

ARTICLE 1335
Subdivisions

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CROSS REFERENCES

Subdivision ordinances authorized - see W.Va. Code 8A-4-1
Contents of subdivision ordinance - see W.Va. Code 8-24-50(b)
Jurisdiction of planning commissions - see W.Va. Code 8A-5-1

1335.01 GENERAL PROVISIONS.

(a) Purpose.

The procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, prescribed by this Chapter, are found by Council to be necessary to promote the public safety, health, and general welfare, to provide for suitable residential neighborhoods with adequate streets and utilities and appropriate building sites, to save unnecessary expenditures of public funds by reserving space for public lands and buildings and by proper construction of streets and utilities, and to provide proper land records for the convenience of the public and for better identification and permanent location of real estate boundaries.

(b) Definitions.

- (1) Subdivision means all divisions of a tract or parcel of land divided into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving the opening or construction of a new street or change in existing streets, provided, however, that the following shall not be included:
- (A) The division of land into parcels greater than five acres where no street right-of-way dedication is involved.
 - (B) The public acquisition of strips of land for the widening or opening of streets.
 - (C) A plat amendment of land in cases where plats with final approval had been granted and the lot sizes are increased. In such cases the subdivider shall file with the Engineer an amended plat.

- (2) Subdivisions will be divided into two categories: Major Subdivisions and Minor Subdivisions.
 - (A) Major Subdivision: Any subdivision not classified as a minor subdivision, and requiring new streets or the extension of any off-tract improvements.
 - (B) Minor Subdivision: Any subdivision of land involving the creation of fewer than five platted lots. Properties that are classified as minor subdivisions shall not be permitted to further subdivide.
- (3) Resubdivision. Whenever a developer desires to resubdivide property lot lines on an already approved final subdivision plat, the developer shall first obtain approval for the resubdivision by the same procedures prescribed for the subdivision of land. Resubdivision is a type of subdivision involving any of the following:
 - (A) Any change in any street layout or any other public improvement;
 - (B) Any change in any lot line, whether combining lot lines or creating new lots, except where the lot sizes are increased (see plat amendment below);
 - (C) Any change in the amount of land reserved for public use or the common use of lot owners;
 - (D) Any change in any easements shown on the approved plat.
- (c) Planning Commission Authority and Actions.
 - (1) Authority. The Planning Commission of Nutter Fort, West Virginia (hereinafter "Planning Commission") is vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land, including sketch, preliminary, and final plats. The Planning Commission may grant variances from these regulations pursuant to the provisions below.
 - (2) Approval of Plat Required. Before any real property located within the Town or lands that abut thereon, is subdivided and offered for sale, and before a plat for such property is recorded in the Office of the County Clerk of Harrison County, the subdivision plat shall be approved by the Planning Commission, and such approval entered on the plat by the Chairman, after first having been submitted to the Commission in accordance with the provisions of this chapter.
 - (3) Amendments. For the purpose of protecting the public health, safety, and general welfare, the Planning Commission may from time to time propose amendments to this Chapter which shall then be approved or disapproved by the City/Town Council at a public meeting following public notice.
 - (4) Hardship. Where the Planning Commission finds that extraordinary hardship may result from strict compliance with this Chapter because of peculiar conditions pertaining to the land in question, it may vary the requirements so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Chapter. In

- granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified after approval of Council.
- (5) Appeal. If the subdivider disagrees with the action taken on his proposal by the Planning Commission, he may appeal such action to Council within thirty days of the time such action was taken. The applicant shall file a Notice of Appeal with the Council, with a copy to the Planning Commission, no later than ten days after the date on which the Planning Commission notifies the applicant that it has disapproved the sketch, preliminary, or final subdivision plat. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The appeal shall be considered at the next regularly scheduled public meeting of the Council, at which time it may affirm or reverse the decision of the Planning Commission. The Council may reverse the decision of the Planning Commission only by a unanimous vote of the Council members present at the meeting. If the Council reverses the Planning Commission, the applicant may proceed to submit a preliminary or final plat as appropriate under the conditions for approval agreed to by the Council.
 - (6) No proposed changes, erasures, modifications, or revisions shall be made to any final plat of a subdivision after approval has been granted by the Planning Commission and endorsed in writing on the plat, unless said proposed changes, erasures, modifications, or revisions are submitted to the Planning Commission for approval.
- (d) Guarantee of Improvements.
- (1) Guarantee Bond or Letter of Credit. As a condition of the acceptance by the Planning Commission of a subdivision and the streets and sidewalks constructed therein, the subdivider shall agree that he will guarantee all streets and sidewalks within his subdivision against any and all defects in workmanship and material for a period of two years from the date of such acceptance by the Planning Commission. The City/Town Engineer, when in his opinion the same shall be necessary for the protection of the City/Town, may require such subdivider to furnish and file with the Town Clerk a cash bond or bond with proper surety or a letter of credit in the amount of ten percent (10%) of the cost of construction of such streets and sidewalks, conditioned upon the failure of such subdivider to construct such streets and sidewalks without defects in workmanship and material for such period of two years.
 - (2) Inspection of improvements. The applicant shall pay to the City/Town an inspection fee based on the estimated cost of inspection, and where the improvements are completed prior to final plat approval, the subdivision plat shall not be signed by the Chairman of the Planning Commission unless the inspection fee has been paid at the time of application. These fees shall be due and payable upon demand of the City/Town. No building permits or certificates of occupancy shall be issued until all fees are paid.

If the City/Town Engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the municipality's construction standards and specifications, the applicant shall be responsible for properly completing the improvements. The City/Town Engineer shall arrange for inspection of required improvements during construction and ensure their satisfactory completion.

- (e) Performance Bond, Assurances, or Other Security; Start of Construction.
- (1) A statement shall be placed on all subdivision plans approved by the Planning Commission to the effect that the owner(s) agree(s) to comply with the plan and all conditions noted thereon. The installation of required site improvements (all roads, paved areas, drainage, utilities, outdoor lighting, open space and recreation, landscaping and screening including planting) which are an integral part of the approved plan may be guaranteed by cash, performance bond, letter or credit, or other acceptable guaranty approved by the City/Town Council. In the event that a satisfactory guaranty is not provided within ninety days of the date of the resolution, the subdivision plan shall be null and void. A guaranty of the improvements shall be for 100 percent of the cost of improvements.
 - (2) The said cash, performance bond or other acceptable guaranty shall be conditioned on the completion of said work set forth on the approved subdivision plan in a manner satisfactory to the Planning Commission; and upon the proper functioning of said systems for a period of one year from their completion. In default thereof, the said guaranty shall be forfeited; and the Town of Nutter Fort shall use the amount thereof to complete any incomplete portion of the said work or to make sure repairs are undertaken as are necessary to assure the proper functioning of said improvements. If any amount of money remains after the Town of Nutter Fort has completed said work, such excess money will be returned to the surety or the person putting up the required deposit. The installation of all improvements shall be under the direct supervision of a West Virginia State registered architect, landscape architect, or professional engineer.
 - (3) To obtain a building permit, an applicant shall provide to the Building Inspector proof of acceptance of guaranty by the Planning Commission. No part of the guaranty shall be released until all of the requirements of subdivision plan approval have been met, including the construction and completion of all site improvements, and their inspection and approval by the Town. (Regarding the start of construction or infrastructure improvements, see Section 3.02D and 3.04G.)
 - (4) The site improvements shall be fully completed in accordance with the approved plan before any new building, structure or outdoor use shown on the approved subdivision plan is occupied or used, or any existing building shown on the approved subdivision plan is occupied with a new use. No certificate of occupancy shall be issued until all improvements shown on the approved subdivision plan are installed and an as-built drawing submitted to the Building Inspector.

- (5) The applicant or his developer or builder may begin infrastructure construction if preliminary subdivision plan approval has been granted and if a bond, letter of credit, cash, or other acceptable guaranty has been accepted by the Town of Nutter Fort, as per Section 1.05.

(f) Consultation with Other Agencies, Departments, and Consultants.

In its review of an application for subdivision approval, the Planning Commission may consult with or require the applicant to consult other Town of Nutter Fort officials, agencies, and its (the Planning Commission's) designated private consultants, and with representatives of county, state and federal agencies, including but not limited to the State Department of Transportation, the State Health Department, the Department of Environmental Conservation, and the Army Corps of Engineers, as needed.

(g) Reimbursable Costs for Subdivision Review.

- (1) Reasonable costs incurred by the Planning Commission for private consultation fees or other extraordinary expense in connection with the review of a proposed subdivision plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the application fee required. Maximum amounts for such reimbursable costs by project type and size shall be in accordance with the fee schedule established by the City/Town Council. Said fee schedule shall include the requirement that an escrow account be established upon the Planning Department's receipt of the application to cover the anticipated costs for such consultant review and other expenses.
- (2) Inspection of Improvements. The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with the Planning Administrator, the designated Town of Nutter Fort Engineer and other local officials and agencies as may be appropriate. Reasonable expenses incurred by the village for inspections by the designated Town of Nutter Fort Engineer or other appropriate professionals shall, in addition to costs associated with subdivision plan review, be reimbursed to the City/Town by the applicant in accordance with the fee schedule established by the City/Town Council.

(h) Enactment.

- (1) In order that the land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of _____, 2003.
- (2) All applications for subdivision approval pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the municipality unless the Planning Commission determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

1335.02 DEFINITIONS.

(a) Whenever the following terms are used in this ordinance, they shall have the meanings ascribed to them in this section:

Applicant. The owner of the land proposed for subdivision or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundaries.

Buffer. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of naturally existing vegetation or created by the use of trees, shrubs fences, and/or berms, designed to continuously limit view and /or sound from the site to adjacent sites or properties.

City. The Town of Nutter Fort, Harrison County, West Virginia.

City standards. Those standards prescribed for the construction of streets, sidewalks, curbs, gutters, sewers, drains, and water mains and services, as set out in the standard plans and specifications prescribed by the Codified Ordinances and the City/Town Engineer.

Commission. The Planning Commission of the Town of Nutter Fort, West Virginia.

Council. The City/Town Council of the Town of Nutter Fort, West Virginia.

Curb. A vertical or sloping edge of a roadway.

Dedication. An act transmitting property or interest thereto.

Design standards. Standards that set forth specific improvement requirements.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. This includes control of runoff during and after construction or development to minimize erosion and sedimentation to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which that owner of the property shall not erect any permanent structures.

Engineer. The City/Town Engineer of the Town of Nutter Fort, West Virginia.

Grade. The slope of a road, street, or other public way specified in percentage terms.

Lane. A way, the predominant use of which is to provide vehicular service access to the rear or side lot lines of properties abutting the street. Lanes are considered unnecessary in residential developments, but may be required in other developments.

Lot. A parcel or portion of land separated from other parcels or portions by description, as on a subdivision plat or record of survey map, or by metes and bounds as may be found in deeds, mortgages leases, or separate use.

Corner lot. A lot abutting upon two or more streets at their intersection.

Interior lot. A lot bounded by a street on one side only.

Double or reverse frontage lot. An interior lot bounded by a street on front and back. This is also known as a through lot.

Off-tract improvements. Any improvement required of an applicant that is made off-tract (off-site). Such improvement may be a drainage ditch, roadway, sidewalk or other pedestrian way, tree, park, playground, or other recreation area, off-street parking area, or other improvement that the Planning Commission deems necessary to mitigate off-tract impacts created by the development.

Plat. (1) A map representing a tract of land showing the boundaries and location of individual properties and streets; (2) a map of a subdivision.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric or cable transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Screen. A strip at least ten feet wide of densely planted shrubs or trees at least four feet high at the time of planting or subdivision, of a type that will form a year-round dense screen at least six feet high.

Sight distance. The minimum distance in which a driver, whose eyes are assumed to be four and one-half feet above the pavement surface, can see the top of an object four and one-half feet high on the road.

Sight triangle. A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Street. A way for vehicular traffic, whether designated as a street, highway, parkway, thoroughfare, throughway, road, avenue, drive, boulevard, place or however otherwise designated. Business and residential streets are identified by the uses permitted on both sides of the street for any one city block by the Zoning Ordinance.

Major street. A street which connects collector and business streets within the City/Town, the major purpose of which is to move traffic, but may serve secondary purposes.

Collector street. A street which carries traffic from business and residential streets to the major street system, including the principal entrance streets of a development, and streets for circulation within such development or from an outlying district to a section of the City/Town.

Business street. A street, the predominant use of which is to provide access to abutting business or industrial properties.

Residential street. A street, the predominant use of which is to provide access to abutting residential properties.

Cul-de-sac street. A local dead-end residential street, with a maximum length of 500 feet measured from the intersection to the center of the turning circle.

Resubdivision. A replatting or any adjustment in property lot lines which combines lots or creates new lots by other means. This action shall constitute a subdivision as defined.

Subdivision. All divisions of a tract or parcel of land divided into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes all divisions of land involving the opening or construction of a new street or change in existing streets.

1335.03 SUBDIVISION APPLICATION, REVIEW, AND APPROVAL.

- (a) Application Procedure.
- (1) Presubmission. For the purpose of expediting applications and reducing subdivision design and development costs, the applicant may request a presubmission conference, also known as sketch plat. The applicant should meet in person with the Planning Commission and a representative of the Economic and Community Development Department to discuss the proposed concept for the subdivision. The intent of such a conference is to:
 - (A) Classify the proposed subdivision as a major or minor subdivision;
 - (B) Acquaint the applicant with the substantive and procedural requirements of the subdivision ordinance proposal prior to the preparation of a detailed subdivision plat;
 - (C) Identify policies and regulations that create opportunities or pose significant constraints for the proposed development; and
 - (D) Review the proposed concept plan and consider opportunities to improve the plan and mitigate undesirable project consequences.
 - (2) If deemed necessary by the Economic and Community Development Department or Commission, the presubmission applicant may also meet with appropriate municipal representatives. The applicant shall not be bound by the determination of the presubmission conference nor shall the Planning Commission be bound by any such review. The applicant may be required to temporarily stake the property so that the Commission can make a field trip to the subdivision site. The applicant shall provide the following documents as part of the presubmission conference:
 - (A) Application form and disclosure statement.
 - (B) Copies of all prior actions of the City/Town Council, Planning Commission, and all other municipal entities concerning the property proposed to be subdivided or resubdivided.
 - (C) Sketch plat (see Section 3.04 below).
 - (3) Submission. A subdivision plat shall be prepared by a registered architect, licensed landscape architect, licensed land surveyor, licensed engineer, or professional planner. The subdivision plat shall be submitted to the Planning Commission for approval, according to the procedure detailed below. There shall be two types of subdivision plat approval: one for major subdivisions and one for minor subdivisions.
 - (4) Fees. All submissions for subdivision approval shall be accompanied by a fee as established by the City/Town Council to pay for the costs of planning, design, and engineering review. The City/Town Council shall adopt, by resolution and from time to time may amend, but not more than once annually, a schedule of fees payable by an applicant for applications brought before the Planning Commission for determination or action. A check, draft or money order, payable to the Town of Nutter Fort, shall accompany the application for preliminary plat approval.

- (5) The Planning Commission shall establish rules, regulations, and forms for the administrative processing of subdivision applications. The subdivision application and any related information shall be submitted to the Planning Commission, which in the case of a major subdivision, shall forward the application to the Planning Commission for action when such application is complete. Within thirty days of receipt of the application, the Planning Commission shall determine whether said application is deficient. No application shall be accepted by the Planning Commission unless it is complete.
 - (6) Expiration of process. A subdivision application or approval will be deemed to have expired if:
 - (A) A preliminary plat is not submitted within six calendar months of a complete sketch plat.
 - (B) A final plat is not submitted within twelve calendar months of conditional approval of the preliminary plat.
 - (C) Final construction drawings are not submitted within six calendar months of final plat approval.
 - (D) Work authorized under final construction drawings is not commenced and diligently pursued within thirty months of the acceptance of the final construction drawings by the City/Town Engineer.
- (b) Major Subdivision Procedure.
- (1) Preliminary Plat Submission. Four copies of the complete preliminary plat and any supplementary material shall be submitted to the Planning Commission with written application for conditional approval at least thirty days prior to the meeting at which it is to be considered. The following steps in the review and approval process may be undertaken either by the whole Planning Commission or its Subdivision Committee. The term "Commission" used below includes the Subdivision Committee.
 - (2) Preliminary Plat Review, Public Hearing, and Action. The Commission shall review the submitted preliminary plat and other material and negotiate with the subdivider/applicant on changes deemed advisable and the kind and extent of improvements to be made by the subdivider/applicant. During this period, the Commission may require the applicant to obtain the approval of relevant municipal departments and commissions, such as the Department of Public Works. The Planning Commission shall set a date, time, and place for a public hearing, notify the applicant in writing of the public hearing, and notify the general public. Notice of the public hearing shall be made by the City/Town Clerk by Class 1 legal advertisement in a newspaper of general circulation in the Town at least thirty days prior to the date set for the hearing. Due notice of the hearing shall additionally be mailed at the same time as the advertisement to owners of properties abutting the subject property and/or located within 200 feet of the subject property. Following this, the Commission shall, within forty days, act on either the submitted or modified preliminary plat. If the Commission approves the preliminary plat, the Commission shall

express its approval as conditional approval and state the conditions of such approval. If the Commission disapproves the preliminary plat, the Commission shall express its disapproval and its reasons therefore. The action of the Commission shall be noted on the copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy shall be sent to the City/Town Engineer, and one copy shall be retained by the Commission.

- (3) Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Commission and for recording upon the fulfillment of the requirements of this Chapter and the conditions of the conditional approval.
- (4) No street shall be opened, graded, improved or constructed; no water or sewer line shall be constructed; no water or sewer service shall be furnished by the City/Town; nor shall the Building Inspector issue any building permit for any proposed structure upon any land in a subdivision until conditional approval of the subdivision has been granted by the Commission in accordance with the provisions of this Chapter. The City/Town Engineer is authorized and directed to take necessary action to cause to be closed any street opened in violation of this Chapter.
- (5) Final Plat Submission. The final plat shall conform substantially to the preliminary plat and conditional approval. If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat that he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these Subdivision Regulations. Application for approval of the final plat shall be submitted in writing to the Commission at least thirty days prior to the meeting at which it is to be considered. Four copies of the final plat and other exhibits required for approval shall be prepared as specified in Section 3.04 and shall be submitted to the Commission within twelve months after conditional approval of the preliminary plat; otherwise such approval shall become null and void. The Commission may grant a time extension.
- (6) Final Plat Review and Action. The Commission shall review the submitted final plat. Following this, the Commission shall act within forty days to approve or disapprove the final plat. The final plat may be approved if the subdivider has satisfactorily completed the requirements of the preliminary plat, all conditions of the conditional approval have been met, and a bond acceptable to the City/Town has been posted. The exhibits required under Section 3.04 must be filed with the Commission prior to the Commission's decision to release the bond. The action to approve by the Commission shall be noted on the final plat and all copies. One copy shall be returned to the subdivider, one copy sent to the City/Town Engineer, one copy retained by the Commission, and the fourth shall be sent to Council for its review.

- (7) Recording of Final Plat. After approval of the final plat by the Planning Commission, such plat shall be recorded in the office of the County Clerk within thirty days after such approval. The Commission may grant a time extension if there are unusual circumstances.
 - (8) Offer of Dedication. Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways shown thereon to public use, unless a notation is placed on the final plat by the subdivider stating that there is no offer of dedication, and an irrevocable offer to dedicate or reserve as specified on the plat lands for parks, schools or other public purpose. Recording of the plat, however, shall not impose any duty on the City/Town concerning improvement or maintenance of any such dedication street or lands, until the proper authorities of the City/Town have made actual appropriation of the same by legal action. Where improvements were constructed in territory prior to its annexation into the City/Town and prior to the acceptance by the City/Town of any offer of dedication of improvements, the offeror shall provide, at his expense, a certificate by a professional engineer as to the compliance with the City/Town's and all other applicable standards of the offered streets, public ways and infrastructure improvements.
- (c) Minor Subdivision Procedure
- (1) The subdivider/applicant shall submit a completed form and a preliminary plat to the Building Inspector. If the preliminary plat meets all necessary requirements, then it shall be deemed a final plat and may be approved by the Building Inspector. If approved, the Building Inspector shall set a date, time, and place for a public hearing before the Planning Commission, notify the applicant in writing of the public hearing, and notify the general public. Notice Of the public hearing shall be made by the City/Town Clerk by Class I legal advertisement in a newspaper of general circulation in the City/Town at least thirty days prior to the date set for the hearing. Due notice of the hearing shall additionally be mailed at the same time as the advertisement to owners of properties abutting the subject property and/or located within 200 feet of the subject property. If the preliminary plat is not approved by the Building Inspector, the applicant shall submit the plat to the Planning Commission on appeal. If the preliminary plat is not approved by the Planning Commission, the applicant may appear before the Planning Commission for a final appeal. If the subdivider/applicant has satisfactorily completed the requirements of the preliminary plat and a bond acceptable to the City/Town has been posted, then the Building Inspector may recommend to the Planning Commission that final approval of the final plat be granted. The exhibits required under 1335.02(d) must be filed with the Planning Commission.
 - (2) The approving action of the Planning Commission shall be noted on the plat and all copies. One copy shall be returned to the subdivider, one copy sent to the City/Town Engineer, and one copy retained by the Town of Nutter Fort.

- (3) Recording of Final Plat. After approval of the final plat, such plat shall be recorded in the office of the County Clerk within thirty days after such approval. The Planning Commission may grant an extension of time if there are unusual circumstances.
 - (4) Offer of Dedication. Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways shown thereon to public use, unless a notation is placed on the final plat by the subdivider stating that there is no offer of dedication, and an irrevocable offer to dedicate or reserve as specified on the plat lands for parks, schools or other public purpose. Recording of the plat, however, shall not impose any duty on the City/Town concerning improvement or maintenance of any such dedicated street or lands, until the proper authorities of the City/Town have made actual appropriation of the same by legal action. Where improvements were constructed in territory prior to its annexation into the City/Town and prior to the acceptance by the Town of any offer of dedication of improvements, the offeror shall provide, at his expense, a certificate by a professional engineer as to the compliance with the City/Town's and all other applicable standards of the offered streets, public ways and infrastructure improvements.
- (d) Specification of Documents to be Submitted.
- (1) Purpose. The documents to be submitted are intended to provide the approving authority with sufficient information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development meets the design and improvement standards contained in this ordinance. The specification of documents to be submitted is based on the type of development and particular stage of development application.
 - (2) Presubmission (Sketch Plat) Requirements. The sketch plat submitted shall be based on tax map information or some other similarly accurate base map. The map shall be at a scale of 200 feet to the inch on standard twenty-two and one-half by eighteen inches sheets and shall show the information listed below. The image area of the standard sheet shall be no more than twenty and one-half inches by sixteen and one-half inches. There shall be a one and one-half inch margin on the left side of the sheet(s). The plat submission shall be made on as many separate exhibit sheets as are necessary for the information to be clearly legible.
 - (A) The words "sketch plat," the proposed name of the subdivision, the words "Town of Nutter Fort, Harrison County, West Virginia," date, true north point, graphic scale, and names and addresses of the record owner(s), subdivider(s), and person(s) responsible for the preparation of the sketch plat.
 - (B) A vicinity sketch or key map at a scale of 800 feet to the inch shall be shown on the preliminary plat. This map shall show the boundaries of the subdivision in relation to the surrounding streets, properties, subdivisions, and community facilities that may serve it.

- (C) All existing permanent structures or buildings, railways, fences, walls, rock outcrops, wooded areas, streams, watercourses, wetlands, and other significant existing physical features within the property to be subdivided and within 100 feet of the property line.
 - (D) All areas where the ground slope equals or exceeds 15 percent, to be shown as shaded or cross-hatched areas.
 - (E) Approximate locations of floodways, floodway fringes, and special flood hazard areas as shown on the official maps published by the Federal Emergency Management Agency.
 - (F) If the proposed subdivision is to be filed in sections, delineation of such sections.
 - (G) Names of all subdivisions immediately adjacent and names of owners of all adjacent properties as disclosed by the most recent tax records.
 - (H) The tax map sheet, block, and lot numbers.
 - (I) The zoning district(s) in which the property is located.
 - (J) Municipal boundaries and boundaries of school districts, fire districts, and other special districts.
 - (K) All existing restrictions on the use of the property.
 - (L) All streets that are mapped or built within 200 feet of the proposed subdivision.
 - (M) The proposed layout, including pattern of lots (with approximate dimensions and area of each lot), streets, and recreation areas.
 - (N) A schematic layout shown in line diagram of proposed systems for drainage, public sewerage, and public water supply.
- (3) Preliminary Plat Requirements. The preliminary plat shall be at a scale of fifty feet to the inch on standard twenty-two and one-half by eighteen inches sheets. The image area of the standard sheet shall be no more than twenty and one-half inches by sixteen and one-half inches. There shall be a one and one-half inch margin on the left side of the sheet(s) and a margin of no more than one inch on the three remaining sides. The plat submission shall be made on as many separate exhibit sheets as are necessary for the information to be clearly legible. There shall be a margin for binding of one and one-half inches outside of the border along the left side. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale and legibly the entire subdivision.
- (A) The words "preliminary plat," the proposed name of the subdivision, the words "Town of Nutter Fort, Harrison County, West Virginia," date (including revision dates, if any), true north point, graphic scale, and names and addresses of the record owner(s), subdivider(s), and the professional engineer, land surveyor, landscape architect, and professional planner, licensed to practice in the state of West Virginia, responsible for the preparation of the sketch plan.
 - (B) All information required above in Presubmission (Sketch Plat) Requirements.

- (C) Boundary line of the proposed subdivision, the lot lines, street right-of-way lines, parcels of land to be dedicated or reserved to public use, setback lines, easements and other property lines, drawn to scale and with tentative dimensions.
 - (D) Draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
 - (E) Contours at intervals of one or two feet, whichever is the most reasonable given the site topography, referred to sea level datum.
 - (F) Existing and proposed sanitary sewers, storm sewers, water lines (mains), fire hydrants, culverts, drainage structures or other underground structures, with pipe sizes and locations indicated. Separate detail sheets shall be provided for the relevant City/Town departments.
 - (G) Tentative profiles of streets, sanitary sewers, and storm sewers.
- (4) Final Plat Requirements. The final plat, also known as the set of maps, shall be printed, inked, drawn, or photographed; it shall not be photo copied or otherwise reproduced in a medium that loses its clarity and legibility over time. The final plat medium shall be acceptable to the City/Town Engineer and the County Clerk. The final plat shall be at a scale of fifty feet to the inch on standard twenty-two and one-half by eighteen inches sheets. The image area of the standard sheet shall be no more than twenty and one-half inches by sixteen and one-half inches. There shall be a one and one-half inch margin on the left side of the sheet(s) and a margin of no more than one inch on the three remaining sides. The plat submission shall be made on as many separate exhibit sheets as are necessary for the information to be clearly legible. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale and legibly the entire subdivision. The final plat shall show in final form all information required above in preliminary plat and in addition shall provide the following information in final form:
- (A) The words "final subdivision plat," the proposed name of the subdivision, the words "Town of Nutter Fort, Harrison County, West Virginia," date (including revision dates, if any), true north point, graphic scale, and names and addresses of the record owner(s), subdivider(s), and the name, address, and seal of the professional engineer, land surveyor, landscape architect, and professional planner, licensed to practice in the State of West Virginia, responsible for the preparation of the sketch plan.
 - (B) Grading plan.
 - (C) Erosion and sedimentation control plan. This shall include a tree and landscape preservation plan.
 - (D) Storm drainage facilities plan and public water supply and sewerage facilities plan. This shall include the final locations, as constructed, of all storm sewer and sanitary sewer lines, including service lines to each property line. All locations shall be referenced to the property line. Certificates of approval of the storm sewer,

- sanitary sewers and sewage disposal system from the Board of Health of the State, the Department of Public Works, and Water Pollution Control shall be required.
- (E) Boundary lines of the subdivision based on an actual field survey made and certified by a licensed land surveyor, with complete descriptive bearings and distances.
 - (F) The proposed lot lines with dimensions and area of each lot and building setback lines.
 - (G) The final layout, location, name, width, edges of pavement (curb lines), right-of-way lines, length of arcs, radii, internal angles, points of curvature, and length and bearing of all tangents and chords of all proposed streets or public ways.
 - (H) Dimensions and location of all paving, curbs and public sidewalks.
 - (I) Final grades and profiles of all streets and sewers.
 - (J) Location and dimensions of all easements required for construction, operation, and maintenance of proposed public improvements and locations of all points where rights to discharge storm water onto adjacent properties will be required.
 - (K) Location, dimension, and area of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - (L) Notations concerning all underground electric, telephone, cable TV wires, and conduits.
 - (M) Location of all proposed sidewalks.
 - (N) Final text of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the subdivision. This is to include protective covenants required in cases where two off-street parking spaces are being provided for each dwelling unit.
 - (O) Monuments. Permanent markers shall be placed at all corners where permanent corners do not exist, if practical; otherwise as directed by the Engineer. These shall be permanent markers made of concrete at least two feet long and six inches square or six inches in diameter, with appropriate markings on top. All monuments erected, corners, and other points established in the field in their proper places shall be shown on the subdivision plat, with location and description noted.
 - (P) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not more than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holding.

- (5) The following two certifications must be labeled and completed on the final plat:
 "On this, the (day) _____ day of (month) _____, (year) _____, before me the undersigned, personally appeared (name of applicant) _____ who being duly sworn according to law, deposed and says that he is the _____ (A) _____ of the property shown on the plan, that the subdivision plat thereof was made at his/its direction, that he acknowledges the same to be his/its act and plat _____ (B) _____, and that all streets _____ (C) _____ shown and not heretofore dedicated to the public _____ (D) _____ (E) _____ (F) _____ (G) _____ (H) _____ (I).
 My commission expires: _____, _____.
 (A) Insert either: owner or president of the corporation which is the owner.
 (B) Whenever applicable, insert: and desires the same to be recorded as such according to law.
 (C) Whenever applicable: and open spaces so labeled with proposed use.
 (D) If necessary, insert: except those labeled "not for dedication."
 (E) When necessary, signature of secretary of corporation.
 (F) Signature of individual, partners or corporation president.
 (G) Corporate seal.
 (H) Signature.
 (I) Seal of Notary Public or other officer.

"I hereby certify that I am a Civil Engineer registered professionally to practice in the State of West Virginia and that this plat is, in all respects, correct and was prepared from an actual survey completed by me on _____, _____.
 Signed _____
 Seal _____
 Reg. No. _____

- (6) Before the bond may be released, the following certifications shall be made:
 (A) The City/Town Engineer shall certify that all improvements have been constructed in accordance with the standard specifications of the City/Town;
 (B) All persons having a security interest in the subdivision property shall endorse the plat that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.
- (7) Construction Plans. Construction plans, also known as detail sheets, shall be prepared for all required improvements, following approval of the final plat and shall be submitted to the City/Town Engineer for review and approval. The City/Town Engineer shall, within thirty days of the receipt of a complete set of construction plans, approve or disapprove the submission. Plans shall be drawn at a scale of no more than fifty feet to one inch. Map sheets shall be of the same standard-size as the final plat. As-built drawings shall be filed with the City/Town Engineer's Office. The following shall be shown on the construction plans:

- (A) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
- (B) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, culverts, bridges, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- (C) Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, and features noted on the Official Map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes, ponds, rivers, or streams at the date of the survey, and the approximate high- and low-water elevations of such waterbodies or watercourse. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, pond, river, or stream, the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of such waterways.
- (D) Topography at the same scale and contour interval as the preliminary plat, to sea-level datum. The datum provided shall be the latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
- (E) All specifications and references required by the City/Town's construction standards and specifications, including a site-grading plan for the entire subdivision.
- (F) Notation of approval as follows:

Owner

Date

Planning Commission Chairman

Date

- (G) Title, name, address, and signature of professional engineer and surveyor, and revision dates.

1335.04 STREET DESIGN STANDARDS.

(a) Purpose.

The subdivision shall conform to standards that will result in a well-planned community, protect the health and safety of the residents, and provide a desirable living environment without unnecessarily adding to the development costs. The following improvements shall be required: streets and circulation, off-street parking, water supply, sanitary sewers, and storm water management.

(b) General Design of Streets.

- (1) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) Conformity to Planned Public Way. Whenever a tract of land included within any proposed subdivision embraces any part of a planned public way, shown on plans which have been adopted by the proper authority, such part of the proposed public way shall be platted by the subdivider in the location and the width indicated by the plan.
- (3) Storm Drainage. Adequate storm drainage shall be required, as per standards established by the Department of Public Works and Water Pollution Control. These standards shall control the design and construction of storm drainage facilities so that acceptable storm water flow and minimum acceptable runoff qualities are achieved by the subdivider.
- (4) Classification of Streets. Streets which may be classified by definition under two or more street types shall conform to the higher requirements. Marginal access streets shall conform to the regulations for the purpose they serve, i.e., residential street or business street.
- (5) Street and Subdivision Names. The proposed name of the subdivision and the proposed street names shall not duplicate or too closely approximate the name of any other subdivision or street in the area covered by this Chapter. Proposed streets which are obviously in alignment with existing streets or are an extension of an existing street shall bear the name of the existing street. All street names shall be subject to approval by the Planning Commission.
- (6) Subdivision Containing or Abutting Major Street or Railroad Right of Way.
 - (A) Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service lanes, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- (B) Where a subdivision borders on or contains a railroad right of way, the Commission may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential streets, or for the business or industry in the appropriate districts; such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (7) Half Streets. Streets within a proposed subdivision shall be designed where possible to allow for a through connection to a future subdivision on adjacent property or to future phases of the same subdivision. These shall be known as half streets and shall be designed with temporary T-turnarounds at their ends. The turnaround shall be removed and a permanent through street created when the adjoining property is subdivided and where a half street is contiguous to a previously platted half street. Half streets shall be shown on the final plat.
- (8) Street Center Line Offsets. Street jogs with center-line offsets of less than 125 feet shall not be allowed.
- (9) Tangents between Reverse Curves. A tangent at least 100 feet shall be introduced between reverse curves on major and collector streets.
- (10) Street Intersections.
 - (A) Three-way street intersections should be utilized, using four-way intersections only when absolutely necessary.
 - (B) Flat grade within and fifty to one hundred feet each way from the street intersection is preferred but over seven percent (7%) grade is not acceptable.
 - (C) Right angle street intersections are preferred, but no intersection shall be at an angle of less than seventy-five degrees or more than one hundred fifteen degrees. The curb radius for residential and commercial streets shall be twenty feet. The curb radius for a collector street intersecting a major street shall be fifty feet.
 - (D) A clear sight triangle shall be provided at all street intersections. Within such triangle no vision-obstructing objects shall be permitted which exceed a height of twenty-four inches above the elevation of the abutting streets.
 - (E) Such sight triangles shall be established from a distance of:
 1. One hundred feet from point of intersection of the street center lines for major streets;
 2. Seventy-five feet from point of intersection of the street center lines for collector streets;
 3. Fifty feet from the point of intersection of the street center lines for all other streets.
- (11) Residential Streets to Discourage Through Traffic. Residential streets shall be so laid out that their use by through traffic will be discouraged.

- (12) Street Grading. All streets shall be graded to their full right-of-way width so as to provide adequate shoulders and pedestrian walkways. All streets shall be paved, and drainage courses, sidewalks and other structures installed according to City/Town standards. Driveways shall meet the sidewalk grade at the property line.
 - (13) Street Installation Responsibility. The subdivider shall be responsible for the cost and installation of the road foundation and paving necessary to meet the requirements of this Chapter.
- (c) Specific Street Design Standards
- (1) Major Street. The design standards of a major street shall be as follows:
 - (A) Right-of-way minimum width shall be eighty feet.
 - (B) Paving width minimum width shall be forty-eight feet.
 - (C) The standard City/Town curb is required except in the case of limited access major streets.
 - (D) Sidewalk minimum width of six feet abutting the right-of-way line is required except in the case of limited access major streets.
 - (E) Sight distance minimum of 400 feet.
 - (F) Vertical alignment. The desirable maximum grade shall be six percent (6%) and the maximum grade shall be ten percent (10%).
 - (G) Horizontal curvature. The minimum radius of curvature shall be 500 feet.
 - (2) Collector Street. The design standards of a collector street shall be as follows:
 - (A) Right-of-way minimum width shall be fifty feet.
 - (B) Paving width minimum width shall be thirty-eight feet.
 - (C) The standard City/Town curb is required.
 - (D) Sidewalk minimum width of five feet abutting the right-of-way line.
 - (E) Sight distance minimum of 300 feet.
 - (F) Vertical alignment. The desirable maximum grade shall be ten percent (10%) and the maximum grade shall be fifteen percent (15%). 7. Horizontal curvature. The minimum radius of curvature shall be 300 feet.
 - (3) Business Street. The design standards of a business street shall be as follows:
 - (A) Right-of-way minimum width shall be sixty feet.
 - (B) Paving width minimum width shall be thirty-eight feet.
 - (C) The standard City/Town curb is required.
 - (D) Sidewalk minimum width of eight feet abutting the right-of-way lane.
 - (E) Vertical alignment. The desirable maximum grade shall be ten percent (10%) and the maximum grade shall be fifteen percent (15%).
 - (F) Horizontal curvature. The minimum radius of curvature shall be 300 feet.

- (4) Residential Street Serving One and Two-Family Dwellings.
- (A) The design standards of a residential street serving single and two-family dwellings where one parking space per dwelling unit is provided, except row housing, shall be as follows:
1. Right-of-way minimum width shall be forty feet.
 2. Paving width minimum width shall be twenty-eight feet.
 3. The standard City/Town curb is required.
 4. Sight distance minimum of 200 feet.
 5. Vertical alignment. The maximum grade shall be eighteen percent (18%). f) Horizontal curvature. The minimum radius of curvature shall be 100 feet.
- (B) If two off-street parking spaces are provided for each dwelling unit, the following design standards shall govern:
1. Right-of-way minimum width shall be thirty-five feet.
 2. Paving width minimum width shall be twenty-two feet.
 3. The standard City/Town curb is required.
 4. Sight distance minimum of 200 feet.
 5. Vertical alignment. The maximum grade shall be eighteen percent (18%).
 6. Horizontal curvature. The minimum radius of curvature shall be 100 feet.
- (C) The Planning Commission may require sidewalks on residential streets in a proposed one- and two-family subdivision where:
1. A proposed street pavement width is greater than twenty-eight feet; or
 2. A proposed street has a sight distance less than 400 feet; or
 3. A proposed street grade exceeds twelve percent (12%); or
 4. A proposed street has a radius of the horizontal curvature less than 200 feet; or
 5. The proposed lot frontages are less than eighty feet; or
 6. A proposed street acts as a collector for two or more streets; or
 7. Land and adjacent land uses are such that an estimated pedestrian count of 150 or more per day will result on any of the proposed streets; or
 8. A proposed street acts as a major route to schools, parks, playgrounds or a substantial commercial area.
 9. Where a sidewalk is required, it shall have a minimum width of four feet.
 10. Under unusual conditions, the Commission may make variances in these criteria so that their intent is complied with and public safety provided for. The burden of proof in such cases rests with the subdivider.
- (5) Residential Street Serving Row and Multi-Family Dwellings.
- (A) The design standards of a residential street serving row and multi-family dwellings shall be as follows, where one parking space per dwelling unit is provided:

1. Right-of-way minimum width shall be sixty feet.
 2. Paving width minimum width shall be thirty-six feet.
 3. The standard City/Town curb is required.
 4. Sidewalk minimum width four feet abutting the right-of-way lines.
 5. Sight distance minimum of 200 feet.
 6. Vertical alignment. The maximum grade shall be eighteen percent (18%). g) Horizontal curvature. The minimum radius of curvature shall be 100 feet.
- (B) If two off-street parking spaces are provided for each dwelling unit, the following design standards shall govern:
1. Right-of-way minimum width shall be fifty feet.
 2. Paving width minimum width shall be twenty-eight feet.
 3. The standard City/Town curb is required.
 4. Sidewalk minimum width four feet abutting the right-of-way lines.
 5. Sight distance minimum of 200 feet.
 6. Vertical alignment. The maximum grade shall be eighteen percent (18%).
 7. Horizontal curvature. The minimum radius of curvature shall be 100 feet.
- (6) Cul-De-Sac Residential Street. The design standards of a cul-de-sac residential street shall be as follows:
- (A) Right-of-way minimum width shall be thirty feet.
 - (B) Paving width minimum width shall be twenty-two feet.
 - (C) The standard City/Town curb is required.
 - (D) Sidewalks shall not be required.
 - (E) Sight distance minimum of 200 feet.
 - (F) Vertical alignment. The maximum grade shall be eighteen percent (18%).
 - (G) Horizontal curvature. The minimum radius of curvature shall be 100 feet.
 - (H) The turning circle shall have a minimum outside radius of thirty-five feet with a minimum paving width of eighteen feet and a minimum outside paving radius of thirty feet.
- (7) Lane. The design standards of a lane are as follows:
- (A) Right-of-way minimum width shall be twenty feet.
 - (B) Paving width minimum width shall be eighteen feet.
 - (C) Curbs shall not be required.
 - (D) Sidewalks shall be prohibited.
 - (E) Sight distance minimum of 100 feet.
 - (F) Vertical alignment. The maximum grade shall be eighteen percent (18%).
 - (G) Horizontal curvature. The minimum radius of curvature shall be 100 feet.

1335.05 UTILITIES AND DRAINAGE.

- (a) Surface Water and Storm Water Drainage.
- (1) No surface water drainage shall empty into a sanitary sewer.
 - (2) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets may be required in connection therewith.
 - (3) Where storm water drainage is reasonably accessible, the subdivider or developer shall be connected with such storm drainage system and shall do all grading and provide all drainage structures that are necessary to properly carry the water to the storm drainage system. Design and construction of drainage structures shall be according to City/ Town standards.
 - (4) Where a storm drainage system is not accessible, the subdivider or developer shall do all grading and provide all drainage structures that are necessary to properly retain, detain, and carry the water to locations that are acceptable to the City/Town Engineer. Paved drainage ditches, storm sewers, retention basins, detention basins, swales, gravel pits, or other similar storm water management facilities of adequate size shall be required.
- (b) Sanitary Systems.
- (1) Sewage disposal. The subdivision shall connect with the sewage system of the City in accordance with ordinances of the City/Town and the rules and regulations of the Department of Public Works and of Water Pollution Control so as to provide sewer service to every lot within the subdivision.
 - (2.) Underground utility location. Where sewers are installed, it shall be required of the installer to construct and extend all service lines to the curb line before any streets are paved. Where curbs are installed, the location of service lines shall be stamped on the curbs.
 - (3) Individual sewerage systems. When service from an acceptable sewerage system is not available or feasible, and groundwater and subsoil conditions are found to be satisfactory, an individual system may be considered acceptable, provided it is installed in accordance with the standards of the City-County Health Department.
- (c) Water Supply.
- The subdivision shall connect with the water system of the City/Town in accordance with the Public Service Commission of West Virginia's rules and regulations so as to provide water service to every lot within the subdivision. The City/Town Engineer shall determine the size of lines necessary for fire protection and water service.
- (d) Easements.
- Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least fifteen feet wide.

(e) Notification.

The developer is required to notify all relevant municipal departments and utility companies prior to construction on new or existing utility infrastructure.

1335.06 GENERAL REQUIREMENTS AND STANDARDS.

(a) Purpose.

- (1) The purpose of good subdivision design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project will be an asset to a community. Standards and requirements ensure that the design of new development gives appropriate consideration to the scale and character of the existing neighborhood in which a development is to be located. Neither the design guidelines nor the design standards shall be applied to intentionally or inadvertently exclude housing for low-and moderate-income persons. They also shall not be applied to restrict creativity, invention, and innovation.
- (2) In determining whether a proposed application shall be approved, the Planning Commission shall determine if the plat provides for:
 - (A) Coordination of subdivision streets with existing and planned streets.
 - (B) Coordination with extension of facilities included in the adopted Comprehensive Plan.
 - (C) Establishment of minimum width, depth, and area of lots within the proposed subdivision.
 - (D) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the the Town of Nutter Fort.
 - (E) Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry.
- (3) As a condition of approval of a plat, the Planning Commission may specify:
 - (A) The manner in which the streets shall be laid out, graded, and improved.
 - (B) Provisions for water, sewage, and other utility services.
 - (C) Provisions for schools.
 - (D) Provisions for essential municipal services.
 - (E) Provisions for recreational facilities.

(b) Block Standards.

- (1) The width of blocks shall be sufficient to allow two tiers of lots where possible.
- (2) Blocks shall not exceed 1,000 feet in length except where a longer block is necessary because of unusual topography.

(c) Lot Standards.

- (1) Lots should be designed so that there will be no unreasonable difficulties due to topography, flooding, high water table, sewage disposal, storm water control, configuration, inadequate access, or for any other reason.

- (2) For health and safety of the residents, residential lots should to the greatest extent possible front on residential streets.
 - (3) All lots should be designed with sufficient access to afford a reasonable means of entry or exit for emergency vehicles as well as others needing access to the property.
 - (4) Lot dimensions shall conform to:
 - (A) The requirements of the Zoning Ordinance; and
 - (B) The requirements of Article 5, Utilities and Drainage, with respect to individual sewerage systems when service from an acceptable sewerage system is not available or feasible.
 - (5) The depth and width of properties reserved or laid out for business or industrial purposes shall be adequate for off-street service and parking facilities required by the use and development contemplated.
 - (6) Side lot lines. Side lot lines shall be substantially at right angles or radial to street line.
 - (7) Corner lots. Corner lots for residential use shall have sufficient width to permit appropriate setback from and orientation to both streets.
 - (8) Reverse frontage lots. Double frontage or reverse frontage lots, also known as through lots, should be avoided except where essential to provide separation of residential developments from traffic arteries or to overcome specific disadvantages of topography and orientation. A planted screen of at least ten feet, across which there shall be no right of access, shall be provided along the street lines of lots abutting such a traffic artery or other similar use.
- (d) Circulation.
- (1) Pedestrian walkways. Pedestrian walkways not less than ten feet wide, with a minimum of four feet of pavement, shall be required when deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
 - (2) Access to street. The subdividing of land shall provide each lot with satisfactory access to an existing public street.
- (e) Reservation of Land for Future Facilities.
- To insure orderly development of the community, the subdivider of a major subdivision will be required to reserve or dedicate open spaces, shown on plans approved by the Planning Commission, for parks, schools, fire stations, and playgrounds.
- (f) House and Building Numbering.
- House or building numbers shall conform to the system established by ordinance of the City/Town.
- (Passed 5-13-03)