

RALEIGH COUNTY SUBDIVISION REGULATIONS (amended May 3, 2005)
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RALEIGH COUNTY SUBDIVISION REGULATIONS
(Amended May 3, 2005)

ARTICLE 1 DEFINITION; ENACTMENT; TITLE; PURPOSE; JURISDICTION

SECTION 1.1 DEFINITION OF SUBDIVISION

The division of a tract or parcel of land into two (2) or more lots, plots, sites or other divisions of land, for the purpose, whether immediate or future, of transfer of ownership or building development, including all changes in street or lot lines.

SECTION 1.2 ENACTMENTS

These regulations shall become effective from the date of their adoption. Any other subdivision regulations shall be deemed repealed. These regulations shall in no way effect any subdivision that received prior preliminary plan approval, provided, however, that no changes to the approved preliminary plan, are introduced by the sub-divider.

May 3, 2005
Date

John Aliff, President,
County Commission

ATTEST:

Betty Riffe, County Clerk

Pat Reed, Commissioner

John Humphrey, Commissioner

SECTION 1.3 TITLE

These regulations shall be known as the "Subdivision Regulations for Raleigh County, West Virginia".

SECTION 1.4 AUTHORITY

Authority for adopting subdivision regulations are enabled by West Virginia Code, Chapter 8A, Article 5.

SECTION 1.5 JURISDICTION

These regulations shall be applicable to all subdivision of land within the unincorporated area of Raleigh County.

A. The Planning and Zoning Commission has the authority to:

1. Approve a minor subdivision or land development application;
2. Exempt an application for a minor subdivision or land development;
3. Approve a major subdivision or land development.

B. The staff of the planning commission has the authority to approve a minor subdivision or land development.

C. If a subdivision or land development plan and plat cannot be approved through the minor subdivision or land development process, then the applicant must use the major subdivision and land development ordinance.

SECTION 1.6 RELATIONS TO OTHER LAWS

Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, those imposing the higher standard shall govern.

SECTION 1.7 SEPARABILITY

If, for any reason, clause, sentence, paragraph, section or other part of these regulations be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held invalid.

SECTION 1.8 PURPOSE

A. These regulations are enacted for the purpose of providing for:

1. Regulating the planning of new streets or highways.
2. Developing standards for new neighborhoods.
3. Protecting the community from financial loss due to poor development.
4. Adequate and open spaces for vehicular and pedestrian traffic, utilities and recreation.
5. Access of fire and ambulance service.

SECTION 1.9 REQUIREMENTS FOR SUBDIVISION ORDINANCE

A. A subdivision or land development ordinance shall include the following provisions:

1. A minor and major subdivision or land development process, including criteria, requirements and definition of a minor and major subdivision;
2. The authority of the planning commission and its staff to approve a minor subdivision or land development;
3. The authority of the planning commission to approve a major subdivision or land development.

4. The standards for setback requirements, lot sizes, streets, sidewalks, walkways, parking, easements, rights-of way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, storm water management and water and wastewater facilities.
5. Standards for flood-prone or subsidence areas;
6. A review process for subdivision or land development plans and plats by the planning commission;
7. An approval process for subdivision land development plans and plats by the planning commission, including the authority to approve subdivision or land development plans and plats with conditions;
8. A process to amend final approval subdivision or land development plans and plats;
9. A requirement that before development of the land is commenced, subdivision and land development plans and plats must be approved by the planning commission, in accordance with the comprehensive plan;
10. A requirement after approval of the subdivision or land development plat and before the subdivision or development of the land is commenced, the subdivision and land development plat shall be recorded in the office the county clerk where the majority of the land to be developed lies;
11. A schedule of fees to be charged which is proportioned to the cost of checking and verifying proposed plats;
12. The process for granting waivers from the minimum standards;
13. Improvement location permit process, including a requirement that s structure or development of land is prohibited without an improvement location permit;
14. An acceptable method of payment to cover the cost of the water and sewer service infrastructure, which can include, but not limited to, bonds, impact fees, escrow fees and proffers;
15. The process for cooperating and coordinating with other governmental agencies affected by the subdivision and land development and use; and
16. Penalties for violating the subdivision and land development ordinance.

ARTICLE 2 SALE; RECORDATION

SECTION 2.1 SALE OF SUBDIVISION LOTS

No person, firm or corporation, proposing to make or have made a subdivision within Raleigh County shall enter into any contract for the sale of, or shall offer to sell said subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision before obtaining from the planning commission the approval of a plat or map of the proposed subdivision.

SECTION 2.2 RECORDATION OF SUBDIVISION PLAT

A. Minor Subdivision or Land Development Plat

After approval of a minor subdivision or land development plat and before the subdivision or land development is commenced, the subdivision of land development plat shall be recorded by the applicant in the Raleigh County Clerks office. The approved plat must be filed within sixty (60) days from the date the seal is placed on the final plat.

B. Major Subdivision or Land Development Plat

After approval of a major subdivision or land development plat and after the conditions of the planning commission are met, the subdivision or land development plat shall be recorded by the applicant in the Raleigh County Clerks office. The approved plat must be filed within sixty (60) days from the date the seal is placed on the final plat.

SECTION 2.3 EFFECT OF APPROVAL

A land development plan and plat that has not been approved by the planning commission is without legal effect: Provided, that failure to comply with this chapter shall not invalidate or affect the title to any land within the area of the land development plat.

SECTION 2.4 VESTED PROPERTY RIGHT

A. A vested property right is a right to undertake and complete the land development. The right is established when the development plan and plat is approved and only applicable under the terms and conditions of the approved plan and plat.

B. Failure to abide by the terms and conditions of the approved plan and plat will result in forfeiture of the right.

C. The vesting period for an approved plan and plat is five (5) years from the final approval date.

ARTICLE 3 ADMINISTRATION; ENFORCEMENT; VIOLATION; PENALTY

SECTION 3.1 ADMINISTRATION AND ENFORCEMENT

A. The planning commission is vested with all the necessary authority to administer and enforce conditions attached to the final approved plat, including, but not limited to, the authority to:

1. Order, in writing, the remedy for any noncompliance with the conditions;

2. Bring legal action to ensure compliance with the conditions, including injunction, abatement, or other appropriate action or proceedings; and

3. Require a guarantee satisfactory to the planning commission in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the planning commission upon the submission of satisfactory evidence that the construction of the improvements have been completed in whole or in part.

B. Failure to meet all conditions attached to the final plat shall constitute cause to deny the issuance of any or the required use, occupancy or improvement location permits, as may be appropriate.

SECTION 3.2 AMENDMENT

All amendments to these regulations shall be adopted by the Raleigh County Commission as set forth by the West Virginia Code, Chapter 8A, Article 4, Section 5.

SECTION 3.3 VIOLATION

It shall be unlawful for any person, whether as owner, lessee, principal, agent, employee, or otherwise, to violate or permit to be violated any provision of these regulations.

When it appears a violation has occurred, the planning commission shall attempt to notify the responsible person by means of a written Violation Notice to terminate the violation within 15 days from the date appearing on Notice. Failure to terminate shall cause the planning commission to seek an injunction as set forth in the West Virginia Code (8A-10-3).

SECTION 3.4 PENALTY

Any person who violates any provision of these regulations shall be subject to the penalties as set forth in the West Virginia Code (8A-10-2).

SECTION 3.5 VARIANCE AND EXCEPTIONS

A variance may be requested from the provisions of these regulations by submitting in writing to the planning commission the nature of the request. A variance may be granted only when the planning commission determines that one or more of the following exists:

- A. The request is not contrary to public interest.
- B. Enforcement of the regulations will create an unnecessary hardship.
- C. The request is not the result of a self-imposed hardship.

SECTION 3.6 EXPIRATION OR EXTENSION

Failure to comply with stated time periods of these regulations shall result in the expiration of the application approvals. Before expiration, the sub-divider may provide a letter stating why the time periods cannot be met and request an extension of the time period. The sub-divider is solely responsible for knowing expiration dates of these regulations. The planning commission shall have no duty, obligation or responsibility to remind or notify the sub-divider of approaching expiration dates.

SECTION 3.7 VOIDED APPLICATIONS

An application shall become void and have no rights, standing, or status under these regulations, upon expiration, withdrawal, or disapproval.

SECTION 3.8 APPEAL

An appeal may be made by an aggrieved person from any decision or ruling of the planning commission to:

- A. The Raleigh County Circuit Court, pursuant to the provisions of West Virginia Code, Chapter 8A, Article 9;
- B. The appeal must be within thirty (30) days after the date of denial, the petition, specifying the grounds of the appeal in writing, must be filed with the Raleigh County Circuit Court.

ARTICLE 4 APPLICATION; PROCEDURES; APPROVAL PROCESS

SECTION 4.1 PURPOSE

The purpose of this article is to establish the procedure for review and approval of subdivisions. The procedure is intended to provide orderly and expeditious processing of the application.

SECTION 4.2 GENERAL PROCEDURE

No person, firm or corporation, shall subdivide any tract of land that is located within the unincorporated area of Raleigh County until they apply for and secure approval in accordance with the following procedures:

A. Family Member Lot Split - A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner shall be allowed and shall not be for the purpose of circumventing these regulations. A member of the immediate family is defined as any person who is natural or legally defined offspring, spouse or parent of the owner. The Lot Split may be processed by an individual designated by the planning commission and shall comply with Section 4.3.

B. Minor Subdivision - These may be approved by an individual designated by the planning commission and shall comply with Sections 4.4 and 4.5.

C. Major Subdivision - These require approval of the planning commission.

Approval for a major subdivision will be given in three phases:

1. Tentative - Review of the proposed development.
2. Conditional - Approved for development, not recordation.
3. Final - Completion of all requirements, approved for recordation.

The subdivision shall meet the requirements of Sections 4.6 and 4.7. After final approval, the subdivision shall be zoned residential, unless other zoning classification(s) are requested by the petitioner.

D. Manufactured Home Park Subdivision - These require approval of the planning commission and must meet the requirements of Article 6 of the Raleigh County Subdivision Ordinance.

E. Campground Regulations - Require approval of the planning commission and must meet the requirements of Article 6 of the Raleigh County Subdivision Ordinance.

SECTION 4.3 FAMILY MEMBER LOT SPLIT

- A. A survey drawing (3 copies), which shall meet the minimum standards for boundary surveys in the State of West Virginia (30-13A-18).
- B. The plat shall be drawn at a scale not less than one hundred (100) feet to the inch.
- C. A deed with legal description.
- D. Areas within the 100 year floodplain and within floodways, as determined from flood studies or scaling from mapping provided by Federal Emergency Management Agency (FEMA), shall be delineated on the plat.

SECTION 4.4 MINOR SUBDIVISION CONDITIONS

- A. The proposed minor subdivision must meet the following conditions:
 - 1. Proposed division of land involves no more than five (5) lots, after the original parcel has been subdivided, any one which is under five (5) acres (inclusive of the remainder parcel).
 - 2. The subdivision is along an existing public street, and involves no opening, widening or extension of any street, road or public utility.
 - 3. A survey drawing (3 copies), which shall meet the minimum standards for boundary surveys in the State of West Virginia (30-13A-18).
 - 4. The plat shall be drawn at a scale not less than one hundred (100) feet to the inch.
 - 5. A deed with legal description.
 - 6. Areas within the 100 year floodplain and within floodways, as determined from flood studies or scaling from mapping provided by Federal Emergency Management Agency (FEMA), shall be delineated on the plat.
 - 7. Letter from Water and Sanitary Sewer provider that service is available. If well or septic system is utilized approval from health department is required.
 - 8. Letter from Emergency Operations Center that compliance with street naming and physical addressing is met.
 - 9. Certification that the subdivision of land is not prohibited by any prior agreements, restrictions or deed covenants.

SECTION 4.5 MINOR SUBDIVISION REQUIREMENTS

A. Applicant submits a copy of FORM S-2, subdivision plat and the fees.

B. Within seven (7) days after submission of the land development plat, the applicant and the planning commission designee shall meet to discuss the proposed subdivision and the criteria used to classify the proposal as a minor subdivision.

C. The planning commission designee may make a site inspection.

D. Within ten (10) days after submission of the subdivision plat, the planning commission designee shall notify the applicant in writing that the subdivision has been approved or denied classification as a minor subdivision.

E. Upon approval, the planning commission shall affix its seal to the plat.

F. If approved with conditions, then the conditions must be stated.

G. Upon Denial, the applicant shall be notified in writing of the reasons for denial.

SECTION 4.6 MAJOR SUBDIVISION CONDITIONS

A. The proposed major subdivision must meet the following conditions:

1. More than five (5) lots, any of which is less than five (5) acres, including the original tract.

2. Subdividing platted land to create additional building lots in a recorded subdivision.

3. Requirements listed in Form S-3, S-5 and S-6.

SECTION 4.7 MAJOR SUBDIVISION REQUIREMENTS

All major subdivision requests for tentative approval must be submitted to the planning commission at least 15 days prior to the next regularly scheduled commission meeting. At a minimum the following are required:

A. Application (FORM S-2), with filing Fee of \$ 100.00

B. Preliminary Plat (See FORM S-3)

C. List of Adjoining Property Owners (See FORM S-4)

After tentative approval, a public hearing will be held within 45 days. The public will be served notice of the hearing by the following methods:

1. The planning commission shall place a Class I legal advertisement (FORM S-7) a minimum of 21 days prior to the hearing; and

2. The applicant shall notify all adjoining property owners, including properties that would adjoin except that a street, alley, public way, waterway or railroad right-of-way separates the properties. Notification will be by certified mail and contain a copy of completed FORM S-7.

Notification to adjoining property owners must be a minimum of 15 days prior to the hearing date. The applicant's requirement to notify adjacent property owners will be fulfilled if the notification is mailed to the adjacent property owner's current address as listed with the County Assessors office. The planning commission may require additional notification if it deems necessary.

Note: Failure to properly notify adjacent property owners within the required time will result in the public hearing to be rescheduled and proper notice be given again.

D. At the conclusion of the public hearing, the planning commission shall vote to approve, deny or hold, up to 45 days for additional information, the application.

E. If the application is deemed complete and meets all the requirements of the subdivision ordinance, the planning commission shall approve and affix its seal to the plat.

F. If approved with conditions, the conditions must be stated.

G. Upon Denial, the applicant shall be notified in writing of the reasons for denial. If denied, the applicant may request, one time, a reconsideration of the decision of the planning commission, which request must be in writing and received by the planning commission no later than ten (10) days after the decision of the planning commission.

SECTION 4.8 INDEPENDENT REVIEW OF SUBDIVISION SECTIONS

Review and approval of any section of a subdivision does not constitute an intention or responsibility on the part of the planning commission to approve future sections of the subdivision.

SECTION 4.9 DEBRIS; WASTE; CONSTRUCTION MATERIAL

No cut trees, debris, construction materials or other waste shall be left or deposited in any area of a subdivision at the time of final inspection.

SECTION 4.10 INSPECTIONS/CERTIFICATIONS

All subdivisions shall have a final inspection and Licensed Engineer/Surveyor certification to insure that all roads, cul-de-sacs, right-of-ways, parcels and utilities of the proposed plat are developed as presented on the final plat map.

SECTION 4.11 FLOOD-PRONE AREAS

The purpose of establishing flood-prone areas is to reduce the public cost and personal damage caused by floodwaters. Flood-prone areas should be designated as open spaces or maintained in agricultural uses.

Construction of structures, septic and well facilities shall be required to be located out of the 100-year flood plain as established by FEMA.

SECTION 4.12 CONDITIONAL/FINAL APPROVAL

At the public hearing the applicant shall submit the following:

- A. Final Plat (See FORM S-5)
- B. Affidavit of Publication of Notification
- C. Appropriate Certificates (See FORM S-6)
- D. Maintenance Association and/or Street Maintenance Agreement
- E. Construction Bond or Letter of Credit.

A subdivision which has been viewed at a public hearing and has not been disapproved may receive conditional approval provided the developer signs a construction agreement with the planning commission. The agreement shall specify the subdivision improvements required of the developer and the date by which the improvements are to be completed.

During construction of a subdivision, the seal of the planning commission will be withheld, rendering the plat not recordable. The seal will be placed on the plat only after the construction of improvements are complete and satisfactory to the planning commission and/or their designated officer.

SECTION 4.13 CONSTRUCTION BOND OR LETTER OF CREDIT

A. The developer shall secure with surety satisfactory to the planning commission a Construction Bond or a Letter of Credit from a West Virginia Chartered Financial Institution with the following requirements:

1. The Raleigh County Commission shall be obligee;
2. The principal sum shall be one hundred (100) per cent of the estimated construction cost of the required improvements;

3. The construction bond or Letter of Credit shall specify a completion date of the infrastructure to be constructed; and

4. Specify the date the bond or Letter of Credit will be released.

B. The money from the bond or Letter of Credit shall only be used for the completion of the infrastructure construction, when the infrastructure is not completed as approved at the issuance of the bond or Letter of Credit.

C. In the event required improvements are not constructed to the terms of the Bond or Letter of Credit, the County Commission shall declare the bond or the Letter of Credit in default and shall request funds from the surety sufficient to complete the unfinished construction. The Surety shall, without delay, inspect the subdivision and shall immediately thereafter release the funds requested. Improvements alleged by the developer to have been made after inspection by the Surety shall not be grounds for a reinspection or for a reduction of the requested funds to be released.

D. The County Commission shall be authorized with any funds received to contract for the completion of the improvements for which Bonds or Letter of Credit were provided and may enter upon the property to complete the improvements.

ARTICLE 5 DESIGN AND CONSTRUCTION STANDARDS

SECTION 5.1 GENERAL PURPOSE

The purpose of good subdivision and site design is to create a functional and attractive development, minimize adverse impacts, and ensure that a project will be an asset to the county. To promote this purpose, the subdivision shall conform to standards which are designed to result in a well-planned community without adding unnecessarily to development costs.

SECTION 5.2 SUITABILITY OF LAND

If the planning commission finds the land unsuitable for development due to poor drainage, inadequate water supply, topography, unstable subsurface conditions due to underground mining or other reasons and other conditions which may endanger health, life, safety or property; and if any public agencies concerned it is in the best interest of the public the land should not be developed, the planning commission shall not approve the subdivision unless adequate measures for solving the problems are taken by the developer. The planning commission may require reports by certified personnel for geology, soils, topography, flood prone areas, structures and road networks of the proposed site.

SECTION 5.3 MINIMUM STREET REQUIREMENTS

A. Proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

B. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of eighty (80) feet, unless the planning commission approves a "T" or "Y" turnaround.

C. Street right of ways shall have a minimum of forty (40) feet, of which twenty (20) feet shall be used for ingress and egress.

D. Streets shall be surfaced with a gravel, asphaltic or cement binder so as to provide for a durable surface and shall be graded and drained to dispose of water accumulation.

Gravel Streets - Gravel Streets shall be constructed on a compacted sub-grade free of organic matter. The gravel shall be a well-graded crushed stone aggregate six (6) inches thick after rolling. The surface shall be smooth, uniform and tightly packed.

Asphalt and Concrete Streets - Shall be constructed as gravel streets with the addition of a minimum of two (2) inches of bituminous material or concrete material rolled smooth, seamless and uniform.

E. Street Signs - All subdivision streets shall be clearly identified by permanent street signs.

SECTION 5.4 OFF-STREET PARKING REQUIREMENTS

A. No on-street parking shall be allowed. A minimum of (2) 180 square feet off-street parking spaces shall be required per dwelling.

SECTION 5.5 WATER AND SEWAGE CONNECTION

Each individual dwelling shall be provided its own water connection and individual sewage disposal system meeting approval of the state/local health department.

SECTION 5.6 MINIMUM LOT REQUIREMENTS

A. Only one dwelling per lot is permitted and it shall abut on a street.

B. The minimum lot sizes shall be as follows:

Development Type	Public Water Available	Public Sewage Available	Lot Area per Family	Minimum Lot Frontage
Single Family	Yes	Yes	7,500 sf	75 feet
	Yes	No	*	90 feet
	No	Yes	15,000 sf	80 feet
	No	No	*	100 feet
Two Family or Multi-Family	Yes	Yes	2,400 sf	90 feet
	Yes	No	*	100 feet
	No	Yes	2,700 sf	90 feet
	No	No	*	120 feet

*Lot area to be determined by Raleigh County Health Department

NOTE: Lot area does not include road right-of-way. The Raleigh County Health Department may recommend an increase or decrease in lot area.

C. Corner lots shall be platted wider than interior lots in order to permit conformance with set-back requirements.

SECTION 5.7 MINIMUM SETBACK REQUIREMENTS

A. Front yard requirements-- 25 feet, except property abutting a state or federal highway, the set-back required shall be 40 feet. The front yard depth shall be measured from the front property line.

B. Side yard requirements (interior lot) -- 10 feet each side (corner lot) -- 15 feet on the street side, 10 feet on the interior side

C. Rear yard requirements--- 15 feet

D. No accessory building or use shall be placed within ten (10) feet of adjoining property lines.

SECTION 5.8 HEIGHT REGULATIONS

A. No residential structure shall be more than three (3) stories or not more than 40 feet in height measured vertically from the lowest grade of the structure to the top of the highest roof line.

SECTION 5.9 EASEMENTS

Location of utility easements within the road right-of-way shall be located outside of the improved portion of the roadway. Utility easements may also be located along the front of line or centered on the rear or side lot line as necessary.

SECTION 5.10 LAND FOR PARKS; RECREATION; OPEN SPACES

Major subdivisions shall require the reservation of land for parks, recreational area or open spaces.

The following table establishes the minimum land area required:

Dwelling Units Per Acre of Residential land	Land that must be Reserved as Percentage of Residential Land
Less than 3	No land required
3-5	4 percent
6-10	7 percent
11-15	10 percent
16-20	12 percent
21-25	15 percent
25-30	17 percent
31 and over	20 percent

ARTICLE 6 MANUFACTURED HOME PARK AND CAMPGROUND REGULATIONS

SECTION 6.1 GENERAL

Manufactured home parks and campgrounds are subdivisions with special requirements of their own and shall meet the minor subdivision regulations. The provisions of this article are in addition to the requirements for a minor subdivision. Where a requirement in this chapter conflicts with a requirement for minor subdivisions, the requirement in this article shall prevail.

SECTION 6.2 SALE OR RENTAL OF SUBDIVISION LOTS

No person, firm or corporation, proposing to make or have made a Manufactured Home Park Subdivision or Campground Subdivision within the unincorporated area of Raleigh County shall enter into any contract for the sale of or rental, or shall offer to sell or rent said subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision before obtaining from the planning commission the approval of a plat or map of the proposed subdivision.

SECTION 6.3 MANUFACTURED HOME PARK REQUIREMENTS

MINIMUM REQUIREMENTS

A. Density - Shall not exceed eight (8) manufactured home units per acre.

B. Streets

1. Proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

2. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of eighty (80) feet, unless the Planning Commission approves a "T" or "Y" turnaround.

3. Street right of ways shall be a minimum of thirty (30) feet in width, of which eighteen (18) feet shall be used for ingress and egress. One-way streets which are not main entrances, shall be a minimum of twelve (12) feet in width.

4. Streets shall be surfaced with a gravel, asphaltic or cement binder so as to provide for a durable and dustless surface and shall be graded and drained to dispose of water accumulation.

Gravel Streets - Gravel Streets shall be constructed on a compacted sub-grade free of organic matter. The gravel shall be a well-graded crushed stone aggregate six (6) inches thick after rolling. The surface shall be smooth, uniform and tightly packed.

Asphalt and Concrete Streets - Shall be constructed as gravel streets with the addition of a minimum of two (2) inches of bituminous material or concrete material rolled smooth, seamless and uniform.

5. Street Signs - All streets shall be clearly identified by permanent street signs.

C. Lots

1. Only one dwelling per lot is permitted and it shall abut on a street.

D. Minimum Lot Size

1. The minimum lot sizes shall be as follows:

4,000 square feet - if served by public water and public sewage.

If not served by public water or public sewage, the minimum lot size shall meet the requirement of the West Virginia Department of Health or the Raleigh County Health Department, but not less than 4,000 square feet.

2. Minimum lot frontage shall be fifty (50) feet. Corner lots shall be platted wider than interior lots in order to permit conformance with set-back requirements.

E. Open Space

A minimum of fifteen percent (15%) of the total area shall be designated as open space.

F. Lighting

All parks shall provide an adequate lighting system.

G. Off-Street parking

1. No on-street parking shall be allowed. A minimum of (2) 180 square feet off-street parking spaces shall be required per dwelling.

H. Minimum Setback Requirements:

1. All manufactured homes and accessory buildings shall be setback a minimum of 20 feet from the street or highway right-of-way line; or property abutting a state or federal highway, the set-back required shall be 40 feet.

2. Manufactured homes shall be a minimum of 15 feet from other boundary lines of the park and accessory buildings shall be a minimum of 5 feet from adjoining property lines

I. Utilities

Each individual dwelling shall be provided its own water connection, individual sewage disposal system meeting approval of the state/local health department and other utility connections (electric, phone, etc.)

J. Manufactured Home Site Stand

Each manufactured home site shall provide an adequate stand for the placement of a manufactured home unit. The stand must be able to safely support the unit and constructed so as to not heave, shift, or settle unevenly under the weight of the unit due to frost action, inadequate drainage, vibration or other forces acting on the structure.

K. Anchorage and Tie-Down

Each Manufactured Home site shall be equipped with anchors and tie-downs to prevent overturning and uplift. Anchorage and tie-down shall meet the requirements of the manufacturer and shall meet the requirements of the State Building Code.

L. Identification

Each site shall display the street address assigned by the Raleigh County EOC. Such number shall be displayed on a permanent marker placed on the site and shall be visible from the street or access way.

SECTION 6.4 CAMPGROUND REQUIREMENTS

A. Density - Shall not exceed (15) campground sites per acre.

B. Streets

1. Proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

2. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of eighty (80) feet, unless the Planning Commission approves a "T" or "Y" turnaround.

3. Street right of ways shall be a minimum of thirty (30) feet in width, of which eighteen (18) feet shall be used for ingress and egress. One-way streets which are not main entrances, shall be a minimum of twelve (12) feet in width.

4. Streets shall be surfaced with a gravel, asphaltic or cement binder so as to provide for a durable and dustless surface and shall be graded and drained to dispose of water accumulation.

Gravel Streets - Gravel Streets shall be constructed on a compacted sub-grade free of organic matter. The gravel shall be a well graded, crushed stone aggregate six (6) inches thick after rolling. The surface shall be smooth, uniform and tightly packed.

Asphalt and Concrete Streets - Shall be constructed as gravel streets with the addition of a minimum of two (2) inches of bituminous material or concrete material rolled smooth, seamless and uniform.

5. Street Signs - All streets shall be clearly identified by permanent street signs.

C. Lots

1. Only one dwelling per lot is permitted and it shall abut on a street.

D. Minimum Lot Size

1,500 square feet, not to include road right-of-ways. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road right-of-way.

E. Open Space

A minimum of fifteen percent (15%) of the total area shall be designated as open space.

F. Lighting

All parks shall provide an adequate lighting system.

G. Off-Street parking

1. No on-street parking shall be allowed. A minimum of (2) 180 square feet off-street parking spaces shall be required per site. Each parking space shall have a minimum dimension of 9 feet by 18 feet.

Designated parking areas may not be used for overnight camping or occupancy.

H. Minimum Setback Requirements:

1. All campground units and accessory buildings shall be setback a minimum of 20 feet from the street or highway right-of-way line; or property abutting a state or federal highway, the setback required shall be 40 feet.

2. Campground units shall be a minimum of 25 feet from other boundary lines of the park and shall be a minimum of 10 feet from adjoining property lines.

I. Utilities

1. Each individual campground site shall be provided its own water and electrical connection,

2. A campsite may contain sewerage connections. If not provided at campsites, sewerage facilities must be provided at convenient comfort stations as determined by the planning commission.

3. Each campsite shall be provided with a sanitary, covered garbage can.

4. A campground shall provide at least one sanitary sewage dump station, one water refill station and one solid waste disposal collection facility.

5. As a minimum, design capacities for centralized water and sewage systems shall be based on the total number of campsites proposed plus 25 percent again to accommodate a tent area (if any), plus an allowance for a sewage dump station and a water refill station.

J. Campground Site Stand

Each campsite shall provide an adequate stand for the placement of a camping unit. A campsite stand shall be at least 15 feet by 25 feet in size. No more than one camping unit shall be placed on a campsite.

K. Tents

A tent may be placed on any campsite. In addition, however, a special tent area may be set aside and marked in a campground for the random location of tents. The capacity of a tent area shall be limited to 25 percent of the number of designated campsites within a campground. A tent area need not be served directly by water or sanitary facilities, provided a comfort station is located nearby. The size of a tent area shall be based on 500 square feet per eligible tent.

ARTICLE 7 STORMWATER MANAGEMENT

SECTION 7.1 APPLICABILITY OF SITE RUNOFF STORAGE REQUIREMENTS

A. The following developments shall comply with Article 7, Section 7.4.

1. Single Family Subdivision, Manufactured Home Subdivision, Multi-family or non-residential land use constructed on a site more than one acre in size;

2. Existing multi-family or non-residential land uses on a site one acre or more in size, on which new development after the effective date of this chapter in the aggregate exceeds 25,000 square feet;

SECTION 7.2 GENERAL STORMWATER MANAGEMENT REQUIREMENTS

A. No development shall:

1. Result in any new or additional expense to any person other than the developer;

2. Not increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the developer;

3. Degrade surface or sub-surface water quality;

4. The development shall have an Overland Flow Path or a storm sewer pipe and inlet sized for the base flood, at the downstream limit of the property that will pass the base flood flow without increasing damage to structures or property.

SECTION 7.3 SITE RUNOFF REQUIREMENTS

A. The developer shall make adequate provisions for storm and floodwater runoff, including the installation of drainage improvements and dedicated drainage easements. Such easements shall be at least 15 feet in width. The planning commission has the authority to determine the adequacy of drainage improvements and easements. In addition, they may require that low-lying lands along watercourses subject to flooding or overflowing during storm periods to be preserved and retained in their natural state as drainage ways.

B. Storm water facilities shall be functional before building permits are issued for residential and non-residential purposes.

C. Storm water facilities shall be required and designed so that runoff exits the site at a point where it exited prior to the subject development and in a manner such that flows will not increase flood damage to adjacent property.

D. Storm water systems shall be sized to carry the base flood without causing additional flood damage.

E. Design runoff rates shall be calculated using acceptable event hydrograph methods such as HEC-1 SCS, TR-20, HEC-HMS, TR-55 or Rational Methods.

SECTION 7.4 SITE RUNOFF STORAGE FACILITIES

A. The design for all storm water detention facilities shall be in accordance with professionally accepted hydraulic engineering practices and meet all state and federal agencies Erosion and Sedimentation Control standards and requirements.

B. The facilities shall be located in perpetual, unobstructed public easements of appropriate width and shall be accessible and easily maintained. They shall be shown on the subdivision plat.

C. The developer must provide documentation that agreement with the property owners will assume all liability for the maintenance and operation of the storm water facilities.

D. The facility shall provide 2 feet of freeboard for water surface depths above the base flood.

E. All design detention volume shall be provided above the seasonal high ground water table or invert elevation of the groundwater control system.

F. Storage facilities shall facilitate sedimentation and catchment of floating material.

G. Storage facilities shall minimize impacts of storm water runoff on water quality by incorporating best management practices.

H. Storage facilities shall maximize the distance between inlets and outlets, to the extent possible.

I. Storage facilities shall be designed to provide an emergency spillway in the event that the existing pre-development peak runoff rate from the 100-year, 24 hour duration rainfall is exceeded assuming the primary restrictor is blocked and the design detention volume is not effective (basin filled).

J. Storage facilities with single pipe outlets shall have a minimum inside diameter of 12 inches. If design release rates necessitate a smaller outlet, structures such as perforated risers, or flow control orifices shall be used. Outlets shall be designed for peak runoff rate using the 25-year, 24 hour duration rainfall.

K. Appropriate treatment for ditch lines shall be applied as required by the West Virginia Department of Environmental Protection.

SECTION 7.5 HYDROLOGY

The following table shall be used in determining average 24-hour precipitation for the various frequencies:

Frequencies (years)	1	2	5	10	25	50	100
	2.40	2.77	3.56	4.10	4.75	5.25	5.68

SECTION 7.6 STORMWATER PEAK FLOW BASIS

A. Storm water drainage and erosion controls shall be provided based on peak flows resulting from the year frequencies occurring over the contributing watersheds as noted:

1. Erosion and Sediment Control - Use 10 year frequency and entire contributing watershed.
2. Floodplains - Use 100 year frequency and the entire contributing watershed.
3. Storm Drain Pipes and Ditch lines - Use 10 year frequency and the entire contributing watershed.

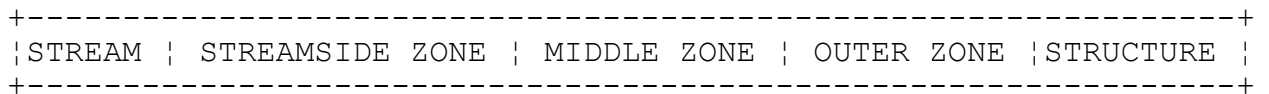
SECTION 7.7 FILTER STRIP

A. Definition - A strip or area of vegetation for removing sediment, organic matter, and other pollutants from runoff and waste water.

B. Purpose - To control runoff or wastewater by filtration, deposition, infiltration, absorption and decomposition, thereby reducing flooding and protecting the environment.

C. Applicability - Applies at developments adjacent to ponds, streams, lakes and other waterways. It also applies when a vegetated filter is required as part of a waste management system, or as a part of a forestry operation to reduce sediment entering waterways.

D. Buffer Management Zones - Buffers between the stream and development minimizes adverse impacts to streams and other waterways due to impervious areas, pollutant runoff from parking areas and roads. Damage to the ecological function of the waterway is reduced if buffer zones are maintained. A Buffer Zone Management system required by the planning commission shall be utilized as follows:



Streamside Zone Requirements

Width - Minimum 25 feet plus wetlands and/or Floodplain.

Vegetative Target - Undisturbed mature forest or vegetation.

Allowable Uses - Very Restricted to Flood Control, Utility easements.

Middle Zone Requirements

Width - Minimum 25 feet plus Floodplain.

Vegetative Target - Managed forest or vegetation.

Allowable Uses - Restricted to Recreational Use, Storm water Control.

Outer Zone Requirements

Width - Minimum 25 foot setback from structures.

Vegetative Target - Forest/woodlands or turfgrass.

Allowable Uses - Unrestricted for Lawns, Storm water Controls.

ARTICLE 8 NON-RESIDENTIAL SUBDIVISION REQUIREMENTS

SECTION 8.1 GENERAL REQUIREMENTS

A. Non-residential subdivisions shall be subject to all requirements of these regulations except those requirements which are specifically for residential subdivisions.

B. Non-residential subdivision proposals shall demonstrate to the satisfaction of the planning commission that the streets, parcels and lot patterns proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity.

C. Street right-of-ways and pavement shall be adequate to accommodate the type and volume of traffic for the development.

D. Special requirements may be imposed by the planning commission with respect to drainage, streets, curbs, parking and other aspects of the development which they may deem necessary to protect the community.

E. Every effort shall be made to protect adjacent residential and rural areas from potential nuisances.

F. Streets carrying non-residential traffic shall not be extended to the boundaries of adjacent existing or potential residential areas.

G. Commercial and Industrial sites shall comply with the respective requirements of the Raleigh County Zoning Ordinance, unless specifically listed in this article.

SECTION 8.2 COMMERCIAL/INDUSTRIAL SITE PLAN REQUIREMENTS

A. Entrances

1. Written approval shall be given by the West Virginia Department of Highways and shall meet their requirements.

2. Entrance Width Limits are as follows:

Minimum One-way	12 feet	Maximum One-way	20 feet
Minimum Two-way	25 feet	Maximum Two-way	40 feet

B. Off-Street Parking and Loading

Off-street parking and loading shall meet the requirements of the Raleigh County Zoning Ordinance.

C. Signage and Lighting

Signage and lighting shall conform with the Raleigh County Zoning Ordinance and the West Virginia Department of Highways regulations.

D. Minimum lot size

Development Type	Public Water Available	Public Sewer Available	Lot Area per Business	Minimum Lot Front
Commercial	Yes	Yes	4,500 sf	80 feet
	Yes	No	*	100 feet
	No	Yes	5,000 sf	90 feet
	No	No	*	120 feet
Industrial	Yes	Yes		100 feet
	Yes	No		100 feet
	No	Yes		100 feet
	No	No		150 feet

* Lot area to be determined by Raleigh County Health Department.
 NOTE: Lot area does not include road right-of-way.
 The Raleigh County Health Department may recommend an increase or decrease in lot area.

ARTICLE 9 MAINTENANCE ASSOCIATION; STREET MAINTENANCE AGREEMENT

SECTION 9.1 PURPOSE

The purpose of the maintenance association and street maintenance agreement is to provide a vehicle for the operation and maintenance of certain facilities located in the subdivision, including but not limited to, central water system, central sewer system, streets, sidewalks, recreational areas and facilities and other improvements necessary for the protection of the health, safety and welfare of the general public.

SECTION 9.2 POLICIES AND BY-LAWS

The maintenance association and street maintenance agreement shall establish policies and by-laws in relation to membership, meetings, assessments, enforcement and other provisions which are pertinent to carry out the requirements and protect the integrity of the subdivision.

SECTION 9.3 EXCEPTIONS

A. A subdivision of five (5) lots or less, and not served by a central water or central sewer system, a street maintenance agreement may suffice if approved by the planning commission.

B. When a subdivision has access to a public water and public sewer system, a street maintenance agreement may suffice if approved by the planning commission.

SECTION 9.4 STREET MAINTENANCE AGREEMENT

A. Street maintenance agreements shall be binding on all property owners.

B. Street maintenance agreements activities, at a minimum, shall include: drainage, street maintenance/repair and snow removal.

C. Any person who owns fifty (50) per cent or more of the number of lots within the subdivision shall be the Street Maintenance Manager and be responsible for the street maintenance.

When no person owns fifty (50) per cent or more of the number of lots within the subdivision, the property owners become responsible for the street maintenance.

ARTICLE 10 DEFINITIONS

SECTION 10.1 INTERPRETATIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

A. The word "person" includes an individual, firm, trust association, organization, partnership, company or corporation.

B. The "present tense" includes the future tense, the "singular number" includes the plural, and the "plural number" includes the singular.

C. The word "shall" is mandatory, the word "may" is permissive.

D. The words "used" or "occupied" includes the words intended, designed or arranged to be used or occupied.

E. The word "lot" includes the words plot or parcel.

F. The word "County" means Raleigh County, West Virginia and the word "State" means the State of West Virginia.

SECTION 10.2 TERMS NOT DEFINED

Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

SECTION 10.3 DEFINITIONS

Abandonment - The relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one (1) year.

Accessory - Incidental to another use or structure on the same lot.

Accessory Apartment - A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

Aggrieved or Aggrieved person - A person who is 1) denied by the planning commission or the board of zoning appeals, in whole or in part, the relief sought in any application or appeal; or 2) has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county may suffer.

Agriculture - The use of land or structures for agricultural purposes including farming, dairying, pasturage, horticulture, floriculture and the breeding, feeding and marketing of livestock. A home garden accessory to a residence shall not be considered agriculture.

Alley - A public thoroughfare having a maximum width of twenty (20) feet which affords only a secondary means of access to abutting property.

All-Terrain Vehicle (ATV) - Any motor vehicle designed for off-highway use and designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

Amendment - Any repeal, addition or revision to a regulation.

Apartment - A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

Buffer - A relatively narrow strip of land covered with sufficient screening to prevent visual access and reduce noise intensity from one area to another.

Building - A structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property.

Building Height - The vertical distance measured from the proposed finished grade at the front of the building to the highest point of the rooftop.

Business - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Commercial - Any wholesale, retail, or service business activity established to carry on a trade for a profit.

Community Center - Non-profit community entertainment, recreation and meeting place.

Conditional Use - A use which because of special requirements or characteristics may be permitted in a particular zoning district only after review by the board of zoning appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the zoning ordinance.

Construction Bond/Performance Bond - A written instrument with a clause binding a sub-divider to pay a certain penalty (or a portion thereof) to the county commission for non-completion of improvements required within the subdivision. The Bond is secured by a Surety, by cash in escrow, or by other means satisfactory to the Raleigh County Planning Commission.

Contiguous - Lots, parcels, municipal or county boundaries, that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Street, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal or county boundaries as contiguous.

Covenant - A written promise or pledge.

Cul-De-Sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

Cultural Services - A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

Day Care Center - Any facility operated for the purpose of providing care, protection and guidance to five (5) or more individuals during only part of a twenty-four hour day. This includes nursery schools, preschools, day care centers for individuals, and other similar uses. Excluded are public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

Day Care Home - A single family dwelling in which five (5) or more individuals, are received for care, protection and guidance during only part of a twenty four hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards the total. The care of less than five individuals for portions of a day shall be considered a home occupation.

Developer (or Sub-divider) - Any individual, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land for himself or for another.

Dwelling - Any building which contains one or two "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

Dwelling, Multi-family - A building designated for or occupied exclusively by three (3) or more families independently of each other.

Dwelling, Single-family - A building designed for or occupied exclusively for one (1) family.

Dwelling, Two-family - The use of an individual lot for two dwelling units, which share at least one common wall, each occupied by one family.

This may also be referred to as a duplex.

Dwelling Unit - One or more rooms designed for living or sleeping purposes, and having at least one (1) kitchen and lawfully required sanitary facilities.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Educational Facilities, College/University - An institution authorized by the State of West Virginia to award associate, baccalaureate or higher degrees, and facilities associated with it. Included are academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college or university use.

Educational Facilities, Primary/Secondary - A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the State of West Virginia.

Essential Utilities and Equipment - Underground or overhead electrical, gas, communications not regulated by the FCC, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone structures, police call boxes, traffic signals, hydrants, regulating and measuring devices and structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories: 1) Local serving; 2) Non-local or transmission through the county; 3) Water and Sewer systems, the

activities of which are regulated, in whole or in part, by one or more of the following: Public Service Commission; Department of Environmental Protection; or the Department of Health and Human Services.

Existing Use - Use of land, buildings or activity permitted or in existence prior to the adoption of zoning maps or ordinances by the county. If the use is nonconforming to local ordinance and lawfully existed prior to adoption of the ordinance, the use may continue to exist as a nonconforming use until abandoned for a period of one year: Provided, that in the case of natural resources, the absence of natural resources extraction or harvesting is not abandonment of the use.

Factory-built homes - Modular and Manufactured Homes.

Factory-built home rental community - A parcel of land under single or common ownership upon which two or more factory-built homes located on a continual, non-recreational basis together with any structure, equipment, road or facility intended for use incidental to the occupancy of the factory-built homes, but does not include premises used solely for storage or display of uninhabited factory-built homes, or premises occupied solely by a landowner and members of his family. (37-15-2)

Factory-built home site - A parcel of land within the boundaries of a factory-built home rental community provided for the placement of a single factory-built home and the exclusive use of its occupants. (37-15-2)

Farm - Land of not less than five (5) acres used for agricultural or horticultural purposes or for the raising of domestic animals or fowl whether for profit or hobby.

Farm Building - Any building used for the housing of agricultural equipment, products, livestock or poultry or for the incidental or customary processing of farm products.

Farm Dwelling - A building or dwelling unit designed for or occupied exclusively by a farm family.

Flood-prone area - Any land area susceptible to repeated inundation by water from any source.

Floor area - The total number of square feet of floor space within the exterior walls of a building not including space in cellars or basements.

Garage Apartment - A private, detached garage that has one dwelling unit located in the story above the automobile parking story.

Garage, Private - Accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is an accessory.

Garage, Public - A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

Garden Center - Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential and commercial consumers. This includes nurseries, plant stores and lawn and garden centers.

Group Residential Facility - A facility which (1) provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors, or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the department of health or the department of human services; and (4) complies with the state fire commission for residential facilities. (27-17-1)

Guest Room - A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.

Historic District - A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

Historic Site - The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on national, state or local register.

Home Garden - A garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupant of the premises.

Home Occupation - must meet all the following criteria, (1) Business operator must be a member of the family living in the dwelling; (2) No employees are allowed, except a member(s) of the family living in the dwelling; (3) Shall not create noise, emissions, or electrical interference consistently offensive to adjacent residents; (3) The volume of traffic shall not be greater than would be expected in the residential area; (4)

Commercial or Industrial inventory or supplies shall be enclosed within a building, privacy fence or otherwise obscured from view. Home Occupations does not include automobile/truck garages, repair shops, or paint shops; Auto sales; Auto parts sales; Welding/fabricating shops.

House Trailer - All trailers designed and used for human occupancy and commonly referred to as mobile homes or house trailers, and shall include fold down camping and travel trailers as these terms are defined in this ordinance, but only when such camping and travel trailers are located in a factory-built home rental community, as defined in this ordinance. (37-15-2)

Infill Development - To fill in vacant or underused land in existing communities with new development that blends in with the surroundings.

Kennel, Commercial - Any land or structures used for the sale, rental, boarding, breeding or training of domestic animals not owned by the owner occupant of the premises, and/or for profit.

Kennel, Private - Any land or structures used for the boarding, breeding or care of domestic animals belonging to the owner or occupants of the property and kept for the purposes of show, hunting or as pet, and for which there is no commercial gain.

Land Development - The development of one or more lots, tracts or parcels of land by any means and for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.

Landscaping - The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass and other vegetation.

Letter of Credit - A letter from a West Virginia Chartered Bank stating that the bank shall pay the costs of construction and maintaining required improvements when the sub-divider in whose name the letter is issued has not complied with such improvements.

Livestock - Cattle, horses, swine, sheep, goats or any other animal of the bovine, equine, porcine, ovine or caprine species, and domestic poultry.

Livestock Dealer - A person other than a livestock producer who buys, receives or assembles livestock for resale, either for his/her own account or that of another person.

Livestock Market - A commercial establishment wherein livestock is collected for sale and auctioned off.

Location Improvement Permit - A certificate issued for the erection, relocation, enlargement or alteration of a structures or uses thereof in conformity with provisions of these regulations.

Location Map/Vicinity Map - A drawing located on the plat which shows the general area the subdivision will be located in.

Lot - A tract of land occupied or intended to be occupied by a principal building or group of buildings and its accessory buildings and uses, including open spaces and having frontage on a public street.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection.

Lot, Depth of - The average horizontal distance between the front and rear lot lines.

Lot, Interior - Any lot other than a corner lot.

Lot of Record - A written or graphic description of a parcel of land which has been recorded in the office of the County Clerk.

Lot, Width - The average horizontal distance between side property lot lines or the horizontal distance between side property lines measured at the setback line.

Manufacturing - The assembling, altering, converting, fabricating, finishing, processing or treatment of a product.
Manufactured Home - Housing built in a factory according to federal manufactured home construction and safety standards effective June 15, 1976.

Mobile Home - A transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to the enactment of the federal manufactured housing construction and safety standards institute (ANSI)- A119.1 standards for mobile homes. (37-15-2)

Modular Home - Housing built in a factory that meets state or local building codes where the homes will be sited.

Motor Home - Every vehicle designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on a incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home built on an incomplete van or truck chassis with the cab constructed by the chassis manufacturer. (17A-6-1)

Nonconforming Lot - A lot where the area, dimensions or location does not conform to the regulations and uses as set forth in this ordinance for the district in which it is located.

Nonconforming Use - The use of a building or land that does not conform to the regulations and uses as set forth in this ordinance for the district in which it is located.

Nursery/Child Care Center - A building used for the commercial care of three (5) or more children not members or wards of the family.

Nursing/Convalescent Home - A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants but not including a hospital or mental health center.

Obligee - A person in favor of whom an obligation is contracted.

Occupancy - The period during which one owns, rents, uses, or occupies a certain premises or land.

Open Space - Land within a proposed development site excluding areas devoted to buildings, structures, roadways and parking.

Parking Lot Area - The square foot area of the parking spaces and isles and interior parking lot islands, excluding access drives that do not have parking spaces within them.

Parking, Off-street - An off street area suitable for vehicular parking and having access to a street.

Parks, Playgrounds and Outdoor Recreation Areas - Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise or competitive sport not requiring structures for habitation.

Permitted Use - Any use allowed within a zoning district, subject to the restrictions applicable to that zoning district and not a conditional use.

Person - An individual, partnership, corporation, association or other legal entity.

Plan - A written description for the development of land.

Plat - A map of the land development.

Plat, Final - The final version of a land subdivision which is prepared according to the provisions of these regulations.

Plat, Preliminary - A professionally prepared drawing of a subdivision which contains information concerning the proposed development.

Preferred Development Area - A geographically defined area where incentives may be used to encourage development, infill development or redevelopment in order to promote well designed and coordinated communities.

Prohibited Use - A use of a building, structure, lot or land or part thereof which is not listed as a Permitted or Conditional Use for the District in which located.

Public Place - Any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a governing body or unit of government.

Recreation, Commercial - Recreation facilities operated as a business and open to the general public for a fee.

Recreation, Private - The use of land by the owner for recreational pursuits.

Recreation, Private, Non-Commercial - Clubs or recreational facilities operated by a non-profit organization and open only to bona fide members of such non-profit organization.

Registered Professional Surveyor - Any person registered to practice professional engineering or land surveying by the State of West Virginia as specified by the West Virginia State Code.

Resubdivision - A change in a recorded subdivision plat altering the dimensions of lines and properties, or altering any terms, conditions or performance requirements under which the subdivision was originally approved and recorded.

Riding Academy - Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Rights-of-way - A right which grants passage across or through property.

Roadside Stand - A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which the stand is located.

Salvage - Old or scrap copper, brass, rope, rags, batteries, paper, rubber, trash, waste, junked, dismantled or wrecked machinery, machines or motor vehicles, iron, steel and other old or scrap ferrous or nonferrous materials.

Salvage yard - Any place which is maintained, operated or used for the storing, keeping, buying, selling, or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard.

Sawmill - A machine and its appurtenances for the purpose of processing timber from the property or from its environs without regard to point of origin.

Setback - The horizontal distance in feet from the street line to the principal building on a lot.

Shooting Range - The use of land or structure for archery and/or the discharging of firearms for the purpose of target practicing, skeet and trap shooting, mock war games, or temporary competitions.

Sign - A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land or affixed to the glass of a window or door so as to be seen from the outside of the building and which directs attention to an object, product, place, activity, person, institution, organization or business.

Sprawl - Poorly planned or uncontrolled growth, usually of a low-density nature, within previous rural areas, that is land comsumptive, auto-dependent, designed without respect to its surroundings, and some distance from existing development and infrastructure.

Stables, Commercial - The boarding, breeding or raising of horses or ponies not owned by not owned by the owner or occupant of the property.

Stables, Private - The keeping, breeding or raising of horses or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property.

Street - Streets, avenues, boulevards, highways, roads, lanes, alleys and all public ways.

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

Subdivision - The division of a lot, tract or parcel of land into two or more lots, tracts or parcels of land, or the recombination of existing lots, tracts or parcels.

Subdivision, Family Member Lot Split - A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner shall be allowed and shall not be for the purpose of circumventing these regulations. A member of the immediate family is defined as any person who is

natural or legally defined offspring, spouse or parent of the owner. The Lot Split may be processed by an individual designated by the planning commission and shall comply with Section 3.3.

Subdivision, Major - More than five (5) lots, any of which is less than five (5) acres, including the original tract.

Subdivision, Minor - Proposed division of land involving no more than five (5) lots, after the original parcel has been subdivided, any one which is under five (5) acres (inclusive of the remainder parcel).

Subdivision, Planned Unit Development (PUD) - A subdivision in which land is designated for planned residential, recreational, business and industrial development. The planned development provisions are intended to encourage original and imaginative development which preserves the natural amenities of the site and provide for the general welfare of the county.

Townhouse - A group of three or more attached single family dwellings in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from adjacent units by a vertical wall with no openings.

Travel Trailer - Every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than four hundred square feet.

Truck Stop - A heavy commercial activity located in proximity to major highway routes or interchanges. This business is basically for the refueling and repairing of trucks and the provision of restaurant and sleeping facilities.

Unified Shopping Facility - Any tract of land upon which two (2) or more retail sales establishments are located and developed as a unit with accessory parking facilities. Unified shopping facilities are distinguished from miscellaneous collections of individual stores developed independently and standing on separate parcels along street frontages or clustered in a contiguous area with or without incidental off-street parking.

Unit of Government - Any federal, state, regional, county or municipal government or governmental agency.

Utility - A public or private distribution service to the public that is regulated by the public service commission.

Variance - A relaxation of the regulation of this ordinance granted on grounds of practical difficulties of unnecessary hardship not self-imposed.

Yard, Front - An open space extending the full width of the lot between a building and the front lot line unoccupied and unobstructed from the ground upward except as allowed by this ordinance.

Yard, Rear - An open space extending the full width of a lot between a building and the rear lot line unoccupied and unobstructed from the ground upward except as allowed by this ordinance.

Yard, Side - An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and unobstructed from the ground upward except as allowed by this ordinance.

Zoning - The division of a county into districts or zones which specify permitted and conditional uses and development standards for real property within its districts or zones.

Zoning Officer - The Zoning Officer (Administrative Officer) or his/her authorized representative appointed by the County Commission of Raleigh County, West Virginia.

Zoning Map - A map or maps that geographically illustrates all zoning district boundaries within the county, as described by the zoning ordinance, and which is certified as the official zoning map(s) for the county.

ARTICLE 11 FORMS FOR SUBDIVISION APPROVAL

FORM S-1 CHECKLIST FOR SUBDIVISION APPROVAL

- _____ Application, with Filing Fee of \$100.00 (FORM S-2)
- _____ Copy of Deed of Subdivision Area
- _____ Preliminary Plat (FORM S-3)
- _____ Listing of Adjoining Property Owners (FORM S-4)

CHECKLIST FOR CONDITIONAL/FINAL APPROVAL

- _____ Final Plat (FORM S-5)
- _____ Affidavit of Publication of Notification
- _____ Certificates of Approval (FORM S-6)
- _____ DOH Entrance Permit
- _____ Health Dept - PSD - PSC Water System
- _____ Health Dept - PSD - PSC Sewer System
- _____ DEP NPDES
- _____ EOC Addressing
- _____ Utility Letters
- _____ Homeowners Association and/or Road Maintenance Agreement
- _____ Construction Bond
- _____ Deed Examination, property is not restricted for proposed use
- _____ Engineer/Surveyor Certification development meets final plat.

FORM S-2 SUBDIVISION APPLICATION
Application Fee \$100.00

DATE: _____

OWNER: _____

ADDRESS: _____

AGENT (if applicable): _____ Telephone No. _____

AGENT'S
ADDRESS: _____

PROPERTY ADDRESS AND LOCATION: _____

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

TOTAL AREA (in acres): _____

LEGAL DESCRIPTION OF PROPERTY: Deed Book Number _____

Page Number _____

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

CURRENT ZONING: _____ REQUESTED ZONING _____

PROPOSED USE OF PROPERTY: _____

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

SIGNATURE OF OWNER: _____

SIGNATURE OF AGENT (if applicable): _____

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

My commission expires: _____

SEAL

NOTARY PUBLIC

The preliminary plat shall be drawn at a scale not less than one hundred (100) feet to the inch.

PRELIMINARY PLAT CONTENTS

The preliminary plat shall contain the following information:

A. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the county.

B. Names of the owner, sub-divider, and registered professional surveyor who prepared the plat, and appropriate registration numbers and seals.

C. Date of survey, Scale of the plat, north point.

D. Boundaries of the subdivision and its acreage.

E. Flood Zone and boundaries if located in floodplain.

F. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.

G. Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings and corporations.

H. Direction of proposed water flow by arrows.

I. Location and dimensions of all existing and proposed utility and sewer lines, showing their connections with the existing system.

J. Location, names, and widths of proposed streets and easements. Street names shall be approved by EOC/911 Center to not duplicate or closely approximate the name of any other street within the area.

K. Building front setback lines with dimensions and rear and side line setback distances stated for each lot.

L. Layout, numbers, and approximate dimensions of each lot. When a lot is located on a curved street or when side lot lines are not at ninety (90) degree angles, the width of the property lines shall be shown.

M. Contours at intervals of not more than two (2) feet in level or sloping terrain and not more than five (5) feet in steep terrain. Elevations shall be based on the North American Vertical Datum of 1988 (NAVD 88). Interpoations from USGS maps are not permitted.

N. Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.

O. A vicinity map at a scale of not less than (5,280) feet to the inch shall be shown on, or accompany, the preliminary plat.

FORM S-4 ADJACENT PROPERTY OWNERS

All adjoining owners of property must be listed below and designated on the Preliminary Plat.

Map ID	Property Owner	Mailing Address

I, the undersigned, hereby certify this listing is correct and contains all current adjoining property owners, as shown by courthouse record, of the proposed subdivision.

Registered Professional Engineer/Surveyor

SEAL

In addition to those items required on the Preliminary Plat, the final plat shall contain the following information:

A. Plats shall be based on the "West Virginia Coordinate System of 1983 South Zone", with angular and lineal dimensions. All dimensions, both lineal and angular shall be determined by an accurate control survey in the field which must balance and close within the limit of one (1) in ten thousand (10,000). All plat distances shall be by horizontal measurement and not by grid measurement.

B. Bearings and distance to nearest established street lines or other recognized permanent monuments.

C. Exact location, rights-of-way, and names of all streets within and adjoining the plat, and building setback lines.

D. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, of all applicable streets within the plat area.

E. Location and/or statement of adequate outlet for storm sewer.

F. Easements and rights-of-way provided for public services or utilities.

G. Lot numbers and lines with accurate dimensions in feet and hundredths.

H. Accurate location and description of all monuments and pins. At least two (2) monuments shall be provided with the "West Virginia Coordinate System of 1983 South Zone" coordinate values expressed in feet and decimals of a foot and labeled on the face of the plat along with the grid factor. One of these distances, to be known as the "X-Coordinate" shall give the position in an east and west direction. The other, to be known as the "Y-Coordinate" shall give the position in an north and south direction.

I. Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.

J. Certification by registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct.

K. Any section lines, corporation limits, township and county lines shall be accurately documented and located on the plat and their names lettered thereon.

L. Location of permanent facilities and easements used for drainage control such as detention ponds, retention ponds, infiltration beds, etc.

M. The Planning Commission requires that three (3) copies of the final plat be submitted (without contours) for recordation, one with contours, one 11x17 (without contours) and a digital copy in AutoCad (.dwg) format for the file records.

- A. Appropriate certificates of approval (entrance permits) from the West Virginia Division of Highways.
- B. Appropriate certificates of approval from State and local health authorities concerning water/sewer systems.
- C. Appropriate agreements between the County Public Service District (if applicable) and the developer.
- D. Appropriate certificates of approval from the State Division of Environmental Protection (NPDES Permit).
- E. Evidence that the West Virginia Public Service Commission has been notified in writing of intentions to construct and operate water/sewer systems.
- F. Letter from Emergency Operations Center that compliance with Street Naming and Physical Addressing is met.
- G. Letter(s) from all appropriate utilities that service is available.
- H. Certification that the subdivision of land is not prohibited by any prior agreements, restrictions or deed covenants
- I. Certification from engineer/surveyor that the roads, cul-de-sacs, right-of-ways, parcels and utilities of the proposed plat are developed as presented on the final plat map.

RALEIGH COUNTY PLANNING AND ZONING COMMISSION

NOTICE OF PUBLIC HEARING

Notice is hereby given that on the _____ day of _____, 20____, in the County Commission Courtroom, 116 1/2 North Heber Street, Beckley, West Virginia at _____ p.m., the Planning and Zoning Commission of Raleigh County, West Virginia will hold a public hearing upon the application of _____ (applicant name)

for the purpose of _____ (accurate description of purpose)

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

Any person wishing to be heard concerning this matter should be present at the time and place indicated above. Written comments concerning this matter received by _____ will be considered. Written comments should be sent to: Raleigh County Planning and Zoning Commission, 116 1/2 North Heber Street, Beckley, West Virginia 25801. A copy of the application for public review is on file in the office of the County Commission at the address listed above.