

ARTICLE 900

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

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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.

