Effective Period of Preliminary Plat Approval
1-50	5 years
51-100	6 years
101-500	8 years

- b. If all capital improvements are not complete at the end of the specified period, an extension of time may be granted by the Planning Commission. The developer shall formally apply to the Planning Commission, in writing, requesting a time extension and the reasons for the extension. When considering an extension, the Planning Commission shall consider the following criteria:
 - i. Has the developer diligently pursued the completion of the capital improvements on the land granted preliminary approval?
 - ii. Has the developer completed at least 75 percent of the capital improvements on the land granted preliminary approval?
 - c. The burden of proofing these criteria shall rest with the developer.
 - d. The Planning Commission may grant a time extension of up to one year. A developer may request a maximum of two (2) one-year extensions; however, only one extension may be granted at a time.
 - e. If an extension of time is not granted, preliminary approval shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all subdivision regulations and fees in effect at that time.
 - f. All major residential subdivision developments which have received major subdivision development approval by the Planning Commission prior to the effective date of these revisions shall be entitled to request an extension of time from the Planning Commission.
- 6. **Minor Changes to Approved Major Subdivision Development Plat:** Minor boundary changes that do not affect improvements or conditions of approval may be approved by the Planning Director.

IV. FINAL MAJOR SUBDIVISION DEVELOPMENT PLAT:

1. **Application Procedure and Requirements:** Following the approval of the major subdivision development plat and all conditions of final plat approval being met, the applicant shall file with the Planning Commission an application for final approval of a subdivision development plat. The application shall:
 - a. Be made on forms available at the Office of Planning and Infrastructure, together with the specified fee.
 - b. Include the entire subdivision, or section thereof, which derives access from an existing highway.
 - c. Comply in all respects with the major subdivision development plat as approved.
 - d. Include all items enumerated in Appendix F Major Subdivision Development Final Plat Checklist.
 - All as-built final plat revisions (be they field deviations from the approved preliminary plat or those requested by the county's reviewing engineer) shall be clouded in red with accompanying revision triangle.
 - e. Unless all improvements are installed or in place, the application shall be accompanied by the escrow deposit certification or performance bond, if required, in a form satisfactory to the Planning Commission and in an amount established by the Planning Commission and shall include a provision that the principal of the escrow deposit or bond shall comply with all the terms of the resolution of final subdivision development plat approval as determined by the Planning Commission and shall include, but not be limited to the performance of all required subdivision development and off-site improvements, and all improvements and land included in the final subdivision development plat. Said escrow account or performance bond shall be sufficient to cover the cost of installation of all improvements not in place on the date of approval of the Final Subdivision Development Plat.
2. **Submission and Review:** Seven copies of the subdivision development plat on paper and as many copies as the developer wishes to receive endorsement shall be submitted to the Planning Commission President for final review. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the resolution have been met and fees have been paid.
 - All plat revisions (including but not limited to as-built final plat revisions, be they field deviations from the approved preliminary plat or those requested by the county's reviewing engineer) shall be clouded in red with an accompanying revision triangle and date for ease or review.
3. **Vested Rights:** No vested rights shall accrue to any plat by reason of major subdivision development approval or final approval until the actual signing of the plat by the President of the Planning Commission. All requirements, conditions, or regulations adopted by the Planning Commission applicable to the major subdivision development or shall be deemed a condition for major subdivision development prior to the time of the signing of the final plat by the President of the Planning Commission. Where the Planning Commission has required the installation of improvements prior to signing of the final plat, the Planning Commission shall not unreasonably modify the conditions set forth in the final approval.

100.05 SIGNING RECORDING OF MAJOR SUBDIVISION DEVELOPMENT PLAT *(Amended 12-13-22)*

- I. **Signing of Final Plat:** When an escrow deposit or bond is required, the President of the Planning Commission shall endorse approval on the final plat after the escrow deposit or bond has been approved by the Planning Commission attorney, and all the conditions of the resolution pertaining to the plat have been satisfied.

When installation of improvements is required, the President of the Planning Commission shall endorse approval on the final plat after all conditions of the resolution have been satisfied and all

improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Planning Commission.

- II. Recording of Final Plat Documents:** The President of the Planning Commission will sign the originals of the final subdivision development plat.
1. It shall be the responsibility of the Applicant to file said plat and all other documents with the County Clerk's Office within ninety (90) days of the date of signature.
- III. Sectionalizing Major Subdivision Development Plats:** Prior to granting final approval of a major subdivision development plat, the Planning Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the subdivision. A major subdivision development may not be approved one lot at a time. The Planning Commission may require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required escrow deposit or performance bond principal amount until the remaining sections of the plat are offered for filing.

100.06 ASSURANCE FOR COMPLETION MAINTENANCE OF IMPROVEMENTS *(Amended 12-13-22)*

- I. Completion of Improvements:**
Before the development plat is signed by the President of the Planning Commission, all applicants shall be required to complete, in accordance with the Planning Commission's decision, all street, sanitary, and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision development plat, and approved by the Planning Commission.
1. **Acceptance of Escrow Funds:** The Planning Commission may accept a cash escrow deposit in an amount to be determined by the Planning Commission for the cost of construction, installation, and dedication of the uncompleted portion of the required improvements.
 2. **Procedures on Escrow Fund:** All required improvements for which escrow monies have been accepted by the Planning Commission shall be installed by the developer within an agreed upon period from the date of deposit. In the event that the improvements have not been properly installed at the end of the time period, the Planning Commission shall give two (2) weeks written notice to the developer requiring the installation of same, and in the event that same are not installed properly in the discretion of the Planning Commission, the Planning Commission may proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. The applicant shall obtain and file with the Planning Commission a notarized statement from the purchaser or purchasers of the premises authorizing the Planning Commission to install the improvements at the end of the period if the same have not been duly installed by the developer.
 3. **Performance Bond:** The Planning Commission, in its discretion, may waive the requirement that the applicant complete all public improvements prior to the signing of the final subdivision plat, and that, as an alternative, the applicant post a bond at the time of application for final major subdivision development approval in an amount estimated by the Planning Commission as sufficient to secure to the Planning Commission the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements.
 - a. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the county attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission in the resolution approving the final major subdivision development plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of final approval.

Such bond shall be approved by the Planning Commission as to the amount and surety and conditions satisfactory to the governing body. The Planning Commission may, upon proof of difficulty, recommend to the governing body extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Planning Commission

may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Planning Commission.

4. **Temporary Improvement:** The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain same for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the developer shall file with the county a separate suitable escrow deposit or bond for temporary facilities, which escrow deposit or bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.
5. **Costs of Improvement:** All required public improvements shall be made by the applicant, at his expense, without reimbursement by the county or any improvement district therein. Required public improvements shall include but may not be limited to streets, drainage facilities, utilities, open space and common areas, and parking areas.
6. **Governmental Units:** Governmental units to which these bonds and contract provisions apply may file in lieu of said contract or bond a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.
7. **Failure to Complete Improvement:** For subdivisions for which no escrow deposit or performance bond has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the approval shall be deemed to have expired.

In those cases where an escrow deposit or performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Planning Commission may thereupon declare the escrow deposit or bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the escrow deposit or bond is declared to be in default and contract with another developer or contractor to install the required improvements.

8. **Inspection and Fees:** The Planning Commission shall provide for inspection of required improvements during construction and insure their satisfactory completion. Prior to major subdivision development review, the applicant shall pay to the county fees as required by this ordinance, and the subdivision development plat shall not be signed by the President of the Planning Commission unless such fees have been paid at the time of application. These fees shall be due and payable upon demand of the Planning Commission, and no building permit shall be issued until all fees are paid. If the Planning Commission finds upon inspection that any of the required improvements have not been constructed in accordance with the Planning Commission's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by an escrow deposit or performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.
9. **Release or Reduction of Performance Bond:** The Planning Commission will not accept required improvements, nor release nor reduce a performance bond, until the Planning Commission has certified that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Planning Commission, through submission of detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision.

An Escrow Deposit or Performance Bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall be the escrow deposit or performance bond so reduced below twenty-five per cent (25%) of the principal amount.

10. **Maintenance of Improvements:** The applicant shall be required to maintain all improvements to the individual subdivided lots in the development until such time as the Homeowner's Association accepts responsibility for the subdivision.
11. **Deferral or Waiver of Required Improvement:** The Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
12. **Issuance of Building Permits:** A building permit may be issued prior to the completion of the

improvements and dedication of same to the local government, as required in the Planning Commission's final approval of the subdivision development plat.

The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of the building permit.

100.07 CONFORMITY WITH EXISTING STATUTES *(Amended 12-13-22)*

I. Consumer Protection Legislation and Conflicts of Interest Statutes:

No building permit shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

With respect to said lot or parcel of land, in the event a building permit has been granted or issued, it shall be subject to revocation by the Planning Commission until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties be prejudiced by any such revocation.

II. Federal and State Legislation:

No major subdivision development shall be approved by the Planning Commission which would require or cause the filling of a wetland or modification of a watercourse unless a 404 Permit has been granted by the United States Army Corps of Engineers for such action.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; appropriate and applicable state laws, or conflicts of interest statute, law, or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth herein.

100.08 SALE OF PROPERTY *(Amended 10-11-22) (Amended 12-13-22)*

- I. The developer or owner of a major subdivision development which has received approval of the Major Subdivision Development Plat will be allowed a one (1) lot exemption for each phase of development with the following changes: Major subdivision developments which are developed in phases shall receive a one lot exemption for each phase provided that the phase is at least 20% of the size of the number of lots of the overall development and has a minimum of five lots. No such one-lot exemption will be allowed for any subsequent phase unless and until the prior phase has received final plat approval from the Putnam County Office of Planning and Infrastructure. The lot must derive access from existing streets or roads or must derive access from streets which the Planning Commission shall determine are consistent with the final approval of the major subdivision development. If neither of these conditions can be met, the nearest property corner of the lot must be within the first five hundred feet (500') of the subdivision entrance for the platted section or be within five hundred feet of a street that the Planning Commission shall determine is consistent with the final approval of the major subdivision development.
- II. Developers of Major Subdivisions consisting of multiple Multi-Family Dwellings (a.k.a. Multiple Townhouse and Duplex Structures) and lots which are to be developed in phases, and who have received approval of the Major Subdivision Preliminary Plat by the Putnam County Planning Commission, shall receive a one-time exemption to record and sell parcels of land assigned to/associated with one (1) entire Multi-Family Dwelling Structure (a.k.a. one (1) entire Townhouse Structure or one (1) entire Duplex Structure) before the Final Plat is approved by the Putnam County Planning Commission to assist the developer in the financing of improvements. No such exemption will be allowed for any subsequent phase of the same Major Subdivision consisting of Multi-Family Dwellings (Townhouse or Duplex) unless and until the prior phase has received final plat approval from the Putnam County Planning Commission.

100.09 IDENTIFICATION OF MAJOR SUBDIVISION DEVELOPMENT *(Amended 12-13-22)*

Prior to approval of the final plat, the developer shall cause to be located on the major subdivision development site a sign, clearly visible from abutting streets and highways. Said sign shall contain the name of subdivision and be located within an easement or common area.

ARTICLE 200**ROADS AND RIGHTS-OF-WAY**

- 200.01 General Requirements
- 200.02 Design Standards
- 200.03 Perimeter Roads
- 200.04 Existing Roads and Rights-of-Way

200.00 ROADS AND RIGHTS-OF-WAY**200.01 GENERAL REQUIREMENTS**

- I. **Frontage on Improved Roads.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing road or:
 - 1. an existing state, or federal highway; or
 - 2. a road shown upon a plat approved by the Planning Commission and recorded in the County Clerk's office. Such road must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.
- II. **Grading and Improvement Plan.** Proposed roads shall be graded and improved and conform to the Planning Commission's construction standards and specifications and shall be certified by an engineer as to design and specifications in accordance with the construction plans required to be submitted prior to major subdivision plat approval and shall be approved by the Planning Commission prior to final plat approval.
- III. **Topography and Arrangement.** Proposed roads shall be related appropriately to the topography. All roads shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the roads. Grades of roads shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
 - 1. All roads shall be properly integrated with the existing and proposed system of thoroughfares and existing or dedicated rights-of-way.
 - 2. All thoroughfares shall be properly aligned to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.
 - 3. Local and Residential roads shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of roads necessary to provide convenient and safe access to property.
 - 4. In non-residential developments, the roads and other accessways shall be planned in connection with the grouping of buildings; location of rail facilities; and the provision of alleys, truck, loading and maneuvering areas; and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- IV. **Access to Major Arterials.** Where a subdivision borders on or contains an existing or proposed major arterial, the Planning Commission may require that access to such roads be limited by one of the following means:
 - 1. The subdivision of lots so as to back onto the major arterial and front onto a parallel local

road; no access shall be provided from the major arterial, and screening shall be provided in a strip of land along the rear property line of such lots.

2. A series of cul-de-sacs, U-shaped roads, or short loops entered from and designed generally at right angles to such a parallel road, with the rear lines of their terminal lots backing onto the major arterial.
3. A frontage road or service road (separated from the major arterial by a planting or grass strip and having access thereto at suitable points).

Lots within a major subdivision that have access to the subdivision roads may not have a separate access onto state or county roads or other access roads.

- V. **Road Names and Regulatory Signs.** The names of all roads and the addressing of all lots shall meet the standards set forth in the WV 911 Addressing Handbook. Roads must be properly named to allow for efficient emergency service dispatching.

The Planning Commission shall further require the placement of road name signs and stop signs at all road intersections. The road name signs shall meet the standards set forth in the WV 911 Addressing Handbook.

Road regulatory signs may be required by the Planning Commission to facilitate the safe and orderly flow of traffic.

- VI. **Reserve Strips.** The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

- VII. **Construction of Roads and Dead-End Roads.** The arrangement of roads shall provide for the continuation of principal roads between adjacent sections when such continuation is necessary for convenient movement of traffic, effective fire protection, or efficient provision of utilities. If the adjacent section has major subdivision approval and is undeveloped and the road must be a dead-end road temporarily, the right-of-way shall be extended to the section line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end roads, with the notation on the subdivision plat that land outside the normal road right-of-way shall revert to abutters whenever the road is continued. The Planning Commission may limit the length of temporary dead-end roads in accordance with these regulations. A temporary turnabout may not be indicated on a preliminary plat. A temporary turnabout may be placed at the end of a section only if the adjacent section has major subdivision approval.

- VIII. **Dead-End Roads (Permanent).** Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining section, its terminus shall normally not be nearer to such boundary than twenty (20) feet, unless its terminus is adjacent to developed property or potentially developable property, at which time the buffer will be increased to 50'. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end road in accordance with Planning Commission construction standards and specifications.

200.02 DESIGN STANDARDS

- I. **General.** See Table I Minimum Design Standards for All Proposed Roads. The Planning Commission shall determine the classification of all roads.
- II. **Gradient.** See Table I Minimum Design Standards for All Proposed Roads. All grades 15% and above for residential roads must have the grade verified by an engineer and the certification submitted to the Planning Commission prior to pouring concrete or placement of asphalt.
- III. **Railroads and Limited Access Highways.** Railroad rights-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

1. In residential developments, a buffer strip at least 25 feet in depth, in addition to the normal depth of the lot required in the development, shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designed on the plat: "This strip is reserved for screening. The placement of structure hereon is prohibited".

Screening shall be placed within the 25 foot buffer strip. A screening plan shall be provided to the Planning Commission showing the placement of a six (6) foot fence, wall or earthen mound/berm and a mix of evergreen trees, deciduous trees and shrubs OR a screening area planted with evergreens at least five (5) feet in height or an evergreen hedge at least four (4) feet in height, situated so as to provide an effective opaque and permanent visual screening upon installation.

2. For applications involving non-residential uses, the nearest road extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
3. Roads parallel to the railroad when intersecting a road which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

IV. **Intersections.** Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventh-five (75) degrees shall not be acceptable. An oblique road should be curved approaching an intersection and should be approximately at right angles for at least sixty (60) feet therefrom. Not more than two (2) roads shall intersect at any one point unless specifically approved by the Planning Commission.

1. Proposed new intersections along one side of an existing road shall, wherever practical, coincide with any existing intersections on the opposite side of such road. Road jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected road has separated dual drives without median breaks at either intersection. Where roads intersect residential roads, their alignment shall be continuous. Intersections of residential collectors or arterials shall be at least eight hundred (800) feet apart.
2. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a six percent (6%) rate at a distance of sixty (60) feet, measured from the nearest edge of pavement of the intersecting road.
3. Where any road intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
4. When the subdivision street intersects a county or state highway, the curb radii shall meet the requirements of the Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way of the West Virginia Department of Transportation, Division of Highways.

V. **Road Right-of-Way.** An existing or proposed road right-of-way may not be included in the area of a lot.

VI. **Guardrail.** Guardrail shall be constructed at locations where potential roadside hazards are proposed within the clear zone for the roadway. The clear zone shall be defined utilizing Figure 3.1 and Table 3.1 from the American Association of State Highway and Transportation Officials' *Roadside Design Guide*. In addition, guardrail shall be constructed at locations where fill slopes

exceed the slope of 3:1, and have a fill height of 12 feet or more (measured from the profile grade). The Planning Commission may require guardrail at other locations not listed above.

Guardrail shall be Type I Guardrail (Galvanized Steel Deep Beam) unless otherwise approved by the Planning Commission. The spacing of the guardrail posts shall be a maximum of 12'-6" and all posts shall have wooden blocks. The guardrail shall be constructed as per WVDOH Specifications and Standard Details.

200.03 PERIMETER ROADS

New Perimeter Roads. Road systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-roads. Where an existing half-road is adjacent to a new subdivision, the other half of the road shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter road where the subdivider improves and dedicates the entire required road right-of-way width within his own subdivision boundaries.

200.04 EXISTING ROADS AND RIGHTS-OF-WAY

- I. **Improvement of Existing Roads and Rights-of-Way.** When a subdivision borders or gains access from an existing road, the Planning Commission may require realignment, or widening, or improvement of the road and right-of-way. For the subdivision of property, an existing right-of-way, with the exclusion of county, state, and federal rights-of-way, must meet the minimum standards as set forth in Table I of these regulations. The applicant shall be required to improve, at his expense, such areas for widening or realignment of such roads and rights-of-way. Appendix B, vehicular moving information, provides general guidelines on appropriate width of roads.
- II. **Protection of Health, Safety, and Welfare.** Where an existing road and right-of-way exist and will be used by the proposed subdivision, the subdivider must demonstrate the road and right-of-way are not detrimental to the public health, safety, and welfare or injurious to other property. The Planning Commission may require certain conditions be met to secure the objectives of the purpose of the subdivision regulations and County plans.

ARTICLE 300

DRAINAGE AND STORM SEWERS

- 300.01 General Requirements
- 300.02 Nature of Storm Water Facilities
- 300.03 Drainage Easements
- 300.04 Storm Water Management and Erosion Control Plan
- 300.05 Erosion and Sediment Control (*Amended 10-11-22*)

300.00 DRAINAGE AND STORM SEWERS**300.01 GENERAL REQUIREMENTS**

- I. **Required Drainage Systems.** The Planning Commission shall not recommend for approval any plat for subdivision which does not make adequate provision for storm or flood water runoff by use of channels or basins, based on:

1. 25-year frequency for storm drains with an overflow designed at a 50 year frequency.
2. The stormwater drainage system shall be designed to meet the requirements and standards stated in these subdivision regulations. An engineer shall submit a written certification that construction of the stormwater drainage system has met the requirements and standards of these subdivision regulations.
3. If the stormwater analysis shows stormwater detention is necessary, detention structures shall be designed in such a manner that the post-construction peak runoff rate of flow shall be equal to or less than the pre-construction peak runoff of flow rate for 2-year/24-hour and 10-year/24-hour storms. Additional measures may be considered by the Planning Commission or Officer in critical area watersheds.

When an analysis indicates stormwater detention is necessary for an expansion to an existing subdivision that has no detention structures, a peak runoff reduction of 10% from the preexisting peak runoff rate of flow must be achieved. However, no reduction shall be required for the expansion beyond the peak runoff rate of flow that would occur from the parcel in its natural, undeveloped state.

It is desirable that the stormwater detention structure have a maximum of a ten foot (10') total water depth. In addition, the stormwater detention system and structure shall be designed by an engineer. The stormwater detention system and structure shall be constructed to meet the requirements and standards of these subdivision regulations as well as the current edition of the United States Natural Resources manual for ponds.

An engineer shall submit a written certification that the construction of the stormwater detention system and structure has met the requirements and standards of the subdivision regulations as well as the current edition of the United States Natural Resources manual for ponds.

If a structure that exceeds a ten foot (10') total water depth is proposed, it shall be designed by an engineer with geotechnical experience and approved by the Planning Commission and shall be constructed to meet the requirements and standards of these subdivision regulations as well as the current edition of the United States Natural Resources manual for ponds.

An engineer with geotechnical experience and approved by the Planning Commission shall submit a written certification that the construction of the stormwater detention system and structure that exceeds a ten-foot total water depth have met the requirements and standards of these subdivision regulations as well as the current edition of the United States Natural Resources manual for ponds.

4. The current edition of the West Virginia Department of Transportation Standard Specifications for Roads and Bridges and Supplemental Revisions is hereby referenced

for material and construction specifications for activities governed by this Article.

The current edition of the West Virginia Department of Transportation Drainage Manual is hereby referenced as the Storm Water Design Manual in its entirety with the following exceptions:

- (i) All drainage design for piping shall meet 25-year storm requirements.
- (ii) Minimum pipe sizes apply unless specifically approved by the Planning Commission or officer.

The current edition of the United States Natural Resources manual for ponds is hereby referenced for design of the storm water detention structure.

A stormwater management facility shall be constructed on a common area in the subdivision and shall be maintained by the developer until the common area becomes the responsibility of the homeowner's association. The stormwater management facility shall be set back a minimum distance equivalent to one-half (1/2) of the height of the stormwater management facility, but in no case shall be set back less than five feet (5') from the property line. The edge of the stormwater management facility is defined by the outside toe of the embankment.

Inlets shall be provided so that surface water is not carried across or around any intersection, or for more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown on the drainage plan for each lot.

The County Engineer shall review the stormwater drainage plans submitted by the engineer and must approve the plans prior to the Planning Commission granting major subdivision approval and prior to the start of construction. When the construction is completed, an engineer shall submit a final as-built drawing as outlined in Section 300.04(1)(D) in this ordinance and a certification that the drainage plan meets the requirements of this ordinance. The County Engineer shall perform a post-construction certification review at the completion of construction. Final plat approval shall not be granted until the County Engineer approves the construction of the stormwater drainage system and the certifications submitted by the engineer.

- II. **Stormwater Analysis.** A stormwater analysis by an engineer shall be conducted to determine the accommodation of upstream drainage areas and the effect on downstream drainage areas.

300.02 NATURE OF STORM WATER FACILITIES

- I. **Location.** The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications. Junction boxes and/or drop inlets may be required, if warranted.
- II. **Accessibility to Public Storm Sewers.** Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Planning Commission.

If a future connection to a public storm sewer will be possible, because such a system is currently in the planning stages, the developer shall plan for future storm water disposal by a public utility system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

- III. **Accommodation of Upstream Drainage Areas.** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer or his engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development.

- IV. **Effect on Downstream Drainage Areas.** The applicant and/or developer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision may overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility as determined by the Planning Commission or Officer.
- V. **Areas of Poor Drainage and Floodplain Areas.** Whenever a plat for a major subdivision is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets above the FEMA 100-year base flood elevation or known flooding elevations.

The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone, nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Planning Commission. Where the major subdivision lies partially or completely in the 100-year flood zone area, the plat shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites, the Base Flood Elevation, and the delineation of the floodplain areas as depicted on the FEMA map.

Development of areas of extremely poor drainage shall be discouraged. The developer or his engineer shall design the subdivision so that drainage from undeveloped lots shall not be directed onto developed lots.

The Applicant shall comply with all requirements of the Putnam County Floodplain Management Program Ordinance.

- VI. **Wetlands.** Developments which have a negative impact on wetlands shall be discouraged. The existence of wetlands shall be determined by the appropriate federal, state, or local agency.
- VII. **Drainage Facilities.** All swales, ditches, culverts, and other instruments of drainage shall always remain open and clear of debris. Open stream channels will be maintained with landscaped banks and adequate width for maximum potential volume of flow. All rooftop drainage in a residential subdivision shall discharge directly on the ground and shall not be piped to the stormwater drainage system or a street.

300.03 DRAINAGE EASEMENTS

- I. **General Requirements.** Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width reserved for discharge of the base flood.
- II. **Drainage Easements.** Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. A ten (10) foot drainage easement for lot drainage shall be required on lot lines (5' on each side), when not being used as part of the subdivision drainage plan improvements.

1. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
2. The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission, which will be at a minimum the distance from the top of the slope of the stream bank to the center of the channel.
3. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the average density or for computing the area requirement of any lot.

300.04 STORM WATER MANAGEMENT AND EROSION CONTROL PLAN

A Storm Water Management and Erosion Control Plan shall be submitted. The plan shall include the following information:

1. Descriptive Information
 - A. Title Block with:
 - i. development name
 - ii. owner
 - iii. design firm
 - iv. authorized Registered Professional Engineer stamp, signature, and date
 - v. legend
 - vi. north arrow
 - vii. vicinity map
 - viii. scale
 - ix. sheet numbers
 - x. date
 - xi. revision numbers and dates
 - B. Topographical Features
 - i. original and proposed contours at intervals no greater than 2 vertical feet
 - ii. existing drainage components, i.e., streams, ponds, pipes, etc.
 - iii. property boundary lines
 - iv. existing streets, buildings, and utilities
 - v. 100-year floodplain
 - vi. off-site drainage entering site
 - C. Site Drainage Plan
 - i. drawing no larger than 24-inch x 36 inch and at a scale of 1 inch equals 10 feet to 1 inch equals 50 feet
 - ii. existing and proposed structures, roads, buildings, paved areas
 - iii. existing and proposed storm water management system and components including sizes, lengths, pertinent elevations, etc.
 - iv. where and how proposed storm water management system will be connected to existing systems
 - v. location and grade of all swales including cross sections
 - vi. location and design of all other best management structures/implementations
 - vii. location and type of best management practice erosion and sediment control structures
 - viii. existing and proposed ground cover
 - ix. total impervious area
 - x. control release facilities showing cross-sections and profiles.
 - D. Final As-Built Drawings
 - i. drawing no larger than 24-inch x 36 inch and at a scale of 1 inch equals 10 feet to 1 inch equals 50 feet
 - ii. submitted in AutoCAD, DXF or DWG or another authorized file format

- iii. show all revised contours and appropriate “spot elevations”
- iv. show location, length, sizes, and pertinent elevations of the storm water management system
- v. all impervious areas accurately depicted

Final as-built drawings shall be submitted to the Planning Commission prior to final plat approval.

2. Design Standards

A. Standards as stated in Section 300.01(A) and the following:

- i. flow rates calculated by use of the Rational Method or SCS TR-55 method unless sufficient justification for use of another method is approved by the Planning Commission or Officer
- ii. calculations shall utilize a six (6) minute minimum “time of concentration”

B. Design Backup

- i. calculations of volumetric runoff and peak runoff rate of flow for both pre-development and post-development
- ii. calculations for storm water detention/retention facility and other system elements including description and rationale supporting the design methodology
- iii. Operation and Maintenance Manual for private storm water control facilities.

3. Material Standards

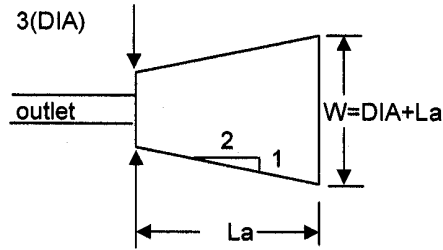
A. Standards as stated in Section 300.01(5).

300.05 EROSION AND SEDIMENT CONTROL (*Amended 10-11-22*)

Erosion and sedimentation control measures are required as outlined in accordance with the West Virginia Department of Environmental Protection General Permit. Refer to the most current edition of the West Virginia Department of Environmental Protection Erosion and Sedimentation Control BMP Manual for acceptable means and methods.

Outlet Protection*

Diameter	La	D ₅₀	D _{MIN}	D _{MAX}	Min. Thickness
12" or smaller	6'	3"	2"	5"	5"
18"	10'	4"	3"	6"	6"
24"	14'	6"	4"	9"	9"
36"	23'	9"	6"	15"	15"
42"	30'	12"	8"	18"	18"
48"	35'	14"	10"	21"	21"
54"	40'	16"	10"	24"	24"



* This table is based upon Corrugated Plastic Pipe (Mannings = 0.012), flowing full at 1%, with minimum tailwater. This table may also be used for reinforced concrete pipe and corrugated metal pipe. For pipes at steeper grades use Figure 26 of the WV Erosion Sediment Control Handbook for Developing Areas. For maximum tailwater conditions, use Figure 27 of the WV Erosion Sediment Control Handbook for Developing Areas.

ARTICLE 400

WATER FACILITIES

- 400.01 General Requirements (*Amended 07-25-23*)
- 400.02 Individual Wells and Central Water Systems (*Amended 07-25-23*)
- 400.03 Fire Hydrants

400.00 WATER FACILITIES

400.01 GENERAL REQUIREMENTS (*Amended 07-25-23*)

- I. **Installation of Facilities.** Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State or County authorities. All water mains shall be of a size and installed in a manner approved by the utility service provider.
- II. **Mapping of Facilities.** To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the developer.
- III. **Review of Construction Plans.** All construction plans for water facilities installation shall be reviewed and approved by the Planning Commission.
- IV. **Approval of Facilities.** Approval of facilities shall be provided by the Planning Commission.

It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations. (Amended 07-25-23)

400.02 INDIVIDUAL WELLS AND CENTRAL WATER SYSTEMS (*Amended 07-25-23*)

- I. **Requirement for Water Supply.** If a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision.
- II. **Accessibility for Future Service.** If a public water supply will be provided to a subdivision within five (5) years of the date of the final plat approval, a utility easement to provide public water service to each lot shall be included on the plat before final approval is granted.

400.03 FIRE HYDRANTS

- I. **General Requirement.** Fire hydrants shall be required for all subdivisions that have an adequate water source. Where an adequate water source is available, fire hydrants shall be located no more than 1,000 feet apart and within 1,000 feet of any structure as required by the rules and regulations of the West Virginia Health Department and shall be approved by the applicable protection unit. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

A ten-foot (10') setback shall be required around all fire hydrants. No structures, fences, plantings, motor vehicles, or any other obstruction that could interfere with the operation shall be allowed within this setback area.

ARTICLE 500**SEWAGE FACILITIES**

- 500.01 General Requirements (*Amended 12-13-22*)
- 500.02 Mandatory Connection to Public Sewer System
- 500.03 Individual Disposal System Requirements (*Amended 12-13-22*)
- 500.04 Design Criteria for Sanitary Sewers (*Amended 12-13-22*) (*Amended 07-25-23*)

500.00 SEWERAGE FACILITIES**500.01 GENERAL REQUIREMENTS**

I. **Installation Requirements.** The applicant / developer shall install sanitary sewer facilities in a manner prescribed by the Planning Commission. All plans shall be designed in accordance with the rules, regulations, and standards of the appropriate utility service provider, Health Department, and other appropriate agency. Plans shall be approved by the above agencies. Necessary action shall be taken by the applicant to extend or create a sanitary sewer district for the purpose of providing sewerage facilities to the subdivision development, where no district exists for the land to be divided. (*Amended 12-13-22*)

1. Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision development. (*Amended 12-13-22*)
2. Where a public sanitary sewerage system is not reasonably accessible but will become available within a reasonable time (not to exceed five (5) years), the applicant / developer may choose one of the following alternatives: (*Amended 12-13-22*)
 - a. Central Sewerage System, the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant / developer shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or (*Amended 12-13-22*)
 - b. Individual disposal systems provided the applicant / developer shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision development boundary where a future connection with the public sewer main shall be made. (*Amended 12-13-22*)

Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

3. Where sanitary sewer systems are not reasonably accessible and will not become available for a period more than five (5) years, the applicant / developer may install either central sewerage disposal system with approved treatment facilities or individual lot disposal by septic or other approved methodology and include a utility easement for future sanitary sewer system in the final plat. (*Amended 12-13-22*)

Central sewerage disposal systems and individual lot disposal systems within watersheds that provide public drinking water shall meet all required state and local health department and/or all other regulatory authority safety requirements. (*Amended 12-13-22*)

500.02 MANDATORY CONNECTION TO PUBLIC SEWER SYSTEM

Mandatory Connections. If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

500.03 INDIVIDUAL DISPOSAL SYSTEM REQUIREMENTS

Individual Disposal Systems. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the State Health Laws and percolation tests and test holes shall be made as directed by the Health Department and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Health Officer. Delineation of the approved reserved area for an individual sewage disposal system shall be made on the plat.

If sufficient information is not available for the Health Department to determine whether a lot classified as a minor subdivision development or exempt division of land is suitable for an individual sewage disposal system, the applicant may allow a development condition to be placed on the approved plat that states, "The Putnam County Health Department has not determined if the parcel [identify parcel] is suitable for an individual sewage disposal system. A structure requiring individual sewage disposal for sewer service may not be constructed until the individual sewage disposal system is approved by the Health Department or until public sewer service is available." (*Amended 12-13-22*)

500.04 DESIGN CRITERIA FOR SANITARY SEWERS (*Amended 07-25-23*)

- I. **Deviation from Design Criteria.** These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Commission.
- II. **Design Factors.** Sanitary sewer systems should be designed for the ultimate tributary population.
- III. **Design Standards for Sanitary Sewers.** Sanitary Sewers Systems shall be installed according to the rules and regulations of the appropriate utility service provider as found in the following design manuals:
 1. Permit Procedures and Design Requirements for Small Sewage and Water Systems, West Virginia Department of Health.
 2. Slope Requirements. See Minimum Design Standards Table III.
- IV. **Review of Sewerage Facilities Plans.** All construction plans for sanitary sewer installation shall be reviewed and approved by the Planning Commission. (*Amended 07-25-23*)

It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations. (Amended 07-25-23)

- V. **Accessibility for Future Service.** If a public sanitary sewerage system will be provided to a subdivision development within five (5) years of the date of the final plat approval, a utility easement to provide public sanitary sewerage service to each lot shall be included on the plat before final plat approval is granted. (*Amended 12-13-22*)

ARTICLE 600**NONRESIDENTIAL SUBDIVISIONS**

600.01 General Provisions

600.00 NONRESIDENTIAL SUBDIVISIONS**600.01 GENERAL PROVISIONS**

- I. **General.** If a proposed subdivision includes land that is intended or dedicated for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make provisions as the Planning Commission may require.

A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in this Ordinance. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission.

- II. **Standards.** (see Minimum Design Standards - All Tables) In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

ARTICLE 700

ACCESS, OFF-STREET PARKING AND LOADING

- 700.01 Requirements for Parking
- 700.02 Requirements for Off-Street Loading
- 700.03 Joint Facilities for Parking or Loading

700.00 ACCESS, OFF-STREET PARKING AND LOADING IN THE UNINCORPORATED AREA OF PUTNAM COUNTY NOT REGULATED BY THE ZONING ORDINANCE FOR THE ZONED UNINCORPORATED AREAS OF PUTNAM COUNTY, WEST VIRGINIA

700.01 REQUIREMENTS FOR PARKING (See Minimum Design Standards - Table II and III)

- I. **Access.** There shall be adequate provision for ingress and egress from all parking spaces. Access drives or driveways shall be no less than 12 feet wide for ingress or egress and 20 feet wide for both ingress and egress. No driveway or access drive shall be closer than 35 feet to any street intersection.
- II. **Location.** All permitted and required accessory off-street parking and loading spaces, open or enclosed, shall be located on or immediately adjacent to the same lot as the use to which such spaces are accessory, but may be provided within a radius of 300 feet from the lot boundary. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to added restrictions binding the owner and his heirs, and all successors to maintain the number of spaces available throughout the life of such use.

Parking is permitted on the roof of any structure, provided a three-foot wall is constructed around the perimeter of the roof.

- III. **Surfacing.** Any off-street parking or loading area for four or more spaces shall be surfaced with an asphalt or concrete pavement, or similar durable and dustless surface. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of vehicles.
- IV. **Lighting.** All areas containing outdoor lighting (except public street lighting and outdoor activity facilities) shall limit light spillage onto adjacent residential property. The applicant shall submit a lighting plan by an engineer showing a 0.2 FC or less increase at the adjacent property line. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors. Upon installation of the lighting, the applicant shall provide an as-built lighting plan by an engineer, certifying a 0.2 FC or less increase at the adjacent property line.
- V. **Exception: Parking for Houses of Worship.** The number of required off-street parking spaces may be eliminated or reduced if there exists, within 500 feet of the house of worship, public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of Table III.

The house of worship shall provide the difference if the number of parking spaces in the private or public lots is below the number of required by Table IIa. Any spaces provided in public or private lots must be shown to be available for worshipers on the day or days of greatest use.

700.02 REQUIREMENTS FOR OFF-STREET LOADING (See Minimum Design Standards-Table III)

In non-residential developments, there shall be provided and maintained, on the same lot with the principal use, off-street loading berths in accordance with the requirements of Table III.

700.03 JOINT FACILITIES FOR PARKING OR LOADING

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Planning Commission in accordance with the purposes and procedures set forth herein.

See the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, West Virginia for requirements for access, off-street parking, and loading if the property is located within the unincorporated area of Putnam County governed by said ordinance.

**ARTICLE 800
PLANNED UNIT DEVELOPMENT**

- 800.01 Purpose
- 800.02 Standards for Review
- 800.03 Minimum Site Area for a Planned Unit Development
- 800.04 Development Standards
- 800.05 Open Space Requirements
- 800.06 Waivers and Variances
- 800.07 Conceptual Review Submittal
- 800.08 Development Plan Application Requirements
- 800.09 Development Plan and Major Subdivision Plat Review Process
- 800.10 Adherence to Approved Plan: Modifications
- 800.11 Revocation

800.00 PLANNED UNIT DEVELOPMENT

800.01 PURPOSE

It is the intent of the Planned Unit Development (PUD) to provide for greater flexibility and thereby encourage more creative design of residential and commercial developments than generally is possible under conventional regulations. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live or do business in than one produced in accordance with typical regulations. Furthermore, the PUD regulations are intended to promote a more economical and efficient use of the land, while providing for a harmonious variety of housing choices, convenient commercial services, a higher level of urban amenities, and the preservation of open space.

800.02 STANDARDS FOR REVIEW

The Planning Commission shall review any filed plans for a PUD according to the following standards:

- A. General conformance with the Subdivision Regulations, with the exception of requested waivers or variances: The plan must demonstrate that the proposed subdivision conforms to the minimum development standards, that the open spaces to be provided meet the minimum requirements, that off-street parking and loading facilities meet the requirements of this ordinance, and that the plan complies with all other general or special requirements of this ordinance.
- B. Traffic: The West Virginia Division of Highways Access Permit process and the access management plan for Putnam County, shall be used to determine the provisions for the safe and convenient traffic flow onto highway accesses.
- C. Sanitary facilities: The sanitary services and facilities plan shall be reviewed by, and a report received from, the provider and/or the West Virginia State Department of Health prior to action by the Planning Commission.
- D. Utilities: The plan must demonstrate the availability of necessary utility services.
- E. Off-site impact: The plan must demonstrate that light, heat, glare, or any other use or activity on the subject property shall not deleteriously affect nor discourage orderly development of adjacent properties.
- F. General conformance with this ordinance and drainage considerations: The plan must demonstrate that the streets conform with the provisions of this ordinance. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site; from probability of flooding, erosion, subsidence or slipping of the soil; or other dangers, annoyances, or inconveniences. The condition of the soil, ground water level, topography, and drainage plans shall be appropriate to both kind and pattern of intended use.
- G. Site planning: The site shall be planned to provide for good functional relationships between land uses, buildings, parking areas, and recreation areas. In addition, the site shall be planned to take

advantage of open space and views in such a way as to enhance the development.

- H. Fire protection: The plan must make adequate provision for, or demonstrate the availability of, necessary fire protection. The plan shall be reviewed by, and a report received from, the Fire Chief of the area prior to action by the Planning Commission.
- I. Drainage: The drainage provisions for the PUD must meet the standards of this ordinance.
- J. Conformance with Flood Zone provisions: All PUD’s and owners, developers or operators of PUD’s must comply with the applicable Flood Zone requirements.
- K. School Impact Study: The impact of the proposed PUD on the school system shall be determined and adequate measures taken so there is not a negative effect.

800.03 MINIMUM SITE AREA FOR A PLANNED UNIT DEVELOPMENT

The minimum site area for a PUD shall be five (5) acres.

800.04 DEVELOPMENT STANDARDS

- A. Property Development Standards

The following development standards shall apply to properties located within the PUD.

Planned Unit Development (PUD)	
Minimum Lot Area	▪ None
Minimum Lot Width at Building Setback Line	▪ None
Maximum Lot Coverage	▪ 50% Impervious Surface Coverage for entire PUD
Minimum Front Yard Setback	▪ 20 Feet Recommended
Minimum Side Yard Setback	▪ 5 Feet Recommended
Minimum Rear Yard Setback	▪ 20 Feet Recommended

- B. Minimum Off-Street Parking and Loading Standards

Table II Minimum Design Standards General Provisions Residential Developments and Table III Minimum Design Standards General Provision Non-Residential Developments shall regulate off-street parking and loading standards.

- C. Drainage and Storm Sewer Requirements

Article 300 shall regulate Drainage and Storm Sewers.

- D. Landscaping and Screening Requirements

Section 900.09 Fencing and Buffering shall regulate landscaping and screening requirements.

- E. Signage

Section 100.09 Identification of Subdivision shall regulate signage.

800.05 OPEN SPACE REQUIREMENTS

No less than twenty (20) percent of the land developed in any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be used as required in subsection (A) of this section. All required open space shall be readily accessible and usable by occupants within the approved development. Parking areas shall not be included as common open space.

A. Disposition of Common Open Space

The required amount of common open space land reserved under a PUD shall be held in corporate ownership by owners or a Maintenance Association of the project area for the use of each owner who buys property within the development or, under exceptional circumstances, to be dedicated to the County, following consent and approval by the County, and retained as common open space for public parks, recreation, and related uses. All land dedicated to the County must meet the requirements of the Planning Commissioners as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space unless such land or rights-of-way is usable as a trail or other similar purposes and approved by the Planning Commissioners. A Maintenance Association (MA) shall be established and in place prior to the development of any land within a PUD with the open space(s) under their control being denoted on the record plat and identified as “common area and non-buildable” other than for MA approved uses.

B. Maintenance of Open Space

A Maintenance Association shall be responsible for maintenance of open space and other required amenities within the proposed PUD. A Maintenance Association shall be established, and the Bylaws and Articles of Incorporation shall be recorded at the time of approval of a final plat.

C. Lots to Have Access to Common Open Space

Every lot approved within a PUD shall be designed to easily access common open space or similar areas. Open space areas shall be accessible to all property owners and shall be conveniently located in relation to dwelling units. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance. The Planning Commission may require that natural amenities, such as but not limited to ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes, be preserved as part of the open space system.

800.06 WAIVERS AND VARIANCES

The Planning Commission may grant waivers or variances where necessary to fulfill the intent of this article upon demonstration that such waivers or variances meet the requirements of Section 1400.13 Waivers and Variances in this Ordinance.

800.07 CONCEPTUAL REVIEW SUBMITTAL

An applicant considering a PUD is encouraged to submit information to the Planning Commission for a conceptual review prior to officially filing for approval of the development plan as described in Section 800.09. While a conceptual review submittal is not mandatory, it affords the applicant the opportunity to get initial feedback on the Planning Commission’s view of the applicant’s proposal and alternatives the Planning Commission may want considered prior to filing for a formal PUD approval. Submittal requirements for a conceptual review shall include:

- A. A conceptual site plan, to scale, depicting:
1. Access from public streets and internal site circulation.
 2. General building placement.
 3. Parking areas (indicating the number of spaces).
 4. Locations of proposed common open space, landscaped and buffered areas.
 5. Existing site topography.
 6. Major drainage areas and existing wooded areas.

7. Other projected amenities.
- B. Typical building elevation(s) depicting the size and general character of the proposed building(s).
- C. Submittal letter describing the proposed project including:
1. Existing site land use.
 2. Proposed land use.
 3. Other descriptive data to help explain the project.
- D. The Planning Commission shall review the conceptual plan and accompanying documentation and may request such review and comments from other offices as may be deemed appropriate. The Planning Commission shall respond to the applicant with observations and recommendations for the applicant's consideration. *These comments are not binding on either party but are intended to serve as a guide for future site planning and development consideration.*

800.08 DEVELOPMENT PLAN APPLICATION REQUIREMENTS

An application for approval of a PUD must be accompanied by both a narrative and visual perspective which follows the development plan review process.

800.09 DEVELOPMENT PLAN AND MAJOR SUBDIVISION PLAT REVIEW PROCESS

The following procedure and review process shall be used in approving a PUD.

A. Submittal Requirements.

The applicant shall file an application for a PUD. The application shall be accompanied by the following:

1. A narrative of the nature, location, and objectives of the proposed development.
2. The areas of the project to be used for each land use including residential (number of units, size, and density), commercial, office, industrial, or other activities indicating the total square footage of each use.
3. The boundaries of the project including a metes and bounds description of the parcel, tax map and parcel number, and the acreage therein.
4. An area map showing adjacent property owners and existing land uses within 100 feet of the subject PUD.
5. Existing contours at ten (10) feet intervals or less, accompanied by the proposed grading plans.
6. Location, building footprint, type of all proposed and existing principal and accessory structures.
7. Site plans, floor plans, elevations, and cross sections for all buildings. Additional exterior detail drawings, materials specifications and paint colors will be required if deemed essential to the realization of the intent or scope of the PUD plan.
8. Location and dimensions of roads, pedestrian walkways, parking spaces, landscaped areas, open space, buffer yard, screening, and yard setbacks.
9. Location and dimensions of common spaces, community facilities, including recreational and other non-building areas designed within the project, indicating areas to be in common ownership.

10. Architectural sketches at an appropriate scale showing building elevations (front and side) and proposed use.
 11. A tabulation of:
 - a) Total area of the premises; and
 - b) Area of land per dwelling unit; and
 - c) Area of land devoted to open space; and
 - d) Floor area of service, commercial, and office facilities;
 - e) Number of proposed parking spaces;
 - f) Number of dwelling units by type; and
 - g) Height of all structures.
 12. Sign plan
 13. Landscaping plan and proposed buffers and screening.
 14. Lighting plan.
 15. Market and feasibility studies for the proposed principal uses and an indication of the expected service areas.
 16. Traffic Impact Study approved by the WV Division of Highways, if determined necessary by the Planning Commission or the WV Division of Highways.
 17. Traffic Impact Study approved by the WV Division of Highways, if determined necessary by the Planning Commission or the WV Division of Highways.
 18. School Impact Study, if determined necessary by the Planning Commission or the Putnam County Board of Education.
 19. Off-Site Impact Report which demonstrates that light, heat, glare, or any other use or activity on the subject property shall not deleteriously affect nor discourage orderly development of adjacent properties.
 20. Fire Protection Report which demonstrates the availability of necessary fire protection. The plan shall be reviewed by, and a report received from, the Fire Chief of the area prior to action by the Planning Commission.
 21. A document describing the proposed construction phasing program or development schedule for the project for all dwelling units, commercial or office structures, industrial, recreational and other common facilities, landscaping, and other open space improvements.
 22. All requirements in *Appendix C Major Subdivision Plat Checklist* in this ordinance.
 23. Application for waivers or variances from the provisions of this ordinance.
- B. Notice of Public Hearing.

The Planning Commission will give an opportunity to any interested persons to examine or comment upon the development plan and major subdivision plat. The procedure is outlined in Section 100.04(III)(2) in this ordinance.

- C. Development Plan and Major Subdivision Plat Approval.

After the Planning Commission has reviewed the development plan, the major subdivision plat, any County recommendations or requirements, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, conditionally approve, or disapprove the development plan and the major subdivision plat

within forty-five (45) days after the date of closing the Planning Commission public hearing. At a minimum, the Planning Commission shall consider the following in making their decision:

- a. Whether the plan is consistent with the intent and purpose of this Article;
- b. The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established;
- c. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services; and
- d. Whether the development plan is designed to serve the area, preserve unique topographic, historical, special environmental or other unique features, and/or meet the purpose of a PUD as set forth in *Section 800.01 Purpose* in this ordinance.

One copy of the development plan and major subdivision plat shall be returned to the developer with the date of approval, conditional approval, or disapproval. If the Planning Commission denies the application, then the Planning Commission shall notify the applicant in writing of the reasons for the denial. The applicant may request, one time, a reconsideration of the decision of the Planning Commission, which request for reconsideration must be in writing and received by the Planning Commission no later than ten days after the decision of the Planning Commission is received by the applicant. The applicant's request for reconsideration shall address the Planning Commission's reasons for denying the application.

800.10 ADHERENCE TO APPROVED PLAN: MODIFICATIONS

- A. The applicant and his successors in interest shall be bound by the plans and conditions prescribed for approval. The approved development plan, major subdivision plat, and construction phasing program or development schedule shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses.

Minor changes in an approved plan, including minor scheduling changes, may be approved by the Planning Officer if such changes are consistent with the purposes and general character of the PUD development plan and if such changes do not:

1. Increase substantially the ratio of dwelling units to the total area of the premises; or
2. Reduce substantially open spaces between buildings or setbacks from lot lines; or
3. Increase external effects on adjacent properties; or
4. Reduce off-street parking or loading spaces; or
5. Change substantially any provisions for essential services; or
6. Violate any applicable minimum requirements of this ordinance.

The Planning Officer shall determine whether the minor changes fall within his responsibility to approve the changes.

- B. Other modifications, including extension or revision of the construction phasing program or development schedule for the project shall require the approval of the Planning Commission.
- C. Major changes, modifications, or amendments to an approved development plan shall be resubmitted through the PUD process, requiring a new application and approval of the Planning Commission.

- D. Any changes to an approved development plan, other than those the Planning Officer is authorized to approve, shall require that notification be sent to adjacent residents in the manner prescribed in Section 100.04(III)(2) in this ordinance.
- E. Construction must commence in accordance with the approved development plan within twelve (12) months from approval of the plan. If construction has not begun within the twelve (12) month period, the PUD is voided unless good cause can be shown by the applicant and an extension of not more than twelve (12) months is granted by the Planning Commission.

800.11 REVOCATION

The approval of a PUD may be revoked by the Planning Commission, following a public hearing and a finding that any of the provisions of this ordinance have been or are being violated. The Planning Commission may reinstate approval of the project when it is satisfied of compliance with this ordinance. If approval of the project is permanently revoked, a request to resume the project shall be treated as a new application. Violation of the approval of the development plan for a PUD shall constitute violation of this ordinance.

ARTICLE 900**REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN**

- 900.01 General Improvements (*Amended 07-25-23*)
- 900.02 Self-Imposed Restrictions (*Amended 07-25-23*)
- 900.03 Monuments
- 900.04 Character of the Land
- 900.05 Subdivision Name
- 900.06 Lot Improvements
- 900.07 Soil Preservation, Grading, and Seeding
- 900.08 Debris and Waste
- 900.09 Fencing and Buffering
- 900.10 Waterbodies and Watercourses
- 900.11 Performance Bond to Include Lot Improvements
- 900.12 Hillside Development
- 900.13 Main Utility Transmission Lines

900.00 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN**900.01 GENERAL IMPROVEMENTS** (*Amended 07-25-23*)

I. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

1. All applicable statutory provisions.

It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations. (Amended 07-25-23)

2. The standards and regulations adopted by the Planning Commission and all boards, commissioners, agencies, and officials of the Planning Commission.
3. Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations.

900.02 SELF-IMPOSED RESTRICTIONS (*Amended 07-25-23*)

If the owner places restrictions on any of the land contained in the subdivision greater than those required by these regulations, such restrictions or reference thereto be required to be indicated on the subdivision plat. The Planning Commission shall require that restrictive covenants be recorded with the county clerk in form to be approved by the County Attorney and to include those items listed in Appendix E. These restrictive covenants shall be recorded prior to or concurrently with the first out sale of any lot.

900.03 MONUMENTS

Monuments shall be accurately placed by a Registered Surveyor or Engineer at the intersection of all lines forming angles at changes in directions of lines in the boundary (perimeter) of the property being subdivided. Monuments shall be set with the finished grade of surrounding ground.

All streets shall be monumented (preferably on the right-of-way lines) at the following locations:

At least one monument at each intersection.

At changes in direction of street line, excluding curb arcs at intersections.

At each end of each curbed street line, excluding curb arcs at intersections.

Intermediate monuments shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.

900.04 CHARACTER OF THE LAND

Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, poor soils, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

900.05 SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at conceptual plat approval. The subdivision name may not be changed after major subdivision plat approval is given to the subdivision unless the developer advises all applicable agencies and revises all permits to the new name.

900.06 LOT IMPROVEMENTS

- I. **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing Planning Commission approval to build on all lots in compliance with these ordinances or any other applicable rules, regulations, ordinances or codes.
- II. **Lot Dimensions.** Lot dimensions shall comply with the minimum standards of this ordinance. Where lots are more than double the minimum required area, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with these regulations.
- III. **Double Frontage Lots and Access to Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- IV. **Access from Major and Secondary Arterials.** Lots shall not derive access exclusively from a major or secondary arterial. Where driveway access from a major or secondary arterial may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major or secondary arterials.

900.07 SOIL PRESERVATION, GRADING, AND SEEDING

- I. **Soil Preservation and Final Grading.** To achieve final grade the lot should be recovered with soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Soil shall not be removed from residential lots or used as spoil but shall be redistributed on said lots. At least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs shall be provided. All cover shall be stabilized by seeding or planting.
- II. **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- III. **Lawn-Grass Seed and Sod.** All lots should be seeded and mulched within 7 days after final grade is reached with temporary seed and mulch or within 7 days after final landscaping with permanent seed and mulch. Soil shall not be allowed to remain exposed to the elements and cause erosion and sedimentation. Final approval will not be granted until all disturbed soils have been adequately covered with seed and mulch.

- IV. **Drainage Control While Installing Improvements, Stabilization of Soils, Control of Mud, Dirt and Dust.** Refer to Article 300.05 Erosion and Sediment Control.

900.08 DEBRIS AND WASTE

No cut trees, timber, debris, brush, demolition materials, trash, junk, rubbish, or other waste materials of any kind shall be buried in any land within the subdivision. No waste piles of any material including rock, stone, soil, or like material shall be left or deposited on any lot, street, or common area of the subdivision at the time final approval is requested unless a performance bond or escrow account is in place to cover the cost of the removal of such waste materials.

900.09 FENCING AND BUFFERING

- I. Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the Planning Commission and shall be noted as to height and material on the final plat.
- II. At the discretion of the Planning Commission, a developer may be required to provide screening and/or buffering to be erected to prevent the proposed development from adjacent negative or adverse effects or to protect adjacent developments from negative or adverse effects from the proposed development or in those cases in which developments may be incompatible. The width of the buffer yard shall be determined by the Planning Commission based on the type of proposed development and its effect on the adjacent property.

A screening plan shall be provided to the Planning Commission showing the placement of a six (6) foot fence, wall or earthen mount/berm and a mix of evergreen trees, deciduous trees and shrubs OR a screening area planted with evergreens at least five (5) feet in height or an evergreen hedge at least four (4) feet in height, situated so as to provide an effective opaque and permanent visual screening upon installation.

900.10 WATERBODIES AND WATERCOURSES

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a public responsibility. No land which is temporarily or permanently covered by water may be used in the determination of the minimum area of a lot. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the Planning Commission.

900.11 PERFORMANCE BOND TO INCLUDE LOT IMPROVEMENTS

The performance bond shall include an amount to guarantee completion of all requirements contained in Section 100.05 of this Ordinance.

900.12 HILLSIDE DEVELOPMENT

- I. **General.** 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.
- II. **Principles and Regulations.** 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 based upon the following:

1. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.

2. 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.
3. Consider narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized to access developable areas.
4. Consider roadside parking bays.
5. 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.
6. Consider lot layouts which minimize on-site (on-lot) grading and earthwork for access, parking and building construction.
7. Design, engineer, and construct entrances to individual lots before lots are sold.
8. Select building sites and areas for the construction of septic system drain fields before lots are sold.
9. Include provisions within deeds of sale that require property owners to protect the hillside, woodland, etc. from destruction.

III. **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):

*Slope of Land (Percent)	Percentage of Land to be Maintained in a Natural Condition
10 - 14.9	25
15 - 19.9	40
20+	55

* Slope shall be determined on an appropriate grid cell basis, which would 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.

For any lot where the slope is 10% or more, the percentage of slope of the land and the percentage of land to be maintained in a natural condition must be designated on the major subdivision and final subdivision plats for that lot.

The Planning Commission may allow the disturbance of additional small areas where that disturbance will alleviate potential health or safety problems and will not significantly harm the overall environmental quality of the site. The Planning Commission may allow the disturbance of larger areas of steep slopes than described above for large scale developments. In such cases, strong consideration shall be given to hillside stability, drainage, and aesthetics.

900.13 MAIN UTILITY TRANSMISSION LINES

Main utility transmission lines shall be shown on the major subdivision plat and the final subdivision plat. The area of the main utility transmission line easement may not be used in the determination of the minimum area of a lot. A note shall be placed on the plat stating the restrictions in the easement area.

ARTICLE 1000

REQUIREMENTS FOR SOLID WASTE MANAGEMENT

1000.01 General Requirements

1000.00 REQUIREMENTS FOR SOLID WASTE MANAGEMENT

1000.01 GENERAL REQUIREMENTS

All developers should be required to comply with the requirements as set forth in the West Virginia Solid Waste Act and Putnam County Solid Waste Plan, ordinances, and regulations.

ARTICLE 1100

JUNK OR SALVAGE YARD ORDINANCE

1100.01 General Requirements

1100.00 JUNK OR SALVAGE YARD ORDINANCE

1100.01 GENERAL REQUIREMENTS

All developers shall comply with the requirements of the Putnam County Junk or Salvage Yard Ordinance as adopted by the County Commission, August 24, 1987, and amended.

ARTICLE 1200

MISCELLANEOUS

- 1200.01 Major and Minor Boundary Changes
- 1200.02 Merging Parcels
- 1200.03 Plat Drawn from Recorded Plats
- 1200.04 Plat Drawn from an Existing Deed(s)
- 1200.05 Plat Created for Nondevelopment Purposes

1200.00 MISCELLANEOUS

1200.01 MAJOR AND MINOR BOUNDARY CHANGE

- I. **Procedure for Approval.** For any change in a plat of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any plat or plan legally reached prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision, unless the Planning Commission agrees to delegate said approval to the President.

The plat must receive endorsement of Health Authorities. The plat shall be properly endorsed by the Health Department, Public Service District, or municipal water and sewer boards with respect to the sewer and water facilities and same shall comply with all rules, regulations, and requirements of municipal, county, state, and federal authorities.

- II. **Approval of Boundary Change(s).** Major and minor boundary changes may take place after completion of required application and payment of fees. The Planning Officer shall review and may approve a major and minor boundary change.

1200.02 MERGING PARCELS

- I. **Procedure for Approval.** When two or more contiguous parcels of land wish to be merged for the sole purpose of enlarging an existing lot, tract, or parcel, the parcel merged will not be counted as a subdivision against the grantor under the Subdivision Regulations, provided the following condition is met:

The following merger statement or similar statement shall appear on the plat representing the addition:

“The Property hereon described shall be merged into one property with the adjoining ___ acre parcel which is recorded in Deed Book ___, Page ___, for the exclusive purpose of increasing the land of said parcel. The merged properties shall not be used or sold individually unless there is compliance with the prevailing county laws.”

_____ Grantor _____ Date

_____ Grantee _____ Date

- II. **Approval of Merging Parcels.** An application shall be completed, and all fees paid prior to Planning Commission approval. The Planning Officer shall review and may approve the merger plat.

1200.03 PLAT DRAWN FROM EXISTING PLAT

When a plat is redrawn from an existing recorded plat to improve the quality and accuracy of the plat, it may receive Planning Officer approval after completing required applications.

1200.04 PLAT DRAWN FROM EXISTING DEED(S)

When a plat is drawn from an existing recorded deed(s) to improve the legal description of the property, it may, if required, receive Planning Officer approval after completing required applications, unless the deed was originally prepared or recorded without a plat to circumvent the subdivision regulations.

1200.05 PLAT CREATED FOR NONDEVELOPMENT PURPOSES

When a plat is created to subdivide a parcel of land for the sole purpose of separating the parcel for nondevelopment purposes, i.e., utility substation, it may receive Planning Officer approval, after completing required applications, provided the following condition is met:

The following language shall appear on the plat:

DEVELOPMENT RESTRICTIONS

The property hereon described shall not be developed, as defined by the Subdivision Regulations of the Putnam County Planning Commission. If the property is to be developed, it shall be reviewed, and action taken by the Planning Commission under the requirements of the Subdivision Regulations.

ARTICLE 1300**REQUIREMENTS FOR TOWNHOUSES**

1300.01 Minimum Requirements and Standards *(Amended 07-25-23)*

1300.02 Design and Construction Requirements *(Amended 03-2022)*

1300.03 Parking

1300.04 Other *(Amended 07-25-23)*

1300.00 REQUIREMENTS FOR TOWNHOUSES**1300.01 MINIMUM REQUIREMENTS AND STANDARDS** *(Amended 07-25-23)*

- I. A townhouse subdivision shall apply to those townhouse developments in which it is proposed to partition the land into individual lots to be placed on record in the County Clerk's office and where the minimum lot sizes are to be less than those required under *Table II Minimum Design Standards General Provisions Residential Subdivisions* in these regulations.
- II. The requirements and standards of this Article are minimal and are not intended to discourage the use of higher standards by 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 this Ordinance can be better served.
- III. The provisions of this Article are in addition to the requirements for conventional major subdivisions, except where the same subject is covered. In said cases, this Article will apply.
- IV. A townhouse subdivision shall include at least three (3) dwelling units and not more than ten (10) per structure.
- V. Townhouse developments shall be permitted only where approved community water and sewer systems are available or are programmed for construction.
- VI. In addition to the requirements and standards of this Article, the development must meet all the requirements and standards set forth in *Appendix E Major Subdivision Development 'Preliminary' Plat Checklist* in these regulations.

It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations. (Amended 07-25-23)

1300.02 DESIGN AND CONSTRUCTION REQUIREMENTS**I. Roads and Rights-of-Way**

1. Townhouse development roads shall have a minimum forty (40) foot wide right-of-way with a minimum twenty-four (24) foot road pavement width. All roads shall be constructed in accordance *Table I Minimum Design Standards for Roads* in these regulations except for pavement width.
2. Sidewalks shall be a minimum of five (5) feet wide and located at the curb and in front of all dwelling units. All other areas shall have a sidewalk on at least one side of the road. All sidewalks shall be connected and have clearly defined road crossings. If the sidewalk in front of a townhouse connects with an existing sidewalk, the width of the sidewalk shall be the same as the existing sidewalk. However, at no time shall it be less than the minimum

required width. All sidewalks shall be unobstructed by permanent structures to allow for pedestrian traffic.

- 3. Sidewalks shall not be included in the individual lots. Road rights-of-way shall be located a minimum of one (1) foot behind the sidewalk or a minimum of three (3) feet from the back of curb in areas where sidewalks are not required.
- 4. A minimum five (5) foot public easement between all buildings shall be required.

II. Lots and Setbacks

- 1. Minimum lot area for a townhouse development shall be equal to 3,500 square feet per unit with a maximum of eight (8) dwelling units per acre. There is no minimum lot area requirement for an individual townhouse lot. If the property is located in a zoned area of Putnam County, refer to the *Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, West Virginia* for development standards.

****Lot Averaging:*** *The allocation of lot sizes in a residential subdivision based on the average lot size as defined below. The average lot size must equal or exceed 3,500 square feet. To determine the average lot size, the following formula shall be used:*

(Total square footage of the development) MINUS (Total square footage of the roads, common areas and other areas not available for residential development) DIVIDED BY (Total number of residential lots available for development) EQUALS (Average Lot Size). (Amended 03-2022)

- 2. The minimum building setbacks for townhouses shall be as follows:

Front	-	20'
Side	-	5'
Rear	-	20'
Side for end unit buildings over 30'	-	15'

When the front setbacks of the dwellings located on both sides of a lot exceed the minimum front setback as prescribed in this ordinance, the new townhouse shall set back at least the same distance as one of the said dwellings. In the event there is only one adjacent lot with an existing dwelling, and that dwelling exceeds the minimum front setback, the new townhouse shall set back at least the average of the existing dwelling setback and the required setback. Where there are two adjacent dwellings, only one of which exceeds the minimum front setback, the minimum setback requirement of this ordinance shall apply to the new townhouse.

- 3. Minimum structure separation shall be twenty (20) feet for structures under thirty (30) feet high and thirty (30) feet for structures over thirty (30) feet in height.

1300.03 PARKING

- I. Number of parking spaces shall be two (2) per dwelling unit and one (1) additional space per five (5) units for overflow off-street parking.
- II. Garage spaces may account for up to 50% of the required parking.
- III. Minimum area of parking spaces shall be 10' x 18'.

1300.04 OTHER (Amended 07-25-23)

- I. Fire hydrant spacing shall not exceed five hundred (500) feet.

- II. All utilities shall be underground.
- III. Buffer screening shall be provided between common areas and adjoining properties with single family detached residences that effectively protects property value from detrimental visibility, noise, and/or glare. The landscaping plan shall be provided as part of the major subdivision plat requirements.
- IV. All areas containing outdoor lighting (except public street lighting and outdoor activity facilities) shall limit light spillage onto adjacent residential property. The applicant shall submit a lighting plan by an engineer showing a 0.2 FC at the adjacent property line. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors. Upon installation of the lighting, the applicant shall provide an as-built lighting plan by a professional registered engineer, certifying a 0.2 FC at the adjacent property line.
- V. The Planning Commission may grant waivers or variances where necessary to fulfill the intent of this article after preparing finding of facts that demonstrates that such waivers or variances are not detrimental to the development or surrounding area and achieves a more desirable result.
- VI. The declaration of restrictive covenants shall prevent changes to the development that would violate this article, and the declaration shall address the uniqueness of a townhouse development. The declaration of restrictive covenants shall also address all the required elements listed in *Appendix E Major Subdivision Development 'Preliminary' Plat Checklist* in these regulations. (Amended 07-25-23)
- VII. The layout of the common areas shall be designed to allow the residents to benefit, use and enjoy the open areas.
- VIII. The definition for a townhouse is a structure that contains three (3) or more units (that share a common wall) and each unit is platted to allow for individual sale.
- IX. The high density allowance of these townhouse standards may require capacity analysis of existing public facilities and improvements to determine if they have the capacity to meet the additional demand created by the proposed townhouse development.

ARTICLE 1400**GENERAL PROVISIONS**

- 1400.01 Policy
- 1400.02 Purposes
- 1400.03 Authority
- 1400.04 Jurisdiction
- 1400.05 Enactment
- 1400.06 Interpretation, Conflict, and Separability
- 1400.07 Saving Provision
- 1400.08 Reservations and Appeals
- 1400.09 Amendments
- 1400.10 Conditions
- 1400.11 Future Resubdivision
- 1400.12 Vacation of Plats
- 1400.13 Waivers or Variances
- 1400.14 Appeal of an Administrative Decision by Planning Officer
- 1400.15 Appeal of a Decision of the Commission
- 1400.16 Enforcement, Violations, and Penalties
- 1400.17 Effective Date of Ordinance

1400.00 GENERAL PROVISIONS

These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the Putnam County Planning Commission.

1400.01 POLICY

- I. **Declaration of Policy.** It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the County pursuant to the provision of the W. Va. Code, Chapter 8A for the orderly, planned, efficient, and economical development of the County.
- II. **Characteristics of Land.** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- III. **Resources.** Subdivision of land and subsequent development of the subdivision plat shall not destroy nor adversely affect the natural or manmade resources of the County such as watercourses, floodplains, historic or archeological sites or districts.

1400.02 PURPOSES

These regulations are adopted for the following purposes:

To protect and provide for the public health, safety, and general welfare of the County. To guide the future growth and development of the County.

To protect the character and the social and economic stability of all parts of the County and to encourage the orderly and beneficial development of all parts of the County.

To guide public and private policy and action to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

To establish reasonable standards of design and procedures for subdivisions and resubdivisions, to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting

of subdivided land.

1400.03 AUTHORITY

- I. **Statement of Authority.** By authority of the Planning Commission of the County of Putnam (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdictions vested through Chapter 8A in the WV Code and other applicable laws, statutes, ordinances, and regulations of the State of West Virginia, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision land within the boundary of the County which show lots, blocks, or sites with or without new streets or highways. Unless otherwise requested by a municipality, all land within the corporate limits of a municipality is exempt from these regulations.
- II. **Approval of Recorded Land.** By the same authority, the Planning Commission does hereby exercise the power and authority to pass and approve the development of subdivision plats of land already recorded in the office of the County Clerk if such plats are entirely or partially undeveloped.
- III. **Undeveloped Plats.** The plat shall be considered to be entirely or partially undeveloped if:
 1. said plat has been recorded with the County Clerk's office without prior approval by the Planning Commission, or
 2. a plat that has been approved by the Planning Commission on which no building permit and/or actual development has taken place after three years from approval.

1400.04 JURISDICTION

- I. **Description of Jurisdiction.** These subdivision regulations shall apply to all subdivision of land, as defined herein, located within the boundaries of the County, except for that land which lies in a municipality. A municipality may adopt these subdivision regulations.
- II. **Prerequisite of Subdivisions.** No land shall be subdivided within the boundary of the County until:
 1. the subdivider or his agent shall submit a conceptual plat of the parcel to the Planning Commission;
 2. said subdivider obtains approval of the plat itself by the Planning Commission; and
 3. the approved plat is filed with the County Clerk.
- III. **Issuance of Permit.** No improvement location permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

1400.05 ENACTMENT

In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

1400.06 INTERPRETATION, CONFLICT, AND SEPARABILITY

- I. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- II. **Conflict with Public and Private Provisions.** The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provisions of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law,

whichever provisions are more restrictive or impose higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Commission or the County in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

- III. **Separability.** If any part of provisions of these Regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdictions, such judgement shall be confirmed in its operation to the part, provision, or application directly involved in all controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1400.07 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the county under any section or provisions existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the county except as shall be expressly provided for in these regulations.

1400.08 RESERVATIONS AND APPEALS

Upon adoption of these regulations according to law, the Development Guidelines of Putnam County adopted July 1, 1985, as amended, are hereby repealed.

Upon adoption of these regulations according to law, should there exist a varying degree of regulatory authority within more than one regulatory ordinance, the strictest regulatory ordinance shall apply.

1400.09 AMENDMENTS

For the purpose of providing the public health, safety, and general welfare, the Planning Commission may from time to time amend the provision imposed by these subdivision regulations. Public hearings on all proposed significant amendments shall be held by the Commission in manner prescribed by law.

All amendments to this Ordinance shall be adopted by the County Commission according to the procedures set forth in Section 8A-4-5 of the West Virginia Code.

1400.10 CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this county. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the County and to the safety and general welfare of the future plot owners in the subdivision and of the county at large.

1400.11 FUTURE RESUBDIVISION

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent roads. Easements providing for the future opening and extension of such roads may be made a requirement of the plat.

1400.12 VACATION OF PLATS

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lots therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivision. The Planning Commission may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, roads, or alleys.

Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such waiting.

1400.13 WAIVERS OR VARIANCES

I. **General.** Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers or variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve waivers or variances unless it shall make written findings based upon the evidence presented to it that all of the following conditions are met:

1. The granting of the waiver or variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
2. The conditions upon which the request for a waiver or variance are based arise from special conditions or attributes which pertain to the property for which a waiver or variance is sought, and which were not created by the person seeking the waiver or variance.
3. The waiver or variance would eliminate an unnecessary hardship, as distinguished from a mere inconvenience, and would allow the intent of the subdivision regulations to be observed and substantial justice done.
4. The waiver or variance will not in any manner vary the provisions of any other regulations, ordinances or plans adopted by the County.
5. In approving waivers or variances, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.
6. A petition for any such waiver or variance shall be submitted in writing by the subdivider. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

A waiver or variance request must be submitted in writing a minimum of twenty-one days prior to the regularly scheduled Planning Commission meeting. The applicant shall be advised in writing of the date, time, and place of the public hearing.

The Planning Commission will give an opportunity to any interested persons to examine or comment upon the waiver or variance request. Upon receipt of the request, the Planning Officer shall submit a notice for publication in one newspaper of general circulation to be published at least fifteen days prior to the meeting giving the date, time, and place of the public hearing. A notice shall be sent to all property owners immediately adjacent, extending one hundred feet (100') from the property or that directly opposite thereto, extending one hundred feet (100') from the road frontage of such opposite property owners. If that list of property owners includes a lot within a subdivision, a notice shall be sent to the president of that subdivision's homeowners association. Copies of the plat and construction plans shall be maintained and filed for public review prior to the meeting.

1400.14 APPEAL OF AN ADMINISTRATIVE DECISION BY PLANNING OFFICER

An appeal taken from any order, requirement, decision or determination made by the Planning Officer charged with the enforcement of this ordinance shall be filed with the Commission on forms prescribed by the Office of Planning and Infrastructure. The appeal shall specify the reasons for the appeal and shall be made within thirty (30) calendar days of the original action in question.

The Planning Commission will give an opportunity to any interested persons to examine or comment upon the appeal request. Upon receipt of the request, the Planning Officer shall submit a notice for publication in one newspaper of general circulation to be published at least thirty (30) days prior to the meeting. At the same time the notice is submitted for newspaper publication, a notice shall be sent to all property owners immediately adjacent, extending one hundred feet (100') from the property or that directly opposite thereto, extending one hundred feet (100') from the road frontage of such opposite property owners, as of record in the Putnam County Assessor's office. If that list of property owners includes a lot within a subdivision, a notice shall be sent to the president for that subdivision's homeowners association. Copies of the plat and construction plans shall be maintained and filed for public review prior to the meeting.

The Commission shall hold a duly scheduled public hearing on the appeal. The petitioner shall be advised in writing of the date, time, and place of the public hearing.

If the Commission decides to uphold the administrative decision, the administrative decision stands and the petitioner is denied. The petitioner is formally notified by mail by the Office of Planning and Infrastructure of the right to appeal the decision to Putnam County Circuit Court within thirty (30) days of the date of the decision.

If the Commission reverses or modifies the administrative decision, the appeal stands as approved by the Commission. The petitioner is formally notified in writing by the Office of Planning and Infrastructure.

1400.15 APPEAL OF A DECISION OF THE PLANNING COMMISSION

Appeals regarding any decision made by the Planning Commission in the administration of this Ordinance shall be by certiorari procedure as set forth in Section 8A-9 of the West Virginia Code.

Any person or persons jointly or severally aggrieved by any decision or order of the Planning Commission may present to the Circuit Court of Putnam County a petition duly verified, setting forth that such decision or order is illegal in whole or in part, and specifying the grounds of the alleged illegality. The petition shall be presented to the Court within thirty (30) days after the date of the Commission's decision.

1400.16 ENFORCEMENT, VIOLATIONS, AND PENALTIES

- I. **General.** It shall be the duty of the Office of the Planning Commission to enforce these regulations and to bring to the attention of the Prosecuting Attorney any violations or lack of compliance herewith.
1. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Commission, in accordance with the provisions of these regulations, and filed with the County Clerk.
 2. The subdivision of any lot of any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
 3. No owner, or agent of the owner, of any parcel of land proposed to be divided shall enter an installment land sale contract or any other document for the future conveyance of a subdivision of any lot or any parcel of land until a plat meeting all requirements of the subdivision regulations is approved by the Planning Commission and attached to said contract or document and recorded in the County Clerk's office.
 4. No improvement location permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- II. **Administration and Enforcement.** Administration and enforcement of this Ordinance shall be the responsibility of the Putnam County Planning Commission or its designated agent.
- When it appears to the Planning Commission that a violation of this Ordinance has occurred, the Planning Commission shall attempt to notify the responsible person by means of a written violation notice. The violation notice shall specify the nature of the violation and shall request that the violation be terminated within ten (10) days from the date appearing on the notice. Failure to terminate the violation within the requested time shall be cause for the Planning Commission to:
1. Seek an injunction in the Circuit Court of Putnam County to restrain the responsible person from continuing the violation cited or seek an injunction requiring removal of structures or land uses from the property involved; or
 2. File a complaint in the Circuit Court of Putnam County.
- III. **Violation.** It shall be unlawful for any person, whether as owners, lessee, principal, agent, employee or otherwise, to violate or permit to be violated, any provision of this Ordinance. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.
- IV. **Penalty.** Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per day.

1400.17 EFFECTIVE DATE OF ORDINANCE

This subdivision ordinance shall take effect at the time of the Putnam County Commission adoption of these Subdivision Regulations of the Putnam County Planning Commission.

ARTICLE 1500**DEFINITIONS**

1500.01 Word Usage

1500.02 Words and Terms Defined (*Amended 07-25-23*)

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 (*Amended 07-25-23*)

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 Division of Land – Division of land which involves a merger, divisions greater than 10 acres, two into three lots, estate exclusion, court ordered survey, easement plats, non-occupied facilities, a division of land for federal, state, or local government to acquire street right of way, a combination or retracement of an existing parcel(s) of record and family subdivisions. An exempt division of land is a division that is exempt from the requirements of the subdivision regulations and requires no public hearing but must adhere to the application fee and procedural requirements. (*Amended 07-25-23*)

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, streetlights, 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 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 Division of Land – A major division of land is a division of six (6) or more lots, including the residual or parent lot, and/or any property within 500 feet from the original property boundaries, for a period of ten (10) years. For the purposes of these regulations, a major division of land shall be defined as all divisions of land not determined by the Planning Director or staff as an exempt or minor division of land. (*Amended 07-25-23*)

Major Subdivision Development – Activities associated with the platting and proposed development of any parcel of land into six (6) or more lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years. (*Amended 07-25-23*)

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 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, pedestrian way, 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 sub collector 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 tan 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 – (Amended 07-25-23)

1. **Major Division of Land** – A major division of land is a division of six (6) or more lots, including the residual or parent lot, and/or any property within 500 feet from the original property boundaries, for a period of ten (10) years. For the purposes of these regulations, a major division of land shall be defined as all divisions of land not determined by the Planning Director or staff as an exempt or minor division of land. (Amended 07-25-23)
2. **Major Subdivision Development** – Activities associated with the platting and proposed development of any parcel of land into six (6) or more lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years. (Amended 07-25-23)
3. **Minor Division of Land** – Division of land into not more than five (5) lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years. (Amended 07-25-23)
4. **Minor Subdivision Development** – Activities associated with the platting and proposed development of any parcel of land into not more than five (5) lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years. (Amended 07-25-23)
5. **Exempt Division of Land** – Division of land which involves a merger, divisions greater than 10 acres, two into three lots, estate exclusion, court ordered survey, easement plats, non-occupied facilities, a division of land for federal, state, or local government to acquire street right of way, a combination or retracement of an existing parcel(s) of record and family subdivisions. An exempt division of land is a division that is exempt from the requirements of the subdivision regulations and requires no public hearing but must adhere to the application fee and procedural requirements. (Amended 07-25-23)

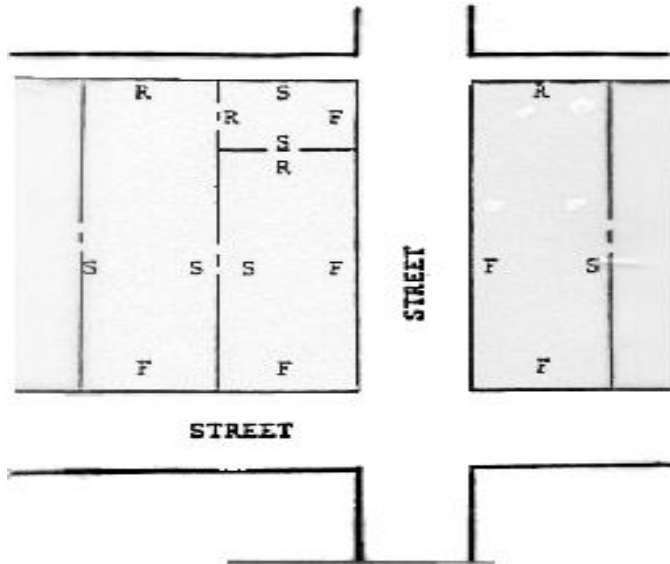
Subdivision Plat - The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the County Clerk for filing.

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



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.

F = Front Setback

R = Rear Setback

S = Side Setback

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,

TABLES

TABLE I

Minimum Design Standards for Roads

TABLE II

Minimum Design Standards
General Provisions - Residential Developments

TABLE III

Minimum Design Standards
General Provisions - Non-Residential Developments

TABLE IV

Sidewalks

TABLE V

Schedule of Fees

TABLE I
Minimum Design Standards for Roads

	Residential	Non-Residential
Right-of-Way Width (min.)	All Roads 40 ft.	All Roads 60 ft.
Cul-de-Sacs (min.)	Major road 40 ft. right-of-way radius Minor road 35 ft. right-of-way radius 25 ft. road pavement radius	All Roads 60 ft. right-of-way radius 35 ft. road pavement radius
Graded width of right-of-way (min.)	30 ft.	40 ft.
Gradient (max.)	20% All grades 15% and above must have the grade verified by an engineer and the certification submitted to the Planning Commission prior to pouring concrete or placement of asphalt.	10%

<p>Paving Requirements</p>	<p>MAJOR ROADS Concrete ▪20 ft. width. ▪6" depth. ▪Concrete shall meet ASTM standards and have a minimum 28-day compressive strength of 4,000 psi. ▪Reinforced with fiber compound, mesh or bar: reinforcing shall be 6 gauge mesh having a maximum 6" x 6" spacing pattern or reinforcement bars as may be approved by the county engineer. ▪ Minimum of geotextile and 2" gravel base or a minimum of 4" gravel base to allow for proper drainage and leveling. ▪ All joints shall be no more than 12' apart. ▪ All cold joints must be keyed or pinned with a minimum of ½" dowel bars, 30" long, spaced 24" apart. Asphaltic ▪20 ft. width, ▪depth of asphalt and base aggregate in accordance with standards of WV Flexible Pavement Council, with a minimum of base filter fabric conforming to WVDOH requirements installed under the base aggregate. Gravel* ▪22 ft. width, ▪6" depth of aggregate</p> <p>MINOR ROADS, which are dead-end roads that serve 6 or less homes ▪18' width and ▪all other paving requirements as stated under "major roads" section above.</p> <p>After subdivision roads are paved, grade and backfill against the road.</p>	<p>MAJOR ROADS Concrete ▪24 ft. width. ▪6" depth. ▪Concrete shall meet ASTM standards and have a minimum 28-day compressive strength of 4,000 psi. ▪Reinforced with fiber compound, mesh or bar; reinforcing shall be 6-gauge mesh having a maximum 6" x 6" spacing pattern or reinforcement bars as may be approved by the county engineer. ▪ Minimum of geotextile and 2" gravel base or a minimum of 4" gravel base to allow for proper drainage and leveling. ▪ All joints shall be no more than 12' apart. ▪ All cold joints must be keyed or pinned with a minimum of ½" dowel bars, 30" long, spaced 24" apart. Asphaltic ▪24 ft. width, ▪depth of asphalt and base aggregate in accordance with standards of WV Flexible Pavement Council, with a minimum of base filter fabric conforming to WVDOH requirements installed under the base aggregate. Gravel* ▪24 ft. width, ▪8" depth of aggregate</p> <p>MINOR ROADS - N/A</p> <p>After subdivision roads are paved, grade and backfill against the road.</p>
<p>Bridges, culverts, curbs & Gutters</p>	<p>As required by the Planning Commission</p>	<p>As required by the Planning Commission</p>
<p>Curb Radius</p>	<p>Internal / Major Roads no sharper than 35 ft. Internal / Minor Roads no sharper than 30 ft. Intersection/County or State - WVDOH Rules & Regulations Driveway Manual.</p>	<p>Internal/ All Roads 40 ft. Intersection/County or State - WVDOH Rules & Regulations Driveway Manual.</p>

* Minimum lot sizes to be in excess of three (3) acres unless road is an existing state-maintained thoroughfare.

TABLE II
Minimum Design Standards
General Provisions* Residential Developments

		Residential
Lot Area**	Single Family	<ul style="list-style-type: none"> ▪ 6,600 sq. ft. with topography of 25% or less ▪ 18,000 sq. ft. with topography of 25% or more
	Duplex Dwelling with exception of "R-1" Single Family Residential District in the zoned area	<ul style="list-style-type: none"> ▪ 4,500 sq. ft. per unit for duplex; 9,000 sq. ft. total.
	Duplex Dwelling in "R-1" Single Family Residential District in the zoned area	<ul style="list-style-type: none"> ▪ 6,600 sq. ft. per unit for duplex; 13,200 sq. ft. total.
Lot Width at Building Line	Single Family	<ul style="list-style-type: none"> ▪ 60 feet
	Duplex Dwelling with exception of "R-1" Single Family Residential District in the zoned area	<ul style="list-style-type: none"> ▪ 45 feet
	Duplex Dwelling in "R-1" Single Family Residential District in the zoned area	<ul style="list-style-type: none"> ▪ 60 feet
Lot Length		N/A
Lot Frontage	- Interior*** Corner Curves	60 feet 80 feet 60 feet at 20' setback
Yard Setbacks (min.)	- Front Back Side	20 feet 20 feet 5 feet A twenty foot (20') front setback is required for any side or sides of a lot abutting on a road or way.
Separation of Building Groups (min.)		-
Off Street Parking Spaces Required 10' x 18' per parking space		2/dwelling
Duplex Townhouse/Multi-Family Parking		2/dwelling unit 2/unit and 1 additional space per every five (5) units Garage spaces may account for up to 50% of the required parking.

<p>Open Space/Common Area****</p> <p>For developments of 49 or less lots: Recommended For developments of 50 or more lots: Required Six or more duplex dwellings</p>	<p>1 - 2 lots 2 lots per 50 lots Ten percent (10%) of the parcel not including the required yard setbacks</p>
--	---

* The general provisions assume the availability of public or central water and sewerage systems. In their absence, the Planning Commission may grant written relief from any of the above provisions to facilitate safe and orderly development.

** No land temporarily or permanently covered with water may be used in the determination of the minimum area of a lot. The area of the main utility transmission line easement may not be used in the determination of the minimum area of a lot.

*** The frontage may be waived for a parcel not fronting on an existing road, if the parcel is served by a right-of-way that meets the minimum right-of-way standards in Table I in these regulations. The proposed parcel shall not be detrimental to the health, safety, and welfare of future residents and/or owner of the parcel or surrounding landowners and residents.

**** The Planning Commission may exclude marshy or swampy areas as part of the open space/common area development. However, in no case shall more than 25% of the total required open space/common area be water area. Open space/common areas are not required in developments where average lot size is greater than 2 acres.

TABLE III

**Minimum Design Standards
General Provision Non-Residential Developments**

	Commercial	Industrial
Gross Lot Area (min.) *	6,600 sq. ft.	10,000 sq. ft.
Lot Frontage**	60 ft.	100 ft.
Yard Setbacks for commercial or industrial abutting commercial or industrial in an unincorporated area of Putnam County not regulated by land use regulations.		
Front	20 ft.	0 ft.
Rear	0 ft.	0 ft.
Side	0 ft.	0 ft.
	If there is no access to the rear of the property by a public right-of-way, at least one side setback shall be a minimum of 10'.	If there is no access to the rear of the property by a public right-of-way, at least one side setback shall be a minimum of 10'.
	If there are multiple frontages, then one (1) shall be the primary frontage with a setback of 20 feet, and the remainder shall be secondary frontage(s) with setback(s) of 10 feet.	
	The Planning Officer shall determine the primary and secondary frontages.	
Yard Setbacks for commercial or industrial abutting residential in an unincorporated area of Putnam County not regulated by land use regulations		
Front	20 ft.	20 ft.
Rear	20 ft.	20 ft.
Side	5 ft. for 1 - 2 stories 7 ft. for 3 stories for each additional story over 3 stories, add 2 ft.	10 ft.
	If there is no access to the rear of the property by a public right-of-way, at least one side setback shall be a minimum of 10'.	
Yard Setbacks for commercial or industrial in an unincorporated area of Putnam County regulated by land use regulations	<i>See Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, West Virginia for requirements.</i>	<i>See Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, West Virginia for requirements.</i>

	Commercial	Industrial
Separation of Buildings	20 ft.	30 ft.
Off Street Parking Spaces Required (Min.)		
Offices	Without visiting clients, 1 space for each 300 square feet of gross floor area. With visiting clients, 1 space for each 200 sq. feet of gross floor area.	0.6/employee
General Retail	1 space for each 400 square feet of gross floor area.	
Shopping Centers	1 space for each 250 square feet of gross leasable area. Gross leasable area is defined as the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.	
Restaurants	1 space for each 100 square feet of floor area.	
Church	1 space for every 6 seats in the principal auditorium; 20 inches of bench or pew shall be considered 1 seat. If the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient space is available by legal agreement of the owner(s) and approved by the Planning Officer, up to 50% of the required parking may be placed on such lot.	
Arena, stadium, theater	1 space for every 4 seats; 20 inches of bench or pew shall be considered 1 seat.	
Motel & Hotels	1 space for each guest room or suite, plus such spaces as are required for eating establishments, assembly rooms and related facilities, as determined by the Planning Officer	
Hospitals	1.8 spaces per bed; hospital bassinets shall not be counted as beds	

	Commercial	Industrial
Off Street Loading Area Required (Min.) Berth/sq. ft. Floor Area	One loading space for each 10,000 square feet of floor area. If less than 10,000 square feet exists, 5,000 or more square feet of floor area shall require one loading space.	Same as Commercial
Size of Berth	Width 14 ft. Length 40 ft. Clearance 15 ft.	

** No land temporarily or permanently covered with water may be used in the determination of the minimum area of a lot. The area of the main utility transmission line easement may not be used in the determination of the minimum area of a lot.

- ** 1) The frontage may be waived for a parcel not fronting on an existing road, if the parcel is served by a right-of-way that meets the minimum right-of-way standards in Table I in these regulations. The proposed parcel shall not be detrimental to the health, safety, and welfare of future residents and/or owner of the parcel or surrounding landowners and residents.
- 2) The frontage requirement on a curve may be measured at 20' setback.

TABLE IV

Sidewalks

Nature of Road	Residential	Non-Residential
Marginal Access Street	Optional *	Both Sides - 5 ft. wide
Residential Access	Optional *	Both Sides - 5 ft. wide
Residential Subcollector	Optional *	Both Sides - 5 ft. wide
Residential Collector	Optional *	Both Sides - 5 ft. wide
Divided Street	Both Sides - 5 ft. wide	Both Sides - 6 ft. wide

* Optional, but where provided 4 feet minimum on either side of road with concrete curbs.

TABLE V

Schedule of Fees

Inquire at the Putnam County Planning Commission office for current fee structure.

APPENDIX A (Amended 12-13-22)
EXEMPT DIVISION OF LAND – PLAT CHECKLIST

Definition of EXEMPT DIVISION OF LAND:

An exempt division of land, for the purpose of these regulations, shall be defined as that division of land which involves combination/recombination (the Putnam County Office of Planning and Infrastructure refers to combination/recombination as a merger plat), divisions greater than 10 acres, two into three lots, estate exclusion, court ordered survey, easement plats, non-occupied facilities, a division of land for federal, state, or local government to acquire street right-of-way, a combination or retracement of an existing parcel(s) of record and family subdivisions. An exempt division of land is a division that is exempt from the requirements of the subdivision regulations and requires no public hearing but must adhere to the application fee and procedural requirements.

Please review Subdivision Regulations to determine all requirements. If item requested below does not apply to you, write "not applicable" (NA).

Date:

Name of Owner:

Property Location:

1. One copy of Application for Exempt Division of Land
2. A minimum of three copies of the plat showing the following information:
 - a. Lot layout
 - b. Location and dimensions of all boundary lines of the property in feet and decimals of a foot
 - c. Minimum Design Standards in Tables I, II, and III for right-of-way width, lot area, and lot frontage
 - d. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground
 - e. Scale of plat
 - f. Approximate true north point
 - g. Date of plat
 - h. Property owner's name
 - i. Deed book and page of property being subdivided
 - j. Tax Map and parcel number of property being subdivided
 - k. Floodplain designation and delineation of the 100-year flood zone
 - l. Name, address, signature, and seal of an engineer or land surveyor who prepared plat
 - m. Location of property with respect to surrounding property and roads, including width of existing road right-of-way and road names or route numbers
 - n. Name, deed book and page number of all adjoining property owners
 - o. Location and size of rights-of-way

p. Location and size of utility easements

If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access easement and is not governed by the right of way regulations of this ordinance. If a new easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.

3. *It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.*

APPENDIX B (*Amended 12-13-22*)
MINOR DIVISION OF LAND – PLAT CHECKLIST

Definition of MINOR DIVISION OF LAND:

A minor division of land, for the purposes of this ordinance, shall be defined as that division of land into not more than five (5) lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years.

Please review Subdivision Regulations to determine all requirements. If item requested below does not apply to you, write "not applicable" (NA).

Date:

Name of Owner:

Property Location:

- _1. One copy of Application for Minor Division of Land
- _2. Minor Division of Land fee
- _3. A minimum of three copies of the plat showing the following information:
 - a. Lot layout
 - b. Location and dimensions of all boundary lines of the property in feet and decimals of a foot
 - c. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground
 - d. Scale of plat
 - e. Approximate true north point
 - f. Date of plat
 - g. Property owner's name
 - h. Deed book and page of property being subdivided
 - i. Tax map and parcel number of property being subdivided
 - j. Floodplain designation and delineation of the 100-year flood zone
 - k. Name, address, signature, and seal of an engineer or land surveyor who prepared plat
 - l. Location of property with respect to surrounding property and roads, including width of existing road right-of-way and road names or route numbers
 - m. Name, deed book and page number of all adjoining property owners
 - n. Location and size of rights-of-way
 - o. Location and size of utility easements

If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access easement and is not governed by the right of way regulations of this ordinance. If a new

easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.

- p. Minimum Design Standards in Tables I, II, and III for right-of-way width, lot area, and lot frontage
4. *It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.*

APPENDIX C (Amended 12-13-22)
MINOR SUBDIVISION DEVELOPMENT – PLAT CHECKLIST

Definition of MINOR SUBDIVISION DEVELOPMENT:

Activities associated with the platting and proposed development of any parcel of land into not more than five (5) lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years.

Definition of 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.

Please review Subdivision Regulations to determine all requirements. If item requested below does not apply to you, write "not applicable" (NA).

Date:

Name of Owner:

Property Location:

1. One copy of Application for Minor Subdivision Development
2. Minor Subdivision Development fee
3. A minimum of three (3) copies of the plat showing the following information:
 - a. Lot layout
 - b. Location and dimensions of all boundary lines of the property in feet and decimals of a foot
 - c. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground
 - d. Scale of plat
 - e. Approximate true north point
 - f. Date of plat
 - g. Property owner's name
 - h. Deed book and page of property being subdivided
 - i. Tax map and parcel number of property being subdivided
 - j. Floodplain designation and delineation of the 100-year flood zone
 - k. Name, address, signature, and seal of an engineer or land surveyor who prepared plat
 - l. Location of property with respect to surrounding property and roads, including width of existing road right-of-way and road names or route numbers
 - m. Name, deed book and page number of all adjoining property owners
 - n. Location and size of rights-of-way
 - o. Location and size of utility easements

If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access easement and is not governed by the right of way regulations of this ordinance. If a new easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.

- p. Minimum Design Standards in Tables I, II, and III for right-of-way width, lot area, and lot frontage

- 4. *It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.*

APPENDIX D (*Amended 12-13-22*)
MAJOR DIVISION OF LAND – PLAT CHECKLIST

Definition of MAJOR DIVISION OF LAND:

A major division of land is a division of Six (6) or more lots, including the residual or parent lot, and/or any property within 500 feet from the original property boundaries, for a period of (10) years. For the purposes of these regulations, a major division of land shall be defined as all divisions of land not determined by the Planning Director or Staff as an exempt or minor division of land.

Please review Subdivision Regulations to determine all requirements. If item requested below does not apply to you, write "not applicable" (NA).

Date:

Name of Owner:

Property Location:

1. One copy of Application for Major Division of Land
2. Major Division of Land fee
3. A minimum of three (3) copies of the plat showing the following information:
 - a. Lot layout
 - b. Location and dimensions of all boundary lines of the property in feet and decimals of a foot
 - c. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground
 - d. Scale of plat
 - e. Approximate true north point
 - f. Date of plat
 - g. Property owner's name
 - h. Deed book and page of property being subdivided
 - i. Tax map and parcel number of property being subdivided
 - j. Floodplain designation and delineation of the 100-year flood zone
 - k. Name, address, signature, and seal of an engineer or land surveyor who prepared plat
 - l. Location of property with respect to surrounding property and roads, including width of existing road right-of-way and road names or route numbers
 - m. Name, deed book and page number of all adjoining property owners
 - n. Location and size of rights-of-way
 - o. Location and size of utility easements

If there is an existing access easement on the property that the subdivider is dividing, then the width of the existing access easement remains the same width as the existing access

easement and is not governed by the right of way regulations of this ordinance. If a new easement is required to divide the property, then the new easement shall be governed by the right of way regulations in this ordinance.

- p. Minimum Design Standards in Tables I, II, and III for right-of-way width, lot area, and lot frontage
- _4. *It is the applicant's responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations.*

APPENDIX E (Amended 12-13-22) (Amended 07-25-23)
 MAJOR SUBDIVISION DEVELOPMENT ‘PRELIMINARY’ PLAT CHECKLIST

Definition of MAJOR SUBDIVISION DEVELOPEMNT:

Activities associated with the platting and proposed development of any parcel of land into six (6) or more lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years.

Definition of 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.

Applicant’s Responsibility:

It is the applicant’s responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations. (Amended 07-25-23)

Please review Putnam County Subdivision Regulations to determine all requirements. If item requested below does not apply to you, write "not applicable" (NA).

Date:

Subdivision Name:

Submit the following to the Planning Commission at least forty-five days prior to a regular meeting of the Commission:

- 1. One copy of Application for Major Subdivision Development ‘Preliminary’ Plat Approval (Amended 07-25-23)
- 2. Major subdivision Development fee
- 3. List of owners of property immediately adjacent extending 100’ therefrom or directly opposite thereto extending 100’ from the road frontage of such opposite property owner as shown on the tax records.
- 4. Number of stamped No. 10 envelopes equal to the number of owners of property identified in number 3 above.
- 5. If one of the properties within 100’ of the subdivision is a lot within a major subdivision, submit the name of the president of the homeowner’s association along with a stamped envelope.
- 6. Include all contiguous holdings of the owner, the land the applicant proposes to subdivide, and all property immediately adjacent extending one hundred feet or directly opposite extending one hundred feet, with the names of the owners as shown on the Assessor’s files.
- 7. Documentation of ownership, including the date the land was acquired and the deed book and page number as recorded in the County Clerk’s office, the contract owner of the property, the date the contract of sale was executed, and if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent of any class of stock.
- 8. Seven copies of Major Subdivision Development ‘Preliminary’ Plat showing the following information: (Amended 07-25-23)
 - a. Title of subdivision
 - b. Plat designated as "Major Subdivision Development ‘Preliminary’ Plat" (Amended 07-25-23)
 - c. Date of plat

- _d. Approximate true north point
- _e. Scale of plat (at a scale equal to or not smaller than 1 inch = 100 feet)
- _f. Name, address, signature, and seal of engineer who prepared major subdivision development 'preliminary' plat (*Amended 07-25-23*)
- _g. Name, address, signature, and seal of land surveyor who surveyed major subdivision development 'preliminary' plat, if different from engineer. (*Amended 07-25-23*)
- _h. Location of property with respect to surrounding property and roads
- _i. Name, deed book and page number and tax map and parcel number of all adjoining property owners within 100' immediately adjacent and directly opposite
- _j. Property owner's name, deed book and page number of property being subdivided
- _k. Tax map and parcel number(s) of property being divided
- _l. Names and/or route numbers of adjoining roads
- _m. Approximate location and dimensions of all boundary lines of the property in feet and decimals of a foot
- _n. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground
- _o. Location of existing roads
- _p. Location of existing easements and rights-of-way
- _q. Location of proposed roads
- _r. Location and size of road right-of-way
- _s. Road right-of-way not included in area of a lot
- _t. Location and size of road pavement
- _u. Typical cross-section of road pavement, including curbs, gutters, and sidewalks
- _v. Guardrail location
- _w. Curb radius
- _x. Approximate radii of all curves, lengths of tangents, and central angles on all roads
- _y. Location and radius of cul-de-sac right-of-way
- _z. Location and radius of cul-de-sac pavement
- _aa. No temporary cul-de-sac shown
- _bb. Names of new roads as approved by E-911 Addressing
- _cc. Blocks and lots in blocks consecutively numbered or lettered, as approved by the Planning Commission.
- _dd. Address for each lot as approved by E-911 Addressing

- _ee. Location and size of on-site and off-site drainage easements
- _ff. Location and size of stormwater structures
- _gg. Location, dimensions, and capacity of stormwater detention structure
- _hh. Swale typical
- _ii. Location of swale(s)
- _jj. Location and size of outlet protection (riprap)
- _kk. Drainage notes on plat stating:
 - Roof drains shall be discharged directly on the lawn and shall not be discharged into the storm drain system or into roads.
 - All swales, ditches, culverts, and other instruments of drainage shall always remain open and clear of debris.
 - Open stream channel will be maintained with landscaped banks and an adequate width reserved for discharge of the base flood.
- _ll. Location of front, side, and rear yard setbacks
- _mm. Location and size of water lines
- _nn. Location and size of sewer lines
- _oo. Location and numbering of manholes
- _pp. Location, size, and restrictions of all utility easements
- _qq. Location and dimensions of individual sewage reserve areas
- _rr. Note on the plat stating conditions by the Putnam County Health Department for individual sewage disposal
- _ss. Location of fire hydrants and 10' setback area around the hydrant
- _tt. Note on the plat that no structures, fences, plantings, motor vehicles, or any other obstruction that could interfere with the operation of the fire hydrant shall be allowed within the 10' setback area.
- _uu. Right-of-way width of access road
- _vv. Pavement width of access road
- _ww. Location of proposed monuments
- _xx. Floodplain designation
- _yy. If applicable, delineation of 100-year floodplain
- _zz. If 100-year floodplain, Base Flood Elevation
- _aaa. If 100-year floodplain, elevation of the road above the Base Flood Elevation
- _bbb. Location of existing water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, etc. and size and location of appropriate easements and rights-of-way for same.

- _ccc. Location, dimensions of all property to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation
- _ddd. Indication of the use of any lot and all uses other than residential
- _eee. Wetlands
- _fff. If applicable, location of trees, fences, and other screening devices
- _ggg. Location of road lighting. If no road lighting, a statement on the plat to that effect.
- _hhh. Location of road and stop signs
- _iii. Location of subdivision sign in easement or common area
- _jjj. Designation of the percent of slope of the land for any lot where the slope is 10% or more and identification of the percentage of land to be maintained in a natural condition on that lot
- _kkk. If hillside development, note on the plat that states the subdivision is a hillside development and requires a percentage of land on each lot to be maintained in a natural condition, which prohibits clearing, cutting, or filling.
- _lll. 25' buffer strip in addition to the normal depth of the lot adjacent to railroad right-of-way or limited access highway.
- _mmm. Screening plan within buffer area
- _9. Minimum of three copies of a drainage plan, that bears the name, address, signature, and seal of an engineer, and includes the following information as stated in Article 300 Drainage and Storm Sewers in these regulations:

Descriptive Information

- A. Title Block with:
 - i. development name
 - ii. owner
 - iii. design firm
 - iv. authorized engineer stamp, signature, and date
 - v. legend
 - vi. north arrow
 - vii. vicinity map
 - viii. scale
 - ix. sheet numbers
 - x. date
 - xi. revision numbers and dates
- B. Topographical Features
 - i. original and proposed contours at intervals no greater than 2 vertical feet
 - ii. existing drainage components, i.e., streams, ponds, pipes, etc.
 - iii. property boundary lines
 - iv. existing streets, buildings, and utilities
 - v. 100-year floodplain
 - vi. off-site drainage entering site
- C. Site Drainage Plan
 - i. drawing no larger than 24-inch x 36 inch and at a scale of 1-inch equals 10 feet to 1 inch equals 50 feet
 - ii. existing and proposed structures, roads, buildings, paved areas

- iii. existing and proposed storm water management system and components including sizes, lengths, pertinent elevations, etc.
 - iv. where and how proposed storm water management system will be connected to existing systems
 - v. location and grade of all swales including cross sections
 - vi. location and design of all other best management structures/implementations
 - vii. location and type of best management practice erosion and sediment control structures
 - viii. existing and proposed ground cover
 - ix. total impervious area
 - x. control release facilities showing cross-sections and profiles.
- _ 10. Drainage calculations, that bear the name, address, signature, and seal of an engineer for all culverts, swales, storm water drains or other drainage facilities.
- _ 11. Stormwater analysis showing the accommodation for upstream drainage areas and the effect on downstream drainage areas.
- _ 12. If applicable, design of stormwater management facility and drainage calculations that bear the name, address, and seal of an engineer and approved by the County Engineer and that meet the requirements of Section 300.01(I) and Section 300.04 in these regulations.
- _13. When a proposed drainage system will carry water across private land outside the subdivision, a copy of legal documents that appropriate drainage rights were secured.
- _14. Approval of the drainage plan by the City of Hurricane, if the subdivision is in the Hurricane watershed.
- _ 15. Explanation of site easements
- _ 16. Explanation of reservations
- _ 17. Three copies of construction plans (at a scale of not more than 1" = 50') designated "Major Subdivision Preliminary Construction Plans", bearing the name of the subdivision; name, address, signature and seal of an engineer and the date for the following: *(Amended 07-25-23)*
- _a. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads, within one hundred feet (100') of the intersections, shall be shown.
 - _b. Location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, fire hydrants, and other underground utilities or structures showing connection to any existing and proposed utility systems.
 - _c. Water elevations of adjoining lakes or streams at date of survey and approximate high and low water elevations referred to the U.S.G.S. datum plan and boundary lines of 100-year floodplain.
 - _d. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high-water mark of such waterways.
 - _e. Topo map or USGS map of area showing contours at 20' intervals. For hillside developments, the Planning Commission may require 5' or less contour topo maps.
 - _f. Plans showing cuts and fills
 - _g. other specifications and references required by the local government construction standards and specifications, including a site-grading plan for the entire subdivision
- _18. Copy of guardrail plan, if applicable.

- _19. Copy of water plans
- _20. Copy of sewer plans
- _21. Lighting plan
- _22. Declaration of Restrictive Covenants, which shall be reviewed and approved by Planning Commission staff and includes:
 - _a. creation of Homeowner Association, stating when the Homeowner Association shall become a governing body and how it will be governed;
 - _b. establishment of fee structure, which shall include special assessments for capital improvements;
 - _c. enforcement of fee structure;
 - _d. litigation authority;
 - _e. ability of Developer and Homeowner Association to change Declaration of Restrictive Covenants;
 - _f. Declaration of Restrictive Covenants may not expire as long as the Homeowners Association is responsible to maintain common improvements and common areas.
 - _g. ability of Homeowner Association to maintain existing roads, all other common improvements, and common areas;
 - _h. stipulation of when roads, drainage structures, all other common improvements, and common areas become Homeowner Association responsibility;
 - _i. stipulation of utility easements;
 - _j. stipulation of yard setbacks;
 - _k. severability;
 - _l. stipulation of drainage easements and conditions, which shall include the following:
 - 1) Drainage of each lot shall conform to the general drainage plan for the subdivision.
 - 2) Roof drains shall be discharged directly on the lawn and shall not be discharged into the storm drain system or into the street.
 - 3) All swales, ditches, culverts, and other instruments of drainage shall always remain open and clear of debris.
 - 4) The area around/along an open stream channel shall be maintained with landscaped banks and an adequate width reserved for discharge of the base flood (if applicable);
 - _m. if a stormwater management facility is constructed in the subdivision, stipulate when the Homeowners Association will be responsible for the maintenance of said facility.

APPENDIX F (Amended 12-13-22) (Amended 07-25-23)
MAJOR SUBDIVISION DEVELOPMENT - FINAL ‘AS-BUILT’ PLAT CHECKLIST

Definition of MAJOR SUBDIVISION DEVELOPEMNT:

Activities associated with the platting and proposed development of any parcel of land into six (6) or more lots, including the residual or parent lot, and/or property within 500 feet from the original property boundaries, for a period of ten (10) years.

Definition of 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.

Applicant’s Responsibility:

It is the applicant’s responsibility to obtain all applicable permits and plan approvals from all authorities having jurisdiction in the State of West Virginia (i.e., Department of Environmental Protection, West Virginia Department of Highways, Putnam County Health Department, Putnam Public Service District, West Virginia American Water, etc.). It is also the responsibility of the stated West Virginia entities to enforce their own agency regulations and violations. (Amended 07-25-23)

Please review Subdivision Regulations to determine all requirements. If item requested below does not apply to you, write "not applicable" (NA).

Date: _____

Subdivision Name: _____



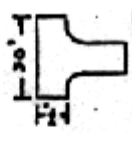
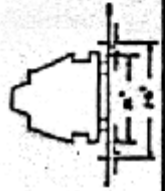
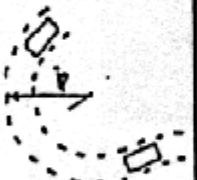
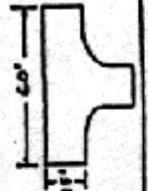
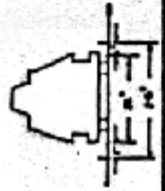

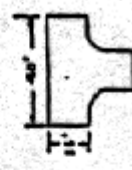
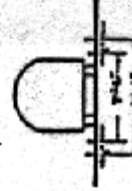
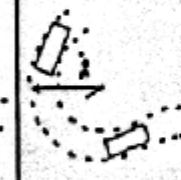
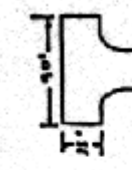
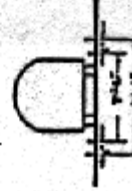
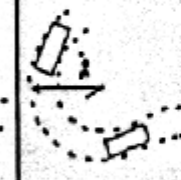
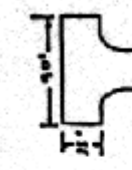
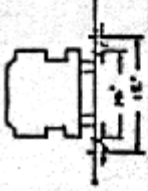
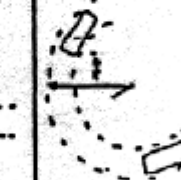
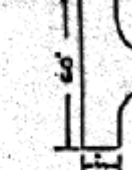
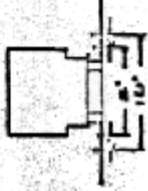


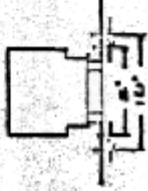


Date of Major Subdivision Development ‘Preliminary’ Plat Approval (Amended 07-25-23): _____

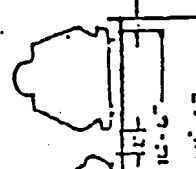
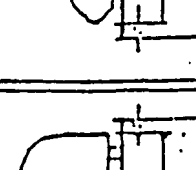
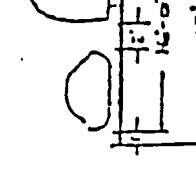
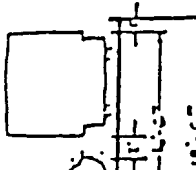
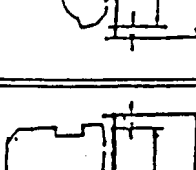
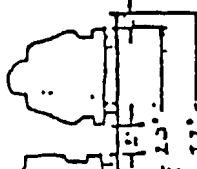
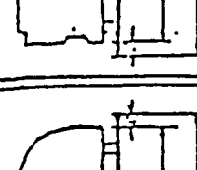
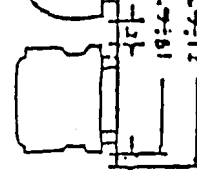
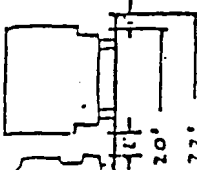
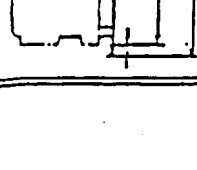
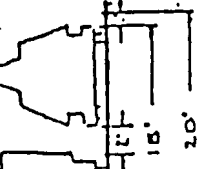
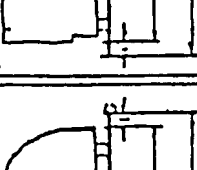
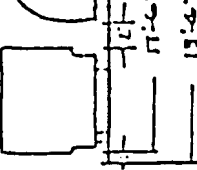
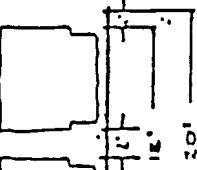
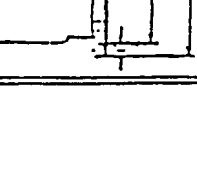
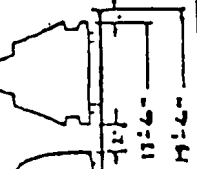
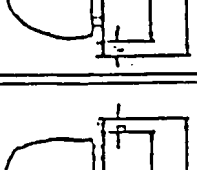
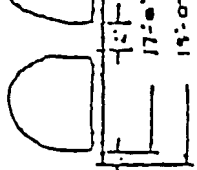


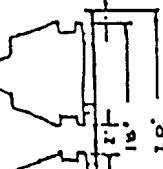




- _1. One copy of Application for Major Subdivision Development - Final ‘As-Built’ Plat (Amended 07-25-23)
- _2. Major Subdivision Development - Subdivision fee
- _3. Seven copies (minimum) of final as-built plat, which comply in all respects with the approved major subdivision development ‘preliminary’ plat and approved resolution (Amended 07-25-23)
- _4. All requirements and conditions of approved resolution and approved major subdivision development ‘preliminary’ plat have been met (Amended 07-25-23)
- _5. Drainage Plan implemented
- _6. Sediment Control Plan (SCP) implemented
- _7. Construction Plans implemented
- _8. If applicable, bond or escrow agreement executed
- _9. Submittal of a copy of recorded Declaration of Restrictive Covenants, which was approved by the Planning Commission
- _10. Placement of road signs, traffic signs, and subdivision sign
- _11. Certification from an engineer of the following:
 - a) construction of roads and curb radii
 - b) drainage (size of culverts, construction of drop inlets, and construction of swales)
 - c) if applicable, as built of the stormwater management facility, if the facility has a maximum of a ten foot (10') total water depth, as to design, specifications, and construction to meet the requirements and design standards in Article 300 Drainage and Storm Sewers in these Subdivision Regulations

- d) If applicable, certification from an engineer of the as built of the stormwater management facility, if the facility exceeds a ten foot (10') total water depth, as to design, specifications, and construction to meet the requirements and design standards in Article 300 Drainage and Storm Sewers in these Subdivision Regulations

APPENDIX G (Amended 12-13-22)
VEHICULAR MOVING INFORMATION

DESIGN AREAS

TYPES OF VEHICLES	VEHICLE CHARACTERISTICS					WIDTH OF MOVING LANE	TURNING REQUIREMENTS	
	LENGTH	WIDTH	HEIGHT	TURN-AROUND CLEARANCE	TURNING RADIUS		TURN-AROUNDS	
MOTOR VEHICLE	17'	6'	4'6"	22'	2'			
	19'	6'6"	6'6"	25'	2'			
FIRE VEHICLE	30'	7'6"	10'	45'	2'			
	48'	7'6"	10'	40'	2'			
SCHOOL BUS	30'	7'6"	8'	30'	2'			
SNOW REMOVAL VEHICLE		10' PLOW		30'	2'			
MOVING VAN	35'	8'	12'6"	40'	2'			
	55'	8'	13'6"	25'	2'			

MOTOR VEHICLE	SNOW REMOVAL VEHICLE	MOVING VAN	SCHOOL BUS	FIRE VEHICLE
				
				
				
				
				

*Probability of Encounter - Low