

To all interested parties;

At the last roundtable meeting we discussed some of the major issues that staff and the Subdivision Review Committee have and are continuing to work on. The goal was to get them into a draft form and get them so that everyone could look at them and offer comments that could be taken into considered as we work towards final language. This information is now on the County's Webiste:

<http://www.berkeleywv.org/>, Click on Departments and Services, then on the left side under planning, click on Development Roundtable, there you will find a heading "2014 Proposed Subdivision Amendments", click on it and you will find the sections proposed to be amended.

As we discussed at the meeting, we may break the proposed changes into more than one series of amendments. For example, changes to Article 1 dealing with how long grandfathering plans under previous ordinances should be permitted prior to requiring projects to meet current requirements. As we knew and was pointed out by several people, this could be a significant issue with regard to costs and because of the complexity of the issue we may want to separate it from the rest.

All of this is for discussion, nothing has been finalized or introduced to the Council or Planning Commission as an official proposed amendment.

We are requested that any thoughts or suggestions to the language proposed be provided to staff in order that we can discuss with the Review Committee in order to develop language for official amendments.

Each of the Articles, where changes are being discussed at this time have been provided in their entirety. Bold is new language and strikeouts show language to be deleted. Every section where there is a proposed change has been highlighted to make it easier to see where changes are proposed at this time. We ask you focus your comments on these sections at this time as it is a lot of material as staff and the committee sees the need for other sections to be examined, but started with these and will look further once these items have been addressed. However, if you have other sections you think need to be address, please let us know what they are in order that they can be addressed in the future.

The Committee will be meeting to work on language and the goal is to have the amendments in final form by the April Roundtable Meeting to have the Roundtable Group to give its concurrence to move the amendments forward. Depending upon the comments we receive, a special Roundtable Meeting maybe called to discuss some issues.

Please take the time to review the proposed changes and email me any comments to me in order that they can be considered.

Thank you
Mike

AMENDMENTS

County Council Approval

Sections

June 21, 2012.....	601, 602.1 (effective: 6/21/12)
January 10, 2013.....	201, 302.2, 304, 305.3(c), 305.4, 306.2.b.4, 306.2.c.2.f, 306.3, 401.3, 402.2.c.23, 403.2.23, 403.2.24, 404, 404.1, 404.2, 502.2, 503, 504.B, 504.e, 504 Table 5-3, 704.8, 705,705.1, 705.2, 706.A, 709.E, 801, 801 Table 8-1, 801.1.1.1, 801.1.6.a, 802.1.b, 802.2.b, 901, 1208, 1208.1, 1208.2, 1208.3, 1208.4 (effective 3/1/13)
June 6, 2013.....	602.1.1 (effective: 6/13/13)
XXXXX, 2014.....	Table of Contents, 110, Article 2, 301, 302, 305.4, 306.2 (c)(3), 307,307.1, 307.2, 308, 308.1, 308.2, 308.3, 309,309.1, 309.2, 309.3, 309.4, 309.5, 401, 401.1, 401.3, 401.4, 402, 402.1, 402.2, 402.5.3, 402.5.5, 402.5.6, 402.5.6.1, 402.5.7, 402.5.7.1, 403.1 (a), 403.2 (c),404.1, 404.2 (a), 405, 405.1, 405.2, 406, 406.1, 406.2, 501.3, 502.1, 502.2, 503 (A), 503 (b), 504, 505, 506, 705, 705.1, 705.2, Appendix A (1.8), Appendix G (effective: xxxx, 2014)

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Article 1 – Title, Authority and Purpose

ARTICLE 1 – TITLE, AUTHORITY AND PURPOSE

Section 101. Title

An Ordinance establishing rules, regulations, and standards governing the subdivision and development of land requiring the recordation of a plat or plan in accordance with Chapter 39, Article 1, Section 13, of West Virginia Code, 1931, as amended; establishing rules, regulations and standards governing the development of land requiring the issuance of a building permit in accordance with Chapter 8A, Article 4, Section 2 (14), of West Virginia Code, 2004, as amended; setting forth the procedures to be followed in administering these rules, regulations, and standards; and setting forth the penalties for the violation thereof.

Section 102. Short Title

This Ordinance shall be known as and may be cited as “The Berkeley County Subdivision Ordinance”.

Section 103. Legislative Authority

These subdivision regulations are established in accordance with Chapter 8A, Article 5, of West Virginia Code, 2004, as amended.

Section 104. Statement of Legislative Intent

It is the object of Article 5, Chapter 8A, of West Virginia Code, to encourage local units of government to improve the present health, safety, convenience and welfare of their citizens, and to plan for the future development of their communities to the end that highway systems be carefully planned; that new communities grow only with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community is both commensurate with, and promotes the efficient and economical use of public funds and resources.

Section 105. Statement of Purpose

These subdivision regulations are adopted by the County Council of Berkeley County, West Virginia, for the following purposes:

1. To govern land development according to the Goals, Policies and Recommendations stated in the Berkeley County Comprehensive Development Plan;

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2. To assist orderly and efficient land development;
3. To provide for the coordination of existing streets and public utilities with new streets and utilities;
4. To provide for efficient and orderly extension of community services and facilities at minimum cost and maximum convenience;
5. To ensure that proper provisions are made for drainage, water supply, sewage, and other needed improvements;
6. To promote the health and safety of the residents of Berkeley County; and
7. To ensure equitable processing of all subdivision plats and land development plans by providing uniform procedures and standards for observance by both Subdividers/Developers and the Berkeley County Planning Commission.

Section 106. Jurisdiction

The provisions of this Ordinance shall apply to all lands within Berkeley County, West Virginia, except for lands that are within incorporated areas.

Section 107. Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements to meet the objectives presented in Chapter 8A, of West Virginia Code, as well as the purposes outlined above. In the interpretation and application of the provisions of this Ordinance, said provisions shall be deemed to be the minimum requirements necessary for the promotion and protection of public health, safety and welfare. Where the provisions of this Ordinance and all implementing standards and specifications which are more restrictive than those of any other County Ordinance or any regulation or any applicable land development agreement, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any state statute, regulation, other County Ordinance or applicable land development agreement impose greater restrictions upon land development than this Ordinance, the provisions of such statute, regulation, other Ordinance, or applicable land development agreement shall be controlling.

All subjective decisions required by this Ordinance shall be made by majority vote of Planning Commission members present at a public meeting in consideration of the advice along with the recommendation of the Planning Commission Staff and/or County Engineer and all evidence presented at the public meeting.

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Section 108. Repeal of Conflicting Ordinances

All Ordinances or parts of Ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 109. Severability

1. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

Section 110. Subdivision of Record

Any plat of a subdivision on record in the Office of the Clerk of the County Council of Berkeley County prior to the effective date and time of this Ordinance shall be recognized as a legal subdivision, provided that it meets all legal requirements that were in place at the time the subdivision was created and recorded. However, the re-platting of a prior recorded plat or any material changes on the prior recorded plat shall be subject to this Ordinance. The prior recording of a plat of a portion of a larger tract shall not exempt from the provisions of this Ordinance the balance of the tract remaining unplatted.

~~Any project that has submitted a Sketch Plan to the Planning Department and has submitted all or part of their Preliminary Plan, and said received Preliminary Plan approval is going through the review process, as of prior to the effective date of the revised 2009 Berkeley County Subdivision Regulations (September 1, 2009) will have until July 1, 2015 may proceed under the terms of the Subdivision Regulations which were adopted by the County Commissioners on November 20, 2003, and effective as of January 1, 2004, and all subsequent amendments thereto which are effective as of the date upon which the development proposal is submitted for review. This decision is left to the discretion of the applicant.~~ **to complete the final platting of the project, after which all final plat approvals shall comply with the provisions of the 2009 regulations. (Amended xxx, 2014)**

~~If there are areas of a parcel proposed for development which are identified only as "future phases", wherein proposed lot sizes and layouts, as well as road systems, utility provisions, etc. are not specified, these areas shall not be eligible for Planning Commission review and approval under the design standards and all other guidelines contained in the 2004 Berkeley County Subdivision Regulations~~

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~~and subsequent amendments thereto.~~

~~Rather, these~~ **Any future sections identified on a Preliminary Plan approved under any previous set of regulations** must comply with design standards and all other guidelines specified in the 2009 Adopted Berkeley County Subdivision Regulations and all amendments thereto which are effective as of the date upon which the development proposal is submitted to the Planning Department for consideration. **(Amended xxx, 2014)**

~~Development proposals that were processed under the 2004 Berkeley County Subdivision Regulations as described above, must receive Preliminary Plat recommendation for advancement for all phases shown on the Sketch Plan within one (1) calendar year from the effective date of the 2009 Adopted regulations in order to be processed under the 2004 Berkeley County Subdivision Regulations. If all phases shown on the Sketch Plan have not been submitted for Preliminary Plan review and/or advanced to Final Plan with one (1) calendar year, the remaining portions of said Sketch Plan shall be reviewed under the terms of the 2009 Adopted Berkeley County Subdivision Regulations.~~

~~Projects which do not require Planning Commission review and approval, such as minor subdivisions and family transfers which have been~~ **were** submitted for review prior to the effective date of the 2009 Adopted Berkeley County Subdivision Regulations may be processed either under 2003 Subdivision Regulations or under the 2009 Revised Subdivision Regulations. This decision is left to the discretion of the applicant. **and have not been recorded as of the date of this amendment shall be considered void. The applicant may resubmit their project for approval under the provisions of the 2009 Subdivision Regulations. (Amended xxx, 2014)**

ARTICLE 2 – DEFINITIONS

Section 201. Definitions

Interpretation of Terms or Words: Words in these regulations are used in their ordinary English usage. Certain terms or words used herein shall be interpreted and defined as follows and wherever used in these regulations shall have the meaning indicated in this section.

The word “shall” is to be interpreted as mandatory and shall be complied with unless modified; “may” and “should” are to be interpreted as having permission or being allowed to carry out a provision.

All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary. All masculine pronouns are interpreted to be gender neutral.

Addition/Mergers: The addition of land to an existing parcel of record from an adjoining parcel or the combining of two (2) or more existing parcels of land to increase the lot area.

Agent: Any person, authorized by another to act for him or her.

Agricultural land management activities: The cultivation of plant crops or the raising of livestock, including but not limited to forage, grain and field crops, pasturage, dairy and dairy products; poultry and poultry products; equestrian uses, including the boarding of horses; sale of crops; livestock and fowl uses and products; bees and apiary products; fruits and vegetables of all kinds; nursery, floral and greenhouse products; aquaculture; a winery; stand alone, non-retail micro-brewery; grain mill; and the primary processing and storage of any agricultural product.

Agricultural Purpose: The art or science of cultivating the ground and the production of plants and animals useful to man or beast and including gardening or horticulture, fruit growing, storage and marketing.

Alley: A public way which is a narrow passage, usually smaller than a street, and which is not designed for general travel but is used primarily as a means of access to the rear of residences and business establishments and which generally affords only a secondary means of access to an abutting property along its length.

Applicant: Any person who submits to the Planning Commission a Minor or Major Land Development Plan for the purpose of obtaining approval thereof.

Application, formal: An application is formal at such time as the Planning Commission is assured that all plats, plans, and attendant documents are in proper form, content and number required in accordance with these regulations. Such

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application shall be considered a formal application unless the applicant is advised in writing within seven (7) days of any submission that such documents are not in proper form, content, or number.

Area, gross: All area within a Land Development Plat, including those areas intended for residential, commercial or industrial use. Gross area shall also include severe slopes, streets and alleys, off-street parking spaces and recreational sites. Areas dedicated to county schools or highways shall be excluded from the gross area calculation.

Average Daily Trip (ADT): Residential ADT, seven (7) trips per day per unit. Commercial ADT must do a traffic study of comparable existing sites within the county. Should no comparable exist, ADT may be calculated on the basis of the current edition of the Trip Generation Manual published by the Institute of Transportation Engineers (I.T.E.).

Base Flood (100-year Flood): A flood having a one (1) percent chance of being equaled to or exceeded in any given year, based on the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps (FIRMS), or by engineering study.

Block: A piece or parcel of land entirely surrounded by streets or highways, railroad rights-of-way, parks, streams or other bodies of water, severe slopes, cemeteries and corporate boundary lines of a city, or a combination thereof as defined in Section 503.1 of this Ordinance.

Bond: A written instrument with a clause binding an Applicant to pay a certain penalty (or a portion thereof) to the County ~~Commission~~ **Council**; conditioned, however, with a statement that the payment of the penalty or portion thereof may be avoided upon satisfactory construction and completion of improvements required within a Land Development Plan. A bond is secured by a surety, by cash in escrow, or by letter of credit which is satisfactory to the Planning Commission. **(Amended xxxx 2014)**

Boundary Line Adjustment: A boundary line adjustment, also known as a lot line adjustment, accommodates a transfer of land between adjacent separate lots. Boundary line adjustments do not create additional lots or building sites. A boundary line adjustment allows legal transfer of ownership and minor relocation of property boundaries ~~or merging lots~~ for any recorded or unrecorded, subdivided parcel. Changes in lot configuration may also be allowed providing that the building site remains within the original parent parcel. This process allows for corrections to created gaps or overlaps of property caused by erroneous occupation or legal description. (Amended January 10, 2013)**(Amended XXX, 2014)**

Bridge: A structure that allows people or vehicles to cross an obstacle such as a river, road, canal or railway.

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Building: A structure which is designated and suitable for the habitation or shelter of human beings or animals, or the shelter or storage of property, or for the use and occupation for some purpose of trade or manufacture.

Building Line: (See Setback Line)

Campground: Any area, place, parcel or tract of land on which two (2) or more campsites or spaces are offered to the public for payment, occupied or intended for occupancy by camping units for temporary periods, but not for permanent residential use. A campground shall include, but not be limited to, any travel trailer camp, recreational camp, church camp or family campground. A campground is so defined whether or not campsite and facilities are granted free of charge, by rental fee, or by lease.

Camping unit: Any device or vehicular-type structure used for the purpose of temporary living or shelter during periods of recreation, vacation, leisure time or travel. A camping unit shall include a tent, tent-trailer, travel trailer, pick-up camper, motor home or a recreational vehicle or mobile home.

Campsite: A designated site or plat of ground within a campground that is used or intended for occupation by a camping unit.

Cartway: See Roadway

Cemetery: A parcel of land used solely as a burial ground.

Certification of Compliance: See NPDES Permit.

Clearing: The cutting and/or removing trees or vegetation other than grass by any means.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the center lines of streets.

Clerk of the County Commission ~~Council~~: The Clerk of the County Commission **Council** of Berkeley County, West Virginia. **(Amended xxx 2014)**

Commercial Development: Any wholesale, retail, or service business established to carry on a trade for profit or non-profit organizations including places of worship.

Common area: Property held in common by mutual ownership or by an association of property owners within a development or held in corporate ownership for the benefit of each owner within a development. Such property is privately held and not intended for public use.

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Common Interest Community: Ownership characterized by mutual ownership of common areas, either jointly or through membership in an association. (i.e. single family, condominiums, planned unit developments, and townhomes)

Community Facilities: Existing, planned or proposed parks, playgrounds, schools and other public lands and buildings of the County.

Community Well: A well or wells created to serve a proposed development. A community well is subject to the jurisdiction of the WV Public Service Commission as set forth in WV Code Article 16-1-1 et. seq. and 31-1-1 et. seq.

Comprehensive Plan: The plan for the development of the area within the jurisdiction of the Berkeley County Planning Commission, adopted by the Planning Commission and the County ~~Commission~~ **Council**, including amendments thereto. **(Amended xxx 2014)**

Conditional Approval: The approval, with conditions, of a plan for a land development.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

Conservation Easement: As defined by West Virginia Code Section 3, Article 12, Chapter 20, a conservation easement is a non-possessory interest of a holder in real property, whether appurtenant or in gross, imposing limitations or affirmative obligations for purposes which may include, but are not limited to, retaining or protecting the natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; or protecting its natural resources or wildlife. In addition, the conservation easement must be held or co-held by at least one “holder” as defined in West Virginia Code Section 3, Article 12, Chapter 20 and must be perpetual in duration.

Construction Bond: See Bond

County: Berkeley County, West Virginia.

County (Commission) Council: The County Council of Berkeley County, West Virginia.

County Engineer: The engineer carrying out the duties and responsibilities under the Berkeley County Subdivision Regulations, including the County Engineer, engineering staff of the County Engineer, or engineering staff of the Planning

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Commission.

Covenant: An agreement, restriction, or condition placed on a parcel of land which remains attached to the land and which entitles successive land owners to its benefits and/or obligations.

Day: A calendar day, which is denoted as a 24 hour day on a calendar.

Dedication: The deliberate setting aside and appropriation of land by its owner for any general or public uses, reserving to himself no other rights than such that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Department of Health: West Virginia State Department of Health and Human Resources.

Developer: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity or agent thereof proceeding under this Ordinance to affect a Land Development for himself or another. The term Developer is intended to include the term Subdivider and is frequently referred to as the Applicant.

Drainage: Any ditch, gutter, pipe, culvert, storm water management facility, storm sewer or other structure designed, intended, or constructed for the purpose of diverting diffused waters from or carrying surface waters off streets, public rights-of-way, parks, lots, recreational areas, or any part of any Land Development or contiguous land areas.

Drainage Plan: A plan showing the proposed and existing drainage conditions as described by grades, contours and topography with proposed methods and facilities to collect control and convey said drainage.

Driveway: A minor vehicular access providing ingress/egress between a street and parking area or garage within a lot or property.

Duplex: One (1) of two (2) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot.

Dwelling: Any building which contains one (1) or more "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 Unit: Living quarters consisting of one (1) or more rooms arranged for the use of one (1) or more individuals living as an independent housekeeping unit, with cooking, living, sleeping and sanitary facilities

Easement, Right-of-way or Restrictive: A right and privilege a person has to use the

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lands of another for a specific purpose which is distinct and separate from the ownership of the soil itself.

Erosion: The wearing away of topsoil and surface materials by the action of natural elements or by conditions imposed by human activities such as cutting, clearing or grading.

Factory Built Homes: Many types of structures are built in the factory and designed for long-term residential use. In the case of manufactured and modular homes, units are built in a factory, transported to the site and installed. In panelized and pre-cut homes, essentially flat subassemblies (factory-built panels or factory-cut building materials) are transported to the site and assembled. The different types of factory - built housing can be summarized as follows:

Manufactured Homes: See Manufactured Home.

Modular Homes: These factory-built homes are built to the state, local or regional code where the home will be located. Modules are transported to the site and installed.

Panelized Homes: These are factory-built homes in which panels - a whole wall with windows, doors, wiring and outside siding - is transported to the site and assembled. The homes must meet state or local building codes where they are sited.

Pre-Cut Homes: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.

Mobile Homes: This is the term used for manufactured homes produced prior to June 15, 1976, when the HUD Code went into effect.

Factory Built/Manufactured Home Rental Community: A parcel of land under single or common ownership upon which three (3) or more factory-built homes are 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.

Factory Built Home Stand: That part of a factory built home which has been reserved for the placement of the factory built home, appurtenant structures or additions.

Article 2 – Definitions

Family, Immediate: An immediate family shall include; grandparents, parents, husband, wife, children (natural or adopted), grandchildren and siblings. **Immediate family member shall excludes self. (Amended xxx, 2014)**

Family Transfer: The subdivision of land solely for transfer to a member or members of the immediate family of the owner of the lot of record. A maximum of one (1) lot per family member, per parcel, is allowed and lots shall not be further subdivided without going through the Major Subdivision process. Lots shall be held by the family member for a period of not less than five (5) years. (Amended January 10, 2013)

Floodplain: Any land area susceptible to being inundated by water from any source. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Frontage: The horizontal or curvilinear distance measured along the street right-of-way line upon which a lot abuts.

Grading: Any act by which soil is cleared, stripped, stock piled, excavated, scarified, filled or any combination thereof.

Gross Density: Total number of dwelling units divided by the gross area of a property in a Land Development Plan.

Gross Floor Area: The floor area within the inside perimeter of the exterior walls of the building, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of the interior wall, columns or other features. (Added January 10, 2013)

Group Home: See group residential facility.

Groundwater Protection Plan (GPP): A mandatory document required by the West Virginia Department of Environmental Protection (WVDEP) Groundwater Program for the operation and maintenance of all permanent stormwater management structures.

Guest Residence: A single-family residence, in addition to the primary, residence under common ownership and on the same lot with the primary residence and having approval from all appropriate agencies.

Habitable Square Footage: The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas, such as utility rooms, nor unheated areas such as enclosed porches.

Article 2 – Definitions

Hammerhead Turnaround: A "T" shaped three-point turnaround space.

Holder: As defined by West Virginia Code Section 3, Article 12, Chapter 20, a holder is

1. a governmental body empowered to hold an interest in real estate; or
2. a charitable corporation, association or trust exempt from taxation pursuant to Section 501(c) of the Internal Revenue Code, the purposes or powers of which include protecting the natural, scenic, agricultural or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use, or protecting its natural resources or wildlife.

Hydrogeologic Testing: an evaluation of groundwater quantity and quality and the potential effects that a proposed land development may have on water resources. The evaluation is based on both on-site hydrogeologic testing and existing background information.

Improvements: Any additions to the natural state of the land which increase its value or utility, including pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, landscaping and other appropriate facilities or plantings.

Impervious Surface: A surface that does not absorb water, transmit or allow water to percolate through it.

Incorporated Areas: Areas within Berkeley County that are governed by municipal corporations under Chapter 8 of the West Virginia Code.

Industrial Development: Any development of a use which would include but not be limited to any manufacturing process, material processing, warehousing, research and testing laboratories, product distribution centers, woodworking shops, furniture assembly, machine shops, recycling centers and uses of a similar nature.

Judicial Petition: A division of real estate by either Federal, State or Local court order. (Added xxx, 2014)

Karst: A type of topography that forms as the result of solutional weathering of limestone, dolostone, and/or gypsum. Karst is characterized by soils of highly variable thickness, bedrock exposures, caves, sinkholes, sinking streams, large springs and rapid groundwater movement.

Land Development: The development of one (1) 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

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natural resources, or areas where the disturbance is less than five thousand (5,000) square feet.

Location Map: A drawing at a reduced scale which shows legibly, by dimension and/or other means, enough area beyond the bounds of the proposed land development to locate and orient the land development in Berkeley County and the relationship of the site to the community facilities which serve or influence the property.

Lot: A portion of a subdivision or other parcel of land legally described or delineated as a unit.

Lot Area: The area of a lot bounded by the front, side and rear lot lines, excluding any area within a street right-of-way, future street right-of-way or floodplain, but including the area of any easement.

Lot, Corner: A lot at the junction of streets abutting on two (2) or more of these intersecting streets. The interior angle at the intersection must be less than 135 degrees to be designated a corner lot.

Lot Depth: The average distance from the street line to the rear lot line or, in the case of a triangular lot, the intersection of two (2) side lot lines.

Lot, Double Frontage: A lot whose front and rear property lines abut on streets.

Lot Line: A line dividing one (1) lot from another or from a street or other public place.

Lot, Residual: The remaining portion of the parent tract of the subdivided land.

Lot Triangular: A lot having three (3) lot lines, but which does not qualify as a corner lot.

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth at the minimum required building setback line.

Lot Width, Minimum: The required minimum lot width at the front building setback line.

Manufactured Home: Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet (2438 body mm) or more in width or forty (40) body feet (14,192 body mm) or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet (sq. ft.), and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all

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the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NfiPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

Merger: The process of combining at least two (2) separate parcels of record into a single parcel for the sole purpose of increasing the lot area of the merged parcel. (Added xxx, 2014)

Metes and Bounds: A method of describing the boundaries of land by courses and distances.

Monument: A stone or concrete marker placed in the ground for the purpose of delineating the survey of a subdivision, the boundaries of a political subdivision, or to facilitate a geographic information system.

Multi-Family Dwelling: A building designed, occupied or used by three (3) or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

NPDES Permit: The National Pollutant Discharge Elimination System Permit, part of the Federal Clean Water Act, 33 U.S.C. § 1251, et seq. and West Virginia Code Chapter 22, Articles 11 and 12. This permit is normally administered by the state environmental agency, in this case, the West Virginia Department of Environmental Protection and is required when land disturbance from grading, excavating or construction exceeds the acreage specified under state law.

Official Submission Date: the date upon which an applicant submits a subdivision/land development final plan.

Open Space: Property used in order to preserve natural features or scenic qualities, or as developed for recreational use. Such property may be held privately accruing to the benefit of the property owner(s); or may be held by the County or agency of the County for public use such as parks or other passive/active recreation areas. Property subject to a conservation easement held by the Berkeley County Farmland Protection Board shall be considered privately held open space unless a fee simple interest in the property has been acquired or donated to such Board.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and to maintain proceedings to subdivide or develop the same under these regulations.

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Parcel: A piece of land which can be owned, sold, and developed. Parcels have legal descriptions which not only describe their boundaries but also contain information concerning rights and interests.

Panhandle lots: A lot set behind a row of lots along a roadway with access to the roadway via a narrow access strip which is included as part of the lot, giving the lot the appearance of a “panhandle”, or “flagpole”.

Person: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity recognized by law as subject to rights and duties set forth in the Berkeley Subdivision Development Regulations.

Plan: A description for the development of land containing written and graphical information.

Planned Unit Development: A planned unit development for purposes of this Ordinance shall be defined as a mixed-use community, which utilizes one (1) or more of the below housing options in combination with at least one (1) of the Commercial or Recreational amenities. (Amended January 10, 2013)

1. Single-family detached housing
2. Single-family attached housing
3. Multi-family housing
4. Commercial
5. Recreational amenities such as golf courses, swimming pools, tennis courts, or other major recreational facilities, exclusive of small neighborhood play areas.

Planning Commission: The Planning Commission of Berkeley County, West Virginia.

Plat Plan, Preliminary: The preliminary map, drawing, or chart, on which the layout and design of a proposed land development, is shown and which is submitted to the Planning Commission for consideration and advancement as part of a preliminary plan. **(Amended xxx, 2014)**

Plat Plan, Sketch: An initial map, drawing, or chart indicating existing features of a parcel or tract of land and its surroundings and the general layout of the proposed land development in sufficient detail to allow discussion and comment at a public hearing, but not be presented for final or binding approval. **(Amended xxx, 2014)**

Plat: The map, drawing, or chart on which the developer’s plan or layout of a land development is shown, indicating the location and boundaries of individual properties and which is submitted to the Planning Commission for approval as part of a land development plan.

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Plat, Final: The final map, drawing, or chart, based upon the advancement Preliminary Plan, in which the developer's plan is submitted to the Planning Commission for final approval and which, if approved, shall be recorded in the Office of the Clerk of the County ~~Commission~~ **Council** in accordance with Chapter 39, Article 1, Section 13, of West Virginia Code, 1931, as amended. **(Amended xxx 2014)**

Private Recreational Facilities: Existing, planned or proposed parks, playgrounds, or other passive/active recreational areas or facilities operated by a person for use by either the general public or private individuals, on either a profit or non-profit basis

Public Recreational Facilities: Existing, planned or proposed parks, playgrounds and other public lands and buildings of the County or land or improvements intended for ownership and use in common by members of the homeowners association of a given residential subdivision development.

Public Sewer: a physical, water-carried system of pipes, pumps and tankage designed to collect, convey and/or treat human waste from twenty-five (25) or more dwelling units or service of fewer than twenty-five (25) lots as approved by the BCPSSD.

Public Water: Any water system, which regularly supplies or offers to supply piped water to fifteen (15) or more service connections, or service of fewer than fifteen (15) lots or less as approved by the BCPSSD. A single private well, supplying two or fewer dwelling units, is not considered public water for the purpose of this Ordinance.

Quadruplex Dwelling: One (1) of four (4) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Residue: See Lot, Residue

Right-of-way Line: See Street Line

Riparian Zone: The lands adjacent to streams where vegetation is strongly influenced by the presence of water. The land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin. (Added January 10, 2013)

Roadway: The portion of a street right-of-way, which is paved, improved, designated or intended for vehicular traffic.

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Road Classifications. See Section 1.10, Appendix A (Added xxx,2014)

Sensitive Areas: Areas requiring special attention when being developed due to characteristics such as but not limited to:

1. Severe slope
2. Floodplain area
3. Wetlands
4. Significant Karst features

Severe Slopes: Slopes that are greater than 1 ½' horizontal to 1' vertical.

Setback Line: The line within a property defining the required minimum distance between any structure and an adjacent right-of-way or property line, also known as building setback line.

Sewage Facility: Any sewer, sewage system, sewage treatment works or part thereof, designed, intended, or constructed for the collection, conveyance, treatment, or disposal of waste including industrial waste.

Significant Karst Feature: Sinkholes, closed depression, spring, sinking stream, or Single Family Detached Dwelling: A residential dwelling unit designed for and occupied by one (1) family only and not structurally connected or attached to any other dwelling. cave entrance in an area underlain by limestone, dolostone, or gypsum geology.

Single-Family Attached Dwelling: A duplex, triplex, quadruplex, or townhouse dwelling unit.

Sinkhole or sink: A depression in the land surface formed by solution or collapse of the earth below which directs surface runoff into the subsurface or to an underground drainage flow. For the purpose of this Ordinance, the dimension of a sinkhole or sink shall include the last closed contour line as shown on the Preliminary Plat.

Site Plan (Minor): A plan that follows the minor development process and that will not require the development of new infrastructure, disturbance of more than one acre, new buildings or additions greater than 50,000 square feet, multi-family residential developments of nine units or less, and is on an existing lot or parcel of record. Minor site plans are not required for new or additions to single-family or two-family structures. The disturbance or increase id square footage is cumulative beginning with the adoption of this amendment and when the cumulative totals exceed the minor criteria the project shall follow the Major Site Plan procedures. (Added xxx,2014)

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Site Plan (Major): A plan that follows the major development process and requires the extension of infrastructure, the subdivision of land which is commercial or industrial in nature, disturbs over one acre of land, proposes new buildings or additions over 50,000 square feet, and multi-family developments ten or more units. (Added xxx, 2014)

Stream, Intermittent: A stream which has no flow during sustained periods of no precipitation and which does not support aquatic life whose life history requires residence in flowing waters for a continuous period of at least six (6) months.

Stream, Perennial: A stream identified by well defined banks and natural channels and has continuously flowing water most years. They are usually shown on a USGS topographic map as a solid blue line.

Street: A public road or way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street Line: The dividing line between a street and a lot or land abutting the street; also known as a right-of-way line.

Street Classifications: See Appendix A of this Ordinance.

Structure: Anything constructed, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground, but not including fences, sidewalks, driveways, curbs, water and sewer line access points, fire hydrants, postal services, or accessory farm buildings.

Subdivision, Major: The division of a lot, tract, or parcel of land or part thereof into ~~two (2)~~ **five (5)** or more lots, tracts, or parcels of land, including the residue, for the purpose of lease, sale, transfer of ownership, or development simultaneously or at separate times, whether immediate or future, in such a manner as to require provision for a new street or relocated street to provide access to one (1) or more of the lots, tracts, or parcels so created. **(Amended xxx, 2014)**

Subdivision, Minor: **A minor subdivision is the division of a lot, tract or parcel into five (5) or less lots, including the residue, for the immediate or future transfer of property ownership as of the date of this amendment. Any additional lots created from the parcel existing as of the adoption of these amendments (XXXXXX) shall be processed as a major subdivision. ~~It is a~~ ~~an~~ Merger (addition), minor boundary line adjustment, judicial partition, or testamentary transfer, family transfer, plat of easement, and conservation easements **plats shall be classified as minor subdivisions. (Amended xxx, 2014)****

Subdivision Regulations: The Berkeley County Subdivision Regulations.

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Subdivide: To divide tract of land into lots.

Subdivider: See “Developer”.

Surety: See Bond.

Testamentary Transfer: A division of real estate by testamentary (will) device.

Townhouse: One (1) of a group of three or more attached single-family dwelling units, separated from each other by continuous vertical party wall(s) without openings for human passage or visibility from basement floor to roof, with no dwelling unit directly above another, and each unit having separate entrances from the outside.

Triplex: One of three (3) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot.

Underground Injection Control (UIC) Permit: A permit issued by West Virginia Department of Environmental Protection that regulates the subsurface emplacement of fluids.

Utility: Services consumed by the public. Some examples include but are not limited to: electric, natural gas, water, sewer, telephone, etc.

Vested Property Right:

1. A vested property right is a right to undertake and complete the land development. The right is established when the land development plan and plat is approved by the Planning Commission and is only applicable under the terms and conditions of the approved final land development plan and plat.
2. Failure to abide by the terms and conditions of the approved land development plan and plat will result in forfeiture of the right.
3. The vesting period for an approved final land development plan and plat which creates the vested property right is five (5) years from the date of approval of the final land development plan and plat by the Planning Commission.
4. Without limiting the time when rights might otherwise vest, a landowner's rights vest in a land use or development plan and cannot be affected by any actions of the Planning Commission when the landowner:
 - a. Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project;

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- b. Relies in good faith on the significant affirmative governmental act; and
- c. Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

Waiver: The negation of compliance with part or all of a provision or provisions of the Berkeley County Subdivision Regulations by a majority vote of the Planning Commission in accordance with the procedures established in Article 12.

Watercourse: A stream of water, river, brook, creek, or channel or ditch for water whether natural or man-made.

Wetlands: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas regulated by the US Army Corps of Engineers.

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ARTICLE 3 – PROCESSING PROCEDURES

Section 301. General

1. In order to effect timely, orderly and equitable processing of all applications, the procedures set forth herein shall be observed by all Applicants, the Berkeley County Planning Commission, and its staff.
2. Each subsequent revision of the same plan (Sketch, Preliminary or Final) shall be considered a separate submission to the Planning Commission. Revisions to a plan within the context of an ongoing review shall not be considered as a separate submittal.
3. The table 3-1 below indicates the required plan at the different review stages.

Table 3-1

Review Stage	Preliminary/Final Subdivision	Major Subdivision/ Land Development
Sketch Plan	Not Required	Required
Pre-Application Meeting	Not Required	Required
Subdivision/ Land Development Preliminary Plan	N/A	Required*
Subdivision/ Land Development Final Plan	Required	Required*

*In accordance with Section 305.4, a Preliminary Plan may be combined with a Final Plan.

- ~~4. Major Land Developments: All major plans, and any subsequent changes, must adhere to the Berkeley County Planning Commission guidelines published as "Standardization of Major Land Development Plan". This~~

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~~document may be obtained from the Berkeley County Planning Commission staff.~~

Section 302. ~~Types of Minor Subdivision (Exempt) Land Development Plat Re (Amended xxx, 2014)~~

Section 302.1. ~~Minor Subdivision Submittal and Approval for the following: Minor Subdivisions, Boundary Line Adjustments, Conservation Easements, Easement/right-of-way, family transfer, merger (addition), Judicial Partition, Testamentary Transfer (Added xx, 2014)~~

- a. ~~Within fourteen (14) days of Minor Subdivision submittal, the proposal shall be reviewed by the Planning Commission Staff and Engineering Staff and a letter shall be provided to the applicant confirming any comments or recommendations issued by staff with regards to the proposed development and an evaluation as to its completeness. A meeting can be held with the staff. The purpose of the meeting would be to inform the applicant of what is to be expected procedurally; comment on the general advisability and to discuss development ideas and proposals of the plat, its conformity to this Ordinance and its administrative completeness (i.e. containing all items required in Section 404.1.~~
- b. ~~If comments exist from the letter and/or meeting, the applicant shall address these comments when revising the subdivision plat. A revised plat shall be re-submitted to the Planning and Engineering Department for review and eventual approval.~~
- c. ~~At such time as the Planning and Engineering Departments conclude that all requirements of the regulations have been met, the project shall be deemed approved and the approval stamp of the Planning Commission shall be placed on the plat.~~
- d. ~~If there are issues that cannot be resolved between the staff and applicant, the plat shall be forwarded to the Planning Commission for a determination.~~

~~1. Addition/Mergers~~

~~The following note shall be on all lot mergers:~~

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~~“The _____ acre tract shall be merged into one property with the adjoining tract, Tax Map and Parcel, for the exclusive purpose of increasing the area of the said lot(s). The merged properties shall not be used or sold individually without compliance with prevailing Berkeley County laws and regulations.” See Section 404.2.1~~

Section 302.2 Additional Processing Requirements for 2.FamilyTransfer Plats

All family transfers can be performed if the lots created can be accessed via a non-exclusive right-of-way from the family transfer lot to a WVDOH right-of-way having a minimum twenty-five feet (25) width. The right-of-way may be graveled but shall be paved, in accordance with Appendix A, Manual of Street Standards, if any further subdivisions of the property are created. If an easement is needed, then a waiver will be required to be approved by the Planning Commission. (Amended January 10, 2013)

*Note: Only one (1) lot is allowed to be conveyed to any one family member per individual parcel of property. If a 2nd lot is requested for the same family member for the same property, a waiver must be requested of the Planning Commission.

- a. A parcel conveyed as a Family Transfer may not be sold to a non-family member for a period of five (5) years from the date of recordation in the Office of the Clerk of the Berkeley County Commission.
- b. A Family Transfer plat shall not be further subdivided unless it proceeds through the Major Subdivision Process after the five (5) year period.
- c. Family Transfer plats shall include, as a part of the plat, certifications signed by the Grantor as follows:
 1. The intent of the Grantor is to transfer the land only to a member of his/her immediate family.
 2. A lot, which is created via the family transfer process, may not be conveyed to a non-member of the immediate family for a period of five (5) years from the date of recordation of the plat of

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record. (This language shall also be included in the deed).

Section 303 Procedure, Major Land Development Plans

1. General Procedure

During the course of the process, the applicant shall:

- a. submit a sketch plan;
- b. participate in a public hearing before the Planning Commission to present the sketch plan and;
- c. submit a preliminary plan for review and advancement to final plan and, subsequently, a final plan;
- d. Participate in a public hearing before the Planning Commission to present final plan for approval;
- e. The Planning Commission, having received all comments from the developer, the public and Planning Commission Staff will approve or disapprove the final plan based on the requirements of this Ordinance.

Section 304. Sketch Plan Review and Comment

The preparation and submission of a sketch plan and written supplementary information is required for all major land developments, including planned unit developments.

Section 304.1. Purpose

The submission of a sketch plan and the written supplementary information will assure the applicant:

- a. That Planning Commission Staff has the proper visual concept of this proposed project;
- b. That there is clear understanding as to the information regarding the proposed project, the site and its use;
- c. That the proposed project is submitted with information sufficient to provide an accurate evaluation by not only the Planning Commission and its Staff but also by the general public.

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Section 304.2. Sketch Plan Submittal

- a. Within fourteen (14) days of Sketch Plan submittal, the proposal shall be reviewed by the Planning Commission Staff and a letter shall be provided to the applicant confirming any comments or recommendations issued by staff with regards to the proposed development and an evaluation as to its completeness. A sketch plan meeting can be held with the staff. The purpose of the meeting would be to inform the applicant of what is to be expected procedurally; comment on the general advisability and to discuss development ideas and proposals of the plan, its conformity to this Ordinance and its administrative completeness (i.e. containing all items required in Section 401.3).
- b. If comments exist from the letter and/or meeting, the applicant shall address these comments when revising the sketch plan. A revised sketch plan shall be re-submitted to the Planning Department prior to being forwarded to the Planning Commission for public hearing.

If no comments exist, the initial submittal will be forwarded to the Planning Commission for public hearing.

Section 304.3. Public Hearing

- a. The applicant shall submit a minimum of two (2) originals and one (1) electronic media formatted copy, as specified in Section 403.2.c of the complete sketch plan and written supplementary information in accordance with Section 401.3; the date of such submission shall be considered the date of official submission. The submission shall be on forms provided by the Planning Commission Staff and accompanied by the required fees established in this Ordinance. (Amended January 10, 2013)
- b. A public hearing shall be scheduled within thirty (30) days of the date in which the sketch plan is determined to be complete. The purpose of this public hearing is to receive staff comment, review the sketch plan with any revisions and, in particular, to receive input from the developer and the general public. At the conclusion of the public hearing, the Planning Commission may remand the plan back to the applicant with comment. The Planning Commission Staff shall officially notify the applicant in writing within fourteen (14) days of the conclusion of the hearing confirming any comments or recommendations issued by the Planning Commission. The applicant may address these comments and recommendations in

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the subsequent Preliminary Plan.

- c. The Planning Commission shall cause a public notice of the date, time and place of the public hearing to be published in a local newspaper within at least fourteen (14) days prior to the public hearing. The applicant/developer will also be notified by the Planning Department to pick up a public hearing sign accompanied by the required fees established in this Ordinance... The applicant/developer shall post this sign at least 14 days prior to the public hearing as close to the road as possible as well as in a location that is clearly visible. Once the sign has been posted, the applicant/developer shall contact the Planning Department for an inspection of the sign posting and once inspected, the inspection date and a photograph of the sign shall be placed in the project file.

Section 305. Preliminary Plan Review and Advancement

The preparation and submission of a Preliminary Plan, together with other supplementary material, are required for Major Land Developments, including Planned Unit Developments.

Section 305.1. Purpose

The purpose of the Preliminary Plan is to request review and advancement from the Planning Commission on matters relating to detailed engineering design and layout of all proposed improvements in order to minimize changes and revisions before the Final Plan is submitted for review and disposition.

Section 305.2. Procedure-Preliminary Plan

- a. Based on conclusions reached and information provided in the sketch plan submittal and the public hearing regarding the general objectives of the proposed project as well as its conformity to this Ordinance, the applicant shall prepare a Preliminary Plan, together with other supplementary material as specified in Section 402.2 of this Ordinance.
- b. The applicant shall submit to the Planning Commission a written request for review, including the required copies of the Preliminary Plan and supporting documents, and one electronic media formatted copy as specified in Section 403.2.c on forms provided by the Planning Commission Staff, and accompanied by the required fees established in this ordinance.
- c. Based on the type, size, and location of the proposed project, and

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other agencies' requirements, the Planning Commission shall require approvals from the agencies listed below, as the project may require:

West Virginia Bureau of Health, Environmental Engineering Division

West Virginia Division of Highways**Applicant must show dated proof of filing application to the DOH, in the event an agreement/bonding requirement is needed for proposed improvements.** If no agreement/improvements are required, then the DOH permit/approval is required.

Public Service Districts, Water and Sewer Berkeley County Health Department

NPDES approval authority**Applicant must show dated proof of filing application to the DEP. **

GPP approval authority

Central Dispatch,

West Virginia DEP

US Army Corps of Engineers

Berkeley County Engineering Department

West Virginia Public Service Commission

And others as may be required.

- d. Within seven (7) days of receipt of the written request along with the required number of copies of the Preliminary Plan and the required supplementary material, the Planning Commission Staff shall review the plan and notify the applicant as to its completeness.

Should the plan be adjudged by the Planning Commission Staff to be administratively incomplete, i.e., not containing all elements required by Section 402.2, the applicant shall be so notified and the plan shall be considered not to have been officially submitted.

- e. Within forty-five (45) days of official submission and receipt of all approvals including those from outside agencies, the Planning Commission at a regularly scheduled meeting shall consider the plan. In determining whether advancement should be given to the Preliminary Plan, the Planning Commission at its public meeting shall be guided by the design standards set forth in this Ordinance. Particular attention shall be given to Planning Commission Staff comment, previous public comment, but especially the arrangement, location and width of streets and their relation to the topography; storm water management; water supply; sewage and solid waste disposal; drainage; erosion and sediment control; lot

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sizes and arrangements; the “Statement of Legislative Intent” and the “Statement of Purpose” of this ordinance.

- f. Following the Planning Commission’s review of the Preliminary Plan and other materials required by these regulations, including comments issued by or approvals required by other departments and agencies if available, the Planning Commission shall at the public meeting, or no more than fourteen (14) days after the public meeting advance the plan or remand it back to the applicant for revisions. If remanded, the Planning Commission shall express its reasons for remanding in writing and shall cite the section(s) of the Ordinance which form the basis for remanding back to the applicant.
- g. In those instances in which an applicant cannot resolve a staff comment, the issue may be brought before the Planning Commission for review and resolution, at the applicant’s discretion.

Section 305.3. Effect of Preliminary Plan Advancement

Advancement of a Preliminary Plan shall not constitute approval of the Final Plat. Rather, it shall be deemed as advancement to final plan review stage as a guide to the preparation of the Final Plat application. Upon fulfillment of the requirements of these regulations and satisfaction of the Preliminary Plan advancement, the Final Plan may be submitted for determination by the Planning Commission.

Advancement of a Preliminary Plan by the Planning Commission shall have the following meaning:

From the date of the Preliminary Plan advancement, the Preliminary Plan shall be valid for a period of three (3) years.

- a. The applicant may seek extensions of the Preliminary Plan advancement in one (1) year increments, not to exceed two (2) in number.
- b. The Planning Commission in reviewing the extensions shall take into consideration the status of the application from outside agencies and changes within the vicinity to better accommodate a changed level of service.
- c. The terms and conditions, including but not limited to street layout,

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lot size and setbacks, and improvements on which such preliminary advancement was granted will not be changed, unless requested by the Applicant and agreed to by the Planning Commission;

- d. The applicant may submit on or before the expiration date of such Preliminary advancement, the whole or any part of said subdivision for final determination in accordance with the provisions of this Ordinance, provided that if the applicant elects to submit only a part of said subdivision for final approval, the applicant shall first make written notification to the Planning Commission indicating specifically the part or parts for which final approval is requested.
- e. A Plan Change must be submitted for public hearing under the following circumstances:
 - 1) A change in the number of lots, (increase or decrease in the #); lot sizes; roads; storm water management areas; changes in open space areas or percentages; parking lot areas/lots; and any increase in impervious surfaces affecting the Preliminary Plan that was recommended for advancement to Final Plan.
 - 2) A change requested subsequent to the transfer of any lot(s) within the subdivision. (Added January 10, 2013)

Administrative plan changes that do not require a public hearing are as follows: Boundary line or lot line adjustments; road name changes, and decreases in impervious surfaces.

~~Section 305.4 Procedure Simultaneous Preliminary/Final Plan Do we need this or should we restrict to lots around existing structures if we adopt minor subdivision process???~~

1. ~~Where lots are greater than two (2) acres in size and have frontage on a WVDOH road, and no improvements are needed, the developer may submit a combined Preliminary/Final Plan to be forwarded to the Planning Commission.~~
2. ~~Applicant Procedure~~
 - a. ~~The application for Preliminary/Final Plan review and determination shall be on forms provided by the Planning Commission Staff accompanied by copies of all applications~~

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for permits from WVDOH and utilities, as well as the required final plan fees established in this ordinance. Note: all applicable permits shall be issued prior to final approval. (Amended January 10, 2013)

- b. Should the plan receive approval, the applicant shall record such plan in the Office of the Clerk of the County Council in accordance with the appropriate provisions of the law within ninety (90) **One Hundred Eighty (180) days of such approval unless an extension is requested and granted in writing for up to an additional 180 days**. In the event that the final plan is not filed within the appropriate time, the application shall be considered withdrawn and any previous approval or modifications shall be considered lapsed.

3. Planning Staff Procedure

- a. The application, plans, and supporting documents shall be filed with the Planning Commission Staff, which must, within seven (7) days after submission if the applicant desires, meet with the applicant to discuss the criteria used to classify the proposal as preliminary/final plan.
- b. Within ten (10) days after submission of the Preliminary/Final Plan, the Planning Commission Staff shall notify the applicant in writing whether or not the submission has been classified a minor land development.
- b. Within ten (10) days of the date that the plan was classified a Preliminary/Final Plan; the Planning Commission Staff shall approve or deny the plan and so notify the applicant in writing within fourteen (14) days of the date of the decision.

4. Planning Commission Denial/Appeal Procedure

- a. In the instance of a Preliminary/Final Plan denied by staff, the applicant may appeal the decision to the Planning Commission within thirty (30) days of the date of the Letter of Denial.
- b. Upon receipt of the Request for Appeal, the request shall be placed on an agenda within thirty (30) days from the Receipt for Request.

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- ~~c. If the Planning Commission denies the plan, it shall set forth the reasons in its own records and so notify the applicant in writing within fourteen (14) days of the date of the decision.~~

Section 306. Final Plan Review and Approval

The preparation and submission of a final plan, together with supporting documents and data, are required for all land developments including planned unit developments.

Section 306.1. Purpose

The purpose of the final plan is to require formal approval by the Berkeley County Planning Commission before all plans of all subdivisions are recorded in the Office of the Clerk of the County Council and/or prior to the construction of improvements.

Section 306.2. Procedure, Major Land Developments

a. General Procedure

1. The final plan shall conform substantially to the preliminary plan as previously advanced by the Planning Commission. If substantive changes have been made as adjudged by the Planning Commission Staff, the plan shall be considered a revised preliminary plan, which must be re-advanced by the Planning Commission and the participating agencies indicated in Section 305.2.c.
2. The applicant may submit the final plan by phase or in its entirety.
3. The final plan and supporting documents shall comply with the provisions of this Ordinance.
4. The final plan shall be submitted to the Planning Commission within three years (3) after advancement of the preliminary plan. Otherwise, such advancement shall become null and void unless an extension of time for the preliminary plan is applied for by the applicant and granted by the Planning Commission.

b. Applicant Procedure

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1. The application for final plan determination shall be on forms provided by the Planning Commission Staff, accompanied by the required fees established in this Ordinance.
2. The applicant shall submit to the Planning Commission a written application, including the required copies of the Final Plan and supporting documents, and one electronic media formatted copy as specified in Section 403.1.
3. The applicant shall submit permits and/or letters of approval from the agencies listed below, as the project may require:

West Virginia Bureau of Health, Environmental Engineering Division

West Virginia Division of Highways

Public Service Districts, Water and Sewer

Berkeley County Health Department

NPDES approval authority

GPP approval authority

Central Dispatch,

West Virginia DEP

US Army Corps of Engineers

Berkeley County Engineering Department

West Virginia Public Service Commission

and others as may be required.

4. Upon the Planning Commission staff determining that all the final plat requirements have been met, the required copies and a Mylar shall be submitted to the Planning Commission for a Final Plan determination meeting date. (Amended January 10, 2013)

c. Planning Commission Procedure-Approval of Final Plan

1. Submittal of application request for determination-Application for determination is submitted by the applicant/developer.
2. Plan Determination Meeting-
 - a. At the 1st regular meeting following submittal of the application, the Planning Commission shall find that the application meets the requirements of the Ordinance and is therefore complete, or find that the

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application does not meet the requirements of the Ordinance and is therefore not complete.

- b. If complete, the Planning Commission sets the date, time and place for the public hearing and meeting to vote on the completed application.
- c. Pursuant to Chapter 8A, Article 5, Section 8(c), of the West Virginia Code, 2004, as amended, the Planning Commission shall conduct a public hearing at a regularly scheduled public meeting within forty-five (45) days of the date of official submission of said final plan. The purpose of this public hearing is to receive staff comment, review the final plan with any revisions and, in particular, to take testimony from the developer and general public. At the conclusion of the public hearing, the Planning Commission shall remand the plan back to the applicant with comment or approve the final plan.
- d. The Planning Commission staff, at least twenty-one (21) calendar days before the public hearing, shall cause a notice of the hearing to be published in a local newspaper. The applicant/developer will also be notified by the Planning Department to pick up a public hearing sign accompanied by the required fees established in this Ordinance. The applicant/developer shall post this sign at least 14 days prior to the public hearing as close to the road as possible as well as in a location that is clearly visible. Once the sign has been posted, the applicant/developer shall contact the Planning Department for an inspection of the sign posting and once inspected, the inspection date and a photograph of the sign shall be placed in the project file.
- e. Within fourteen (14) days after the Public Hearing, or immediately following the hearing's conclusion, the Planning Commission shall approve, approve with conditions, deny or hold the application.
- f. If the Planning Commission approves the plan, the plan shall be signed by a commissioner and the developer notified. (Amended January 10, 2013)

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- g. If the plan is denied, the developer may make new application to the Planning Commission staff for complete review and a new public hearing.
 - h. If the plan is held for additional information, the Planning Commission shall notify the applicant of the need for such information.
 - i. If the plan is approved with conditions, at such time as the conditions have been met, the applicant shall submit a request to the Planning Department to be placed on the next available agenda for final plan approval.
3. Recordation-
- a. Following approval and meeting the conditions set by the Planning Commission, the subdivision or land development unit shall be recorded by the applicant in the Office of the Clerk of the County Council within ~~five (5) years of the date of approval.~~ **180 days of Final Plan. The Planning Commission is authorized to grant an extension of up to an additional 180 upon request. If the Final Plan** is not filed within the appropriate period of time, the Final Plan shall be considered withdrawn and any previous approval or modification of the Final Plan shall be considered null and void. If the development is located in more than one county, recordation shall be in the county of initial land development and subsequently in other counties where the development is also located. Receipt of recordation shall be provided to the planning commission ~~during~~ **prior to** bond reduction and releases, and shall be provided as part of the ~~supplemental plat~~ **as-built approval process**, needed to issue a use and occupancy permit. (Amended January 10, 2013)**(Amended xxx, 2014)**

Section 307 Minor Site Plan Review and Approval (Added xxx, 2014)

The preparation and submission of a minor site plan and written supplementary information is required for all developments requiring a minor site plan. (The Minor Site Plan process can only be utilized if the cumulative activity since the adoption of this amendment does not exceed

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that set forth in the definition of Minor Site Plan in Article 2 of these regulations.

Section 307.1 Purpose (Added xxx, 2014)

The submission of a minor site plan and written supplementary information will:

- a. Provide the planning and engineering departments with required information verifying that the plan qualifies as a minor site plan.
- b. That there is clear understanding as to the scope of the project as to the use and development of the site.
- c. That the proposed project is submitted with information sufficient for the planning and engineering departments to provide an accurate evaluation of the project.

Section 307.2 Minor Site Plan Submittal and Approval (Added xxx, 2014)

- a. Within fourteen (14) days of Minor Site Plan submittal, the proposal shall be reviewed by the Planning Commission Staff and Engineering Staff and a letter shall be provided to the applicant confirming any comments or recommendations issued by staff with regards to the proposed development and an evaluation as to its completeness. A site plan meeting can be held with the staff. The purpose of the meeting would be to inform the applicant of what is to be expected procedurally; comment on the general advisability and to discuss development ideas and proposals of the plan, its conformity to this Ordinance and its administrative completeness (i.e. containing all items required in Section 405.2).
- b. If comments exist from the letter and/or meeting, the applicant shall address these comments when revising the site plan. A revised site plan shall be re-submitted to the Planning and Engineering Department for review and eventual approval.
- c. At such time as the Planning and Engineering Departments conclude that all requirements of the regulations have been met, the project shall be deemed approved and the approval stamp of the Planning Commission shall be placed on the plans.

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- d. If there are issues that cannot be resolved between the staff and applicant, the site plan shall be forwarded to the Planning Commission for a determination.

Section 308 Major Site Plan Review and Approval (Added xxx, 2014)

Section 308.1 Procedure, Major Land Development Plans (Added xx, 2014)

1. General Procedure

During the course of the process, the applicant shall:

- a. submit a preliminary site plan;
- b. participate in a public hearing before the Planning Commission to present the site plan;
- c. submit a preliminary plan for review and advancement to final site plan and, subsequently, a final subdivision plan, if subdivision is required and;
- d. Participate in a public hearing before the Planning Commission to present final plan for approval.
- e. The Planning Commission, having received all comments from the developer, the public and Planning Commission Staff will approve or disapprove the final site plan based on the requirements of this Ordinance.

Section 308.2. Preliminary Site Plan Review and Comment (Added xx, 2014)

The preparation and submission of a sketch preliminary site plan and written supplementary information is required for all major land developments, including planned unit developments.

Section 308.1 Purpose (Added xxx, 2014)

The submission of a preliminary site plan and the written supplementary information will assure the applicant:

- a. That Planning Commission Staff has the proper visual concept

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of this proposed project;

- b. That there is clear understanding as to the information regarding the proposed project, the site and its use;**
- c. That the proposed project is submitted with information sufficient to provide an accurate evaluation by not only the Planning Commission and its Staff but also by the general public.**

Section 308.2. Preliminary Site Plan Submittal (Added xx, 2014)

- a. Within fourteen (14) days of Preliminary Site Plan submittal, the proposal shall be reviewed by the Planning Commission Staff and a letter shall be provided to the applicant confirming any comments or recommendations issued by staff with regards to the proposed development and an evaluation as to its completeness. A preliminary site plan meeting can be held with the staff. The purpose of the meeting would be to inform the applicant of what is to be expected procedurally; comment on the general advisability and to discuss development ideas and proposals of the plan, its conformity to this Ordinance and its administrative completeness (i.e. containing all items required in Section 401.3).**
- b. If comments exist from the letter and/or meeting, the applicant shall address these comments when revising the preliminary site plan. A revised preliminary site plan addressing all comments shall be re-submitted to the Planning Department prior to being forwarded to the Planning Commission for public hearing.**

If no comments exist, the initial submittal will be forwarded to the Planning Commission for public hearing.

Section 308.3. Public Hearing (Added xx, 2014)

- a. The applicant shall submit a minimum of two (2) originals of the complete preliminary site plan and written supplementary information in accordance with Section 401.3; the date of such submission shall not be considered an official submission until all required information has been received by the Planning Commission Staff.. The submission shall be on**

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forms provided by the Staff and accompanied by the required fees established in this Ordinance.

- b. A public hearing shall be scheduled within thirty (30) days of the date in which the preliminary site plan is determined to be complete. The purpose of this public hearing is to receive staff comment, review the preliminary site plan with any revisions and, in particular, to receive input from the developer and the general public. At the conclusion of the public hearing, the Planning Commission may remand the plan back to the applicant with comment. The Planning Commission Staff shall officially notify the applicant in writing within fourteen (14) days of the conclusion of the hearing confirming any comments or recommendations issued by the Planning Commission. The applicant may address these comments and recommendations in the subsequent Final Site Plan.
- c. The Planning Commission shall cause a public notice of the date, time and place of the public hearing to be published in a local newspaper within at least fourteen (14) days prior to the public hearing. The applicant/developer will also be notified by the Planning Department to pick up a public hearing sign accompanied by the required fees established in this Ordinance... The applicant/developer shall post this sign at least 14 days prior to the public hearing as close to the road as possible as well as in a location that is clearly visible. Once the sign has been posted, the applicant/developer shall contact the Planning Department for an inspection of the sign posting and once inspected, the inspection date and a photograph of the sign shall be placed in the project file.

Section 309. Final Site Plan Review (Added xx, 2014)

The preparation and submission of a Final Site Plan, together with other supplementary material, are required for Major Land Developments, including Planned Unit Developments.

Section 309.1. Purpose (Added xx, 2014)

The purpose of the Final Site Plan is to request review and final approval of the plan and when appropriate in conjunction with the preliminary plan advancement from the Planning Commission on matters relating to detailed engineering design and layout of all proposed improvements in order to minimize changes and revisions before the associated Final Plat is

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submitted for review and disposition.

Section 309.2. Procedure-Final Site Plan(Added xx, 2014)

- a. Based on conclusions reached and information provided in the sketch plan submittal and the public hearing regarding the general objectives of the proposed project as well as its conformity to this Ordinance, the applicant shall prepare a Preliminary Plan, together with other supplementary material as specified in Section 402.2 of this Ordinance.
- b. The applicant shall submit to the Planning Commission a written request for review, including the required copies of the Final Site Plan and supporting documents, on forms provided by the Planning Commission Staff, and accompanied by the required fees established in this ordinance.
- c. Based on the type, size, and location of the proposed project, and other agencies' requirements, the Planning Commission shall require approvals from the agencies listed below, as the project may require:

West Virginia Bureau of Health, Environmental Engineering Division

West Virginia Division of Highways**Applicant must show dated proof of filing application to the DOH, in the event an agreement/bonding requirement is needed for proposed improvements.** If no agreement/improvements are required, then the DOH permit/approval is required.

Public Service Districts, Water and Sewer

Berkeley County Health Department

NPDES approval authority**Applicant must show dated proof of filing application to the DEP. **

GPP approval authority

Central Dispatch,
West Virginia DEP

US Army Corps of Engineers

Berkeley County Engineering Department

West Virginia Public Service Commission

And others as may be required.

- d. Within seven (7) days of receipt of the written request along with the required number of copies of the Final Site Plan and the required supplementary material, the Planning Commission Staff shall review the plan and notify the

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applicant as to its completeness.

Should the plan be adjudged by the Planning Commission Staff to be administratively incomplete, i.e., not containing all elements required by Section 402.2, the applicant shall be so notified and the plan shall be considered not to have been officially submitted.

e. Within forty-five (45) days of official submission and receipt of all approvals including those from outside agencies, the Planning Commission at a regularly scheduled meeting shall consider the plan. In determining whether approval should be given to the Final Site Plan, the Planning Commission at its public meeting shall be guided by the design standards set forth in this Ordinance. Particular attention shall be given to Planning Commission Staff comment, previous public comment, but especially the arrangement, location and width of streets and their relation to the topography; storm water management; water supply; sewage and solid waste disposal; drainage; erosion and sediment control; lot sizes and arrangements; the “Statement of Legislative Intent” and the “Statement of Purpose” of this ordinance.

f. Following the Planning Commission’s review of the Final Site Plan and other materials required by these regulations, including comments issued by or approvals required by other departments and agencies if available, the Planning Commission shall at the public meeting, or no more than fourteen (14) days after the public meeting approve the plan or remand it back to the applicant for revisions. If remanded, the Planning Commission shall express its reasons for remanding in writing and shall cite the section(s) of the Ordinance which form the basis for remanding back to the applicant.

h. In those instances in which an applicant cannot resolve a staff comment, the issue may be brought before the Planning Commission for review and resolution, at the applicant’s discretion.

Section 309.3. Effect of Final Site Plan Approval (Added xx, 2014)

a) When a Final Site Plan is approved in conjunction with the advancement of a Preliminary Plan, this action shall not

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constitute Final Site Plan or Final Plat approval. Rather, it shall be deemed as advancement to the final plat review stage and shall be used along with the Preliminary Plan as a guide to the preparation of the Final Plan application. Upon fulfillment of the requirements of these regulations and satisfaction of the Preliminary Plan advancement, the Final Plan may be submitted for determination by the Planning Commission and upon the Final Plat receiving approval the Final Site Plan shall be deemed approved as well..

- b) When a Final Site Plan is approved and no subdivision of land is involved in the project, the site plan is deemed approved upon signing by the Planning Commission.**

Section 309.4 Final Site Plan Approval Period (Added xx, 2014)

- a) A Final Site Plan shall be valid for a period of three (3) years if not approved as part of the Preliminary Plan advancement.**
- b) A Final Site Plan approved as part of the Preliminary Plan advancement shall remain valid as long as the Preliminary Plan remains valid.**
- c) The applicant may seek extension of the Final Plan approval in one (1) year increments, not to exceed two (2) in number.**
- d) The Planning Commission in reviewing extension requests shall take into consideration the status of the application from outside agencies and changes within the vicinity to better accommodate a changed level of service.**
- e) The terms and conditions, included in the original approval on which the Final Site Plan was granted will not be changed, unless requested by the Applicant and agreed to by the Planning Commission.**

Section 309.5 Changes to Approved Final Site Plans (Added xx, 2014)

- a) An owner of an approved site plan can request changes to the approved Final Site plan prior to construction, during development, or after receiving a Use and Occupancy Permit according to the following:**
 - 1) A public hearing before the Planning Commission will be**

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required when there are changes involving an increase in the size of the site, new or revised access points to a State Highway, revisions, to storm water management, changes to buffer yards, a change to any of the original conditions of approval, or a change requested subsequent to the transfer of any lot(s) within a residential subdivision.

- 2) Administrative plan changes are minor changes and can be approved by the planning staff without a public hearing. These can include things like: parking and loading layout as long as no increase in impervious area, sign locations, internal walkways, and landscaping of buffer yards.
- 3) All plan changes require the resubmission of a revised Final Site Plan reflecting all changes made to the plan as the revised plan will become the official plan. This requires the changes to be reflected on all applicable sheets of the plan.

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ARTICLE 4 - PLAN REQUIREMENTS

Section 401. Sketch/Preliminary Site Plan (Amended xxx, 2014)

The Applicant shall prepare a sketch/preliminary plat plan and written supplementary information for review. The sketch/preliminary site plan shall include the information described below.

Section 401.1. General Information(Amended xxx 2014)

General information, in narrative form, which describes the overall purpose of the proposed development and its specific uses and its consistency with the County Comprehensive Plan, shall be provided by the Applicant to supplement the information provided on the actual sketch/preliminary site plan drawings. This information also shall include data on soil types, geological information, community facilities and utilities and information describing the land development proposal. The Applicant, if desired, may propose a phasing plan, with estimated time frames for each proposed phase of development, but in every case shall estimate the ultimate build-out date. The sketch plan shall also provide information on provisions for parking for commercial and multi-family development, including the number of required and proposed parking spaces. In addition, for all developments information on proposed road types, total acreage of site and the amount of acreage to be developed as lots, as open space and as streets; and information on the historic use of the site, especially if previous land uses may tend to impact the site's development potential, is required. In addition, one (1) electronic media formatted copy shall be required. Please reference the Berkeley County Digital Data Submission Standards Policy.

Section 401.2. Location Map

A location map, at a scale of no less than six hundred feet (600') to one inch (1"), shall show the relationship of the proposed land development to existing community facilities, which serve or influence it. These facilities shall include public road systems, public schools, retail and commercial areas, County and State parks, and any other public or private amenities of note, which are located in proximity to the proposed development. The location map shall be drawn at a scale, which allows information such as State route numbers and local road names, location of local trails, local landmark names, and all other geographic identifiers to be easily read and interpreted.

Section 401.3. Sketch/Preliminary Site Plat Plan (Amended xxx,2014)

The sketch/preliminary plat site plan shall include the following:

1. Proposed layout of streets.

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2. Total number of lots, configuration of lots and lot sizes.
3. Name, location and width of right-of-way of adjacent roads
4. Name and location of any adjacent subdivisions whether approved or in progress, (provided by the Berkeley County Planning Staff, after 1st submission if needed), and Berkeley County Planning Commission File # for each.
5. Tax map information, current land use and property owners for all adjacent properties, north arrow with the basis of north.
6. Location of proposed storm water management facilities and type of facility.
7. Types of utilities proposed
8. Name and address of preparer
9. Topography at a minimum of twenty foot (20') intervals and conditions including soil types, floodplain lines, wetlands and other natural features, as shown on the USGS Quadrangle maps or other mapping products for the site and one-hundred feet (100') from the site boundary. (Amended January 10, 2013)
10. Location and description of any proposed recreational or open space uses
11. Existing sensitive areas which may impact the site's development potential.
12. Existing built features and infrastructure and their proposed eventual disposition (i.e., to be razed, removed, maintained or converted to another use).
13. Preliminary calculations of impervious coverage, density, area of non-residential uses, and parking requirements.
14. The proposed name of the land development, which shall not duplicate or closely approximate the name of any other land development in the County or its close proximity.
15. Developments that propose more than fifteen (15) dwelling units, shall obtain and complete a "Planning Commission Public School Impact Form", which is available at the Planning Commission office.

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16. Average Daily Traffic estimates (ADT) at each proposed point of access.
17. Prospective street layout providing access to the remainder of the property when the land development covers only part of the owner's entire holdings.
18. Statement on the plat whether the property lies within a one hundred (100) year floodplain, (Appendix C) including Flood Insurance Rate Map (FIRM) map panel, number and date.
19. A completed Environmental Impact Checklist, Appendix C contained herein.

Section 401.4. Environmental Considerations

The Sketch/**Preliminary Site Plat Plan** shall identify known environmental features, such as wetlands (as per National Wetlands Inventory Maps), wet and intermittent streams, forested areas, sink holes, caves, springs, severe slopes, soil types and the general location of any other significant geological or other feature. **(Amended xxx, 2014)**

If development is proposed on a site which was previously used for an activity which may pose a potential public health risk due to the presence of residual toxins, chemical contaminants or heavy metals such as arsenic, then the Sketch Plat shall state that the development of the site will comply with all applicable guidelines and standards for the reuse and redevelopment of environmentally compromised sites, as established by the West Virginia Department of Environmental Protection, The Federal Environmental Protection Agency or any other governing state or federal authority.

As per the West Virginia Department of Environmental Protection, the Applicant is cautioned that any property having an agricultural history is subject to enhanced scrutiny of its environmental suitability for residential or commercial redevelopment. The Department of Environmental Protection advises that the Applicant exercise all due diligence in researching land use history of property proposed for redevelopment, and advises that "due diligence" shall be interpreted to mean the compilation of information relating to past uses of a property as far back in time as the existence of written documentation shall allow.

Section 402. Preliminary Plan/Final Site Plan (Amended xxx, 2014)

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Section 402.1 General (Amended xx, 2014)

The preliminary plan/**Final Site Plan** shall be submitted by the Applicant on durable paper and shall be clear, legible and in accordance with the Berkeley County “Standardization of Major Subdivision/Land Development Plans”. The scale shall be one hundred feet (100’) or less to the inch and the size of the sheets shall be twenty-four (24) by thirty-six inches (36”), including a one and one half inch (1 ½”) margin for binding along the left edge. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. The preliminary plan shall be labeled “PRELIMINARY PLAN” in large letters **and the Final Site Plan shall be labeled “FINAL SITE PLAN” in large letters.** ~~In addition, one (1) electronic media formatted copy shall be required. Please reference the Berkeley County Digital Data Submission Standards Policy.~~ **(Amended xxx 2014)**

Section 402.2 Required Information

The preliminary plan/ **Final Site Plan** shall show or be accompanied by the following information: **(Amended xxx, 2014)**

a. General

1. Location map at a scale of no less than six hundred feet (600’) to one inch (1”) indicating the location of the property with respect to surrounding properties and streets. The location map must be drawn at a scale which allows local street names, landmarks, and other geographic information to be easily read and understood. The map shall show all streets and property within one thousand feet (1000’) of the exterior property of the development site.
2. The names of all adjoining property owners and current land uses with deed reference and tax map description, and/or the names and locations of any adjacent residential subdivisions, current or proposed, with the Berkeley County Planning Commission File #.
3. The proposed name of the land development, which shall not duplicate or closely approximate the name of any other land development in the County or its close proximity.
4. The name and address of the owner or owners of the land to be subdivided or developed, and the name and address of the Applicant, if different from the owner.
5. A letter from the owner, if different from the Applicant,

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authorizing the Applicant to act as his agent with full authority.

6. The name and address of the registered engineer, land surveyor certified in the State of West Virginia responsible for the preparation of the plat **and site plan**, and the name and address of the registered engineer certified in the State of West Virginia responsible for the preparation of the plans for the required improvements.
7. North arrow (with basis of north), scale and date.
8. Title block; location of tract by tax district, map, parcel, deed book and page number.
9. A surveyor's certification block certifying to the exterior property lines of the property being developed.
10. Computation of total area (acreage) of the land development proposed (including all open space, conservation easements, storm water management areas, residue, lot area(s), gross density per acre and rights-of-way).
11. If the Preliminary Plan **or the site plan** proposes only a phase or section of a larger development, a sheet in the plat **or site plan** set shall be included showing the entire development, including the current proposed phase or section and all existing and future phases or sections. **(Amended xxx, 2014)**
12. When the preliminary plat under review is a re-plat of a subdivision of record, there shall be shown the following statement on the preliminary plat with the applicable entries made thereon:

This is a replat of _____
(name of subdivision)

recorded on _____, in Plat Book # _____,
(date of recording)

Page # _____, owned by _____ at
(name of owner)

time of recording.

Signature of Present Owner

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13. In the case of re-plat of a subdivision of record, dotted or dashed lines shall be used to show the features or locations to be abandoned and solid lines to show the currently proposed features or locations.
14. Date of plat preparation and dates of any subsequent revisions to the plat made during the review process, if any.
15. A completed Engineering Preliminary Plan/ **Site Plan** Checklist, as provided by the County Engineer and a Planning Preliminary Plan/ **Site Plan** Checklist, as provided by the County Planning Commission. **(Amended xxx, 2014)**

b. Site Data

Site data shall include the following:

1. Subdivision boundaries with distances, including entire area proposed to be subdivided or developed and remainder of the tract in the same ownership; all existing restrictive easements rights-of-way and the purpose for which such easements and rights-of-way have been established; plus any parks, conservation easements or other public open spaces.
2. An “existing features” sheet which shows all built structures on the site, and includes information as to their proposed final disposition. Existing man-made features that may influence the design of the subdivision, such as power transmission towers or power lines, historic areas or features, sewers, water mains, culverts, utility lines, fire hydrants and cemeteries shall be shown. Natural features also shall be shown, including forested areas, wetlands as shown on the National Wetlands Inventory Maps, water features, tree groves, swamps, outstanding topographic features, and sinkholes or depressions. Property rights-of-way and lot lines should be ghosted in the background.
3. Existing topography with two-foot (2’) contour intervals. Where the terrain is rugged and hilly and where existing grades are twenty five percent (25%) or greater, ten-foot (10’) contour intervals will be permitted in the area where such grades exist. Topography lines for off site improvements shall be shown at two foot (2’) contour intervals.

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4. Location, widths, and names of all existing streets or alleys on or within one hundred feet (100') of the land development unit

site. Recorded but unimproved streets shall be shown with dashed lines, and shall be labeled as “recorded but unimproved rights of way”.

5. If the property to be developed is located within the floodplain, in whole or in part, the extent of the one hundred (100) year flood plain within the property and adjoining properties. Additional applicable information as may be required by the County Floodplain Ordinance.

c. Proposed Design and Improvements

1. The layout of all proposed and existing lots, with approximate dimensions and area in square feet for each lot; proposed uses of property.
2. Front, rear and side yard setbacks.
3. The location of proposed buildings, the first floor elevation and the building envelope. For residential structures a composite footprint may be used.
4. Impervious coverage, density and parking calculations.
5. Existing and proposed driveway locations
6. Site dimensions, including the number of linear feet which front on public highways. All proposed street names and locations of street, traffic regulatory signs and ADT shall be shown.
7. Location, width and grade of all proposed streets, typical cross sections including a description of the centerline with distances and curve data shall be shown. Any access point onto a public highway must be approved by the West Virginia Division of Highways.
8. The approximate location, dimensions and area of all property proposed to be dedicated or temporarily reserved for public use, or to be reserved by a blanket covenant for use of all property owners in the land development and conditions for such

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conveyance or reservation. The location, dimensions, area and purposes of any proposed conservation, open space, or other restrictive easements shall be shown.

9. Where such information is available, proposed public improvements, streets or other major improvements which have been planned by public bodies for future construction on or near the proposed land development unit shall be shown on the plat or site plan.
10. Proposed location of street trees, sidewalks and street lighting standards (if required); all other proposed improvements.
11. Standard Berkeley County and review agency construction details shall be provided.
12. Proposed drainage systems showing the disposition of surface drainage with the following;
 - i. Typical cross sections of all proposed storm water management ponds and ditches.
 - ii. Drainage easements through onsite and offsite lots.
 - iii. Road culvert profiles.
 - iv. The location, size and invert elevations of storm sewers and appurtenances thereto shall also be shown.
13. A proposed plan for erosion and sediment control during and after the construction phase shall be required pursuant to the Berkeley County Storm Water Management and Sediment Erosion Control Ordinance.
14. Connections with an existing water supply, if available, or alternative means of supply. If connecting to an existing water supply, show location, size of main, pressure and flow available at the connecting point.
15. Connections with existing sanitary sewer system or other means of sewage collection, treatment and disposal shall be shown. If connecting to an existing system, show location, size, and invert elevations at connecting point.

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16. If individual sewer systems are proposed the location of the drainfield, or alternate means of disposal, as approved by the Berkeley County Health Department, State Health Department and WVDEP, if applicable, must be shown. This area shall include the required septic reserve areas. Approval documentation shall be submitted to the Planning Commission for all drain fields.
17. If individual water supply systems are to be provided, the location of the well as being one-hundred feet (100') distant from any septic system and ten feet (10') distant from any property line is required.
18. The location of existing gas lines, fire hydrants, electric and telephone poles, street lights, as well as the recommended and/or required future locations, or easements, of these services.
19. When the Preliminary Plan or Site Plan covers only a part of the owner's entire adjacent holdings, a scaled drawing, with topography and the prospective future street system which would provide access to the owner's adjacent holdings shall be shown. The prospective future street system shall be shown for a minimum distance of two hundred feet (200') beyond the boundary of the proposed Land Development as indicated on the Preliminary Plan. **Amended xxx, 2014)**
20. Proposed utility or other rights-of-way or restrictive easements may not cross through any conservation easement protected property held by any holder unless written approval has been granted by the Berkeley County Farmland Protection Board or other administering conservation agency.
21. All grading, including that for individual lots, shall be shown on the Preliminary Plan/ site plan with existing and proposed contours. **(Amended xx, 2014)**
22. Location of existing monuments and proposed new monuments.
23. For applications that require a highway entry permit the Applicant shall submit to the Berkeley County Planning /Engineering Departments which will review the application and make a recommendation to the West Virginia Division of Highways

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prior to WVDOH submittal. A traffic study shall be required for under any of the following conditions:

- a) When the proposed development is projected to generate one hundred (100) or more trips during the peak generating time for the development.
- b) For smaller developments under one of the following three conditions:
 - 1) When the proposed new approach is to an intersection already operating at a LOS “D” or worse;
 - 2) When the developer is requesting a new traffic signal;
 - 3) When modification of an existing traffic signal are being requested.
- c) An older TIS may need to be updated when the data is more than two years old.

A professional engineer in West Virginia must certify all traffic impact studies. (Amended January 10, 2013)

Section 402.3 Hydrogeologic Testing

Hydrogeologic testing as set forth in this document is an evaluation of groundwater quantity and quality and the potential effects that a proposed land development may have on water resources. The evaluation is based on both on-site hydrogeologic testing and existing and readily available information.

Hydrogeologic testing and reports are required and specifically defined for residential subdivisions not served by public water and public sewer with fifteen **(15)** or more lots. Each hydrogeologic test shall be performed by or under the direct supervision of a professional geologist. A report of the evaluation, the Hydrogeologic Report, shall be prepared and signed by the professional geologist and submitted to the County for review. Where not specifically defined in this Section, the methodology used for testing and evaluation shall follow generally accepted professional hydrologic and hydrogeologic practices and standards.

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Section 402.3.1 Hydrogeologic Testing Requirements for Subdivisions, fifteen (15) lots or more, not served by Public Water and Public Sewer

A hydrogeologic report for subdivisions will examine the local hydrogeologic conditions and the relationship between the proposed land use and those conditions.

The testing will focus on the groundwater quantity and quality as they relate to the requirements of the proposed land development and the potential impacts the subdivision may have on the water resources. A hydrogeologic report is required prior to a preliminary subdivision submission.

Subdivisions not served by public water and public sewer can be divided into two (2) groups based on the type of water supply system; those having a private well on each individual lot and those having community water systems serving two or more lots.

Section 402.4 Water: Home and Business Consumption

This section addresses water for home and business consumption. The intent is to establish: 1) demand levels which satisfy quality of life, 2) requirements for well/pump testing, and 3) procedures to enhance sustainability of this resource.

Definitions of Acronyms

gpm = gallons per minute

gpd = gallons per day

psi = pounds per square inch

ERU= equivalent residential unit

ADD = average daily demand (gallons per day/ERU)

AARn = average annual rainfall under normal conditions

AARd = average annual rainfall under drought conditions

MDD = maximum daily demand (gallons per day/ERU)

PHD = peak hourly demand (gallons per day/ERU)

Standard Units for Berkeley County Applications

AARn for Berkeley County = 39.4 inches/year

AARd for Berkeley County = 19.7 inches/year

ADD = 180 gpd (based on Berkeley County Public Service District (PSD) statistics

MDD = 360 gpd (2 x ADD)

A. Private Wells

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1. A private well shall be defined as a well which supplies a single ERU.
2. Each private well must be capable of providing a continuous yield of > 3 gpm.
3. If the well does not yield at the minimum required rate, then the water supply system (i.e. borehole + storage/pressure tank) must provide a reservoir of 360 gallons (equivalent to the regional MDD). In addition, the well must be capable of supplying enough water to refill the reservoir within a twenty-four (24) hour period.

B. Community Wells

1. A community well shall be defined as a well, which supplies more than one ERU.
2. Community well yield shall be determined based on the number of ERUs being supplied. It is critical that the water system source, treatment and storage facilities must be designed such that, together, they provide the MDD for the system based on the number of residences. It is preferable that the system be designed such that the source alone will be able to meet, and preferably exceed, the MDD. This is important, as larger storage tanks, with corresponding residence times of stored water, are more susceptible to water quality issues such as stale water, warm water in the summer, and biological growth. It is notable that that the more a utility relies on storage rather than source to meet the MDD, the longer it will take the utility to replenish the storage once it is depleted. In addition, fire protection authorities generally recommend the ability to replenish fire protection storage within a twenty-four (24) hour period after it is depleted. To accomplish this, the flow rates must equal or exceed the MDD.
3. The yield for a community well shall be determined by multiplying the number of proposed ERUs to be supplied by the system by the MDD, as shown in the following formula:

$$\text{Community Well Yield (gpd)} = (\text{No. of ERUs})(\text{MDD in gpd})$$

For example: $(\text{No. of ERUs})(\text{MDD}) = \text{CYY}$
 $(200)(360) = 72,000\text{gpd}$

C. Non-Residential Wells

1. All wells that supply commercial establishments (e.g. agricultural, retail, industrial, recreational, etc.) shall be sized based upon the design engineer's recommendations regarding the specific establishment's water supply requirements. Guidance for the requirements of a specific establishment should be derived from Table 4-1 as follows:

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Table 4-1 Guide for Non-Residential Water Demand

Type of Establishment	Water Used (gpd)
Airport (per passenger)	3 - 5
Apartment, multiple family (per resident)	50
Bathhouse (per bather)	10
Boardinghouse (per boarder)	50
Additional kitchen requirements for nonresident boarders	10
Camp:	
Construction, semi permanent (per worker)	50
Day, no meals served (per camper)	15
Luxury (per camper)	100 - 150
Resort, day and night, limited plumbing (per camper)	50
Tourist, central bath and toilet facilities (per person)	35
Cottage, seasonal occupancy (per resident)	50
Club:	
Country (per resident member)	100
Country (per nonresident member present)	25
Factory (gallons per person per shift)	15 - 35
Highway rest area (per person)	5
Hotel:	
Private baths (2 persons per room)	50
No private baths (per person)	50
Institution other than hospital (per person)	75 - 125
Hospital (per bed)	250 - 400
Lawn and Garden (per 1000 sq. ft.) Assumes 1-inch per day (typical)	600
Laundry, self-serviced (gallons per washing [per customer])	50
Livestock Drinking (per animal):	
Beef, yearlings	20
Brood Sows, nursing	6
Cattle or Steers	12
Dairy	20
Dry Cows or Heifers	15
Goat or Sheep	2
Hogs/Swine	4
Horse or Mules	12
Livestock Facilities	
Dairy Sanitation (milk room)	500
Floor Flushing (per 100 sq. ft.)	10
Sanitary Hog Wallow	100

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Type of Establishment	Water Used (gpd)
Motel:	
Bath, toilet, and kitchen facilities (per bed space)	50
Bed and toilet (per bed space)	40
Park:	
Overnight, flush toilets (per camper)	25
Trailer, individual bath units, no sewer connection (per trailer)	25
Trailer, individual baths, connected to sewer (per person)	50
Picnic:	
Bathhouses, showers, and flush toilets (per picnicker)	20
Toilet facilities only (gallons per picnicker)	10
Poultry (per 100 birds):	
Chicken	5 - 10
Ducks	22
Turkeys	10 - 25
Restaurant:	
Toilet facilities (per patron)	7 - 10
No toilet facilities (per patron)	2-1/2 - 3
Bar and cocktail lounge (additional quantity per patron)	2
School:	
Boarding (per pupil)	75 - 100
Day, cafeteria, gymnasiums, and showers (per pupil)	25
Day, cafeteria, no gymnasiums or showers (per pupil)	20
Day, no cafeteria, gymnasiums or showers (per pupil)	15
Service station (per vehicle)	10
Store (per toilet room)	400
Swimming pool (per swimmer)	10
Maintenance (per 100 sq. ft.)	
Theater:	
Drive-in (per car space)	5
Movie (per auditorium seat)	5
Worker:	
Construction (per person per shift)	50
Day (school or offices per person per shift)	15

Source: Adapted from Design and Construction of Small Water Systems: A

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Guide for Managers, American Water Works Association, 1984, and Planning for an Individual Water System. American Association for Vocational Instructional Materials, 1982.

Section 402.4.2 Well Proving Requirements: Low Density Private Wells

LOW DENSITY PRIVATE WELLS

This material shall apply to all individual residential wells, including private wells in subdivisions where there are less than fifteen (15) lots, or where the lot size is greater than ten (10) acres. Approval of subdivisions will not require wells to be drilled in advance; however a use and occupancy (U & O) permit will not be issued until the well has been approved by the County Health Department and has been shown to meet the requirements of this section of the ordinance.

A. Pumping Test Requirements

1. Prior to the test, the well must be fully developed.
2. Physical or chemical alteration of geologic materials or structures (e.g., hydraulic fracturing, use of explosives, or addition of chemicals) to increase yield will not be permitted.
3. The air-lift test may be conducted whenever water from precipitation is not flowing over the ground surface. A three (3) week delay in testing will be enforced whenever two inches (2") of rain have been recorded within a ten (10) day period in the location of the well to be tested.
4. Upon the cessation of pumping, the water level shall be measured after every fifteen (15) minutes for the first hour, and then every two (2) hours until ninety percent (90%) of the pre-test static water level is achieved (full recovery). If the well does not fully recover to within ninety percent (90%) of the pre-test static water level after twenty-four (24) hours it will be considered a non-sustainable source of water.
5. In addition if an individual well does not meet the minimum >3 gpm yield requirement as specified in part A of this Section, then the water supply system (i.e. borehole + storage/pressure tank) must provide a reservoir of 360 gallons (equivalent to the regional MDD). In addition, the well must be capable of supplying enough water to refill the reservoir within a 24-hour period.

B. Reporting Requirements

No extraordinary reports will be required for the approval of individual wells other than the completion logs and forms necessary for permitting. Reporting forms shall be obtained from the Berkeley County Engineering Department.

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Section 402.4.3 HIGH DENSITY INDIVIDUAL WELLS, SMALL (< 50 GPM) NONRESIDENTIAL WELLS, AND SMALL (<50 GPM) COMMUNITY WELLS

This material shall apply to all individual residential wells in subdivisions where there are fifteen (15) or more (regardless of lot size) and non-residential or community wells rated at less than 50 gpm yield.

A. Hydro-geological Study

A hydro-geologic report for subdivisions will examine the local hydrogeologic conditions and the relationship between the proposed land use and those conditions. The analysis and report will focus on the groundwater quantity and quality as they relate to the requirements of the proposed subdivision and the potential impacts the subdivision may have on the water resources. A hydrogeologic report shall be required prior to a preliminary subdivision submission regardless of whether it is planned for individual or community wells.

At a minimum, evaluation shall encompass the area within approximately one thousand foot (1,000') radius from each and all proposed well(s). Such evaluation shall include the following:

1. USGS and Berkeley County geologic and topographic information including USGS fracture trace data.
2. Property plats and aerial photographs.
3. Existing Berkeley County Health Department well data or descriptive statistical summary of the same. (e.g. minimum, maximum and mean of well data, etc.)
4. Geologic maps and data reports (well logs, water quality analysis, geologic information).
5. Proposed pumping test plan (Note - this shall only apply if the subdivision's water will be provided by single or multiple community wells).

Using the background information compiled previously, conduct an evaluation of the site hydrogeology and the occurrence, quality, and quantity of groundwater. The quantity must meet the conditions of part A of this Section and quality must conform to requirements of West Virginia Department of Health. These data and conclusions shall be compiled into a hydro-geological report.

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B. Pumping Test Requirements (Applies to community wells **ONLY**; Individual wells shall be exempt from this requirement)

Wells shall be installed and tested to provide evidence that the hydrogeologic system is capable of furnishing and sustaining the potable water needs of the eventual inhabitants of the proposed development as follows:

(Applies to both residential and non-residential wells)

1. Prior to the test, the well must be fully developed. Preliminary yield estimates should be determined using standard air-lift methods.
2. Physical or chemical alteration of geologic materials or structures (e.g., hydraulic fracturing, use of explosives, or addition of chemicals) to increase yield of test wells will not be permitted prior to the pumping test.
3. The aquifer test may be conducted whenever water from precipitation is not flowing over the ground surface. A three (3) week delay in testing should be enforced whenever two inches (2") of rain have been recorded within a ten (10) day period in the location of the well to be tested. No production from the well will be allowed for twenty-four (24) hours prior to the pumping test.
4. Water pumped from the well shall be discharged at least fifty feet (50') from the well so that it does not enter the ground and "short-circuit" the aquifer. If this cannot be accomplished safely, or the water will be directed onto an adjoining property, then a temporary water storage method (tank) must be provided.
5. The test shall be conducted using a submersible pump, and the discharge will be monitored using a calibrated flowmeter.
6. The pumping rate shall be controlled so as to maintain a constant discharge rate and allow pumping water levels to stabilize at some point in the test.
7. The test shall be at least twenty-four (24) hours in duration at a constant pumping rate.
8. In the event an accurate totalizing flowmeter cannot be used (e.g. if the flow from the well is less than 3 – 4 gpm) the tester can determine the flow rate by obtaining the time to fill a container of known volume. The number of seconds to fill the container, and the exact time of day each such measurement is taken shall be recorded every hour.
9. Water levels shall be measured every fifteen (15) minutes during the first hour of pumping, and hourly for the next seven (7) hours. All water levels measurements must be recorded with the exact time of day the measurement was taken.
10. Upon the cessation of pumping, the water level shall be measured after every fifteen (15) minutes for the first hour, and then every two (2) hours until ninety percent (90%) of the pre-test static water level is achieved (full recovery). If

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the well does not fully recover after twenty-four (24) hours it will be considered a non-sustainable source of water.

11. The allowable (or permitted) yield of the well shall be total gallons pumped divided by the duration of the test in minutes, provided that full recovery occurs within the following twenty-four (24) hour recovery period.

C. Individual Wells

1. Approval of subdivisions with fifteen (15) or more lots will not require wells to be drilled in advance; however a use and occupancy (U & O) permit will not be issued until the well has been approved by the County Health Department and has been shown to meet the requirements of this section of the ordinance.
2. If an individual well does not meet the minimum > three (3) gpm yield requirement as specified in the part A of this Section, then the water supply system (i.e. borehole + storage/pressure tank) must provide a reservoir of three hundred and sixty (360) gallons (equivalent to the regional MDD). In addition, the well must be capable of supplying enough water to refill the reservoir within a twenty-four (24) hour period.

D. Sustainable Yield Evaluation (Individual wells shall be exempt from this requirement). Data analysis shall include an analysis of sustainable yield of the aquifer and well based upon the following:

- Extrapolation of drawdown to one hundred and eighty (180) days.
- Significant adverse impacts (quality or quantity) on neighboring wells and springs.

E. Reporting Requirements

The principal reporting requirement shall be:

1. The hydrogeologic report, and
2. The pumping test report, which must be made available prior to preliminary plat approval. (Individual wells are exempt from this requirement).

Section 402.4.4 WELL PROVING REQUIREMENTS: COMMUNITY WELLS AND HIGH PRODUCTION NON-RESIDENTIAL WELLS (>50 gpm)

This section shall apply to community wells and non-residential wells rated at yields of greater than fifty (50) gpm. This yield shall be either based on single wells, or the cumulative yield of a production well field, where the wells are all within the same aquifer or hydrologic unit.

NOTE: Before starting construction, a location map of the proposed new wells and

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any related construction shall be submitted to the WVDEP in the appropriate Regional office for a determination as to whether that construction requires any other permits, such as for disturbance of protected streams or springs, protected freshwater wetlands, or for storm water runoff from a construction site. Other factors to consider when siting a project include flood plain location, agricultural districts, conceptual wellhead protection/recharge areas, existing or potential groundwater contamination sources, and existing sub-surface utility corridors (whose bedding might provide a preferential path for groundwater flow or contamination).

A. Hydro-geological Study

A hydro-geologic report/water supply assessment for subdivisions will examine the local hydrogeologic conditions and the relationship between the proposed land use and those conditions. The testing will focus on the groundwater quantity and quality as they relate to the requirements of the proposed subdivision and the potential impacts the subdivision may have on the water resources. A hydrogeologic report shall be required prior to a preliminary subdivision submission.

At a minimum, evaluation shall encompass the area within an approximate ¼-mile radius from each proposed well. Such evaluation shall include the following:

1. USGS and Berkeley County geologic and topographic information, including fracture trace analysis data available from the USGS.
2. Property plats and aerial photographs.
3. Existing Berkeley County Health Department well data or descriptive statistical summary of the same. (e.g. minimum, maximum and mean of well data, etc.)
4. Geologic maps and data reports (well logs, water quality analysis, geologic information including karst features, bedrock outcrops, etc.).
5. At sites with bedrock outcrops, fracture orientations (strike and dip measurements) shall be measured and documented in the report. The number and orientations of linear features or photo lineaments shall be analyzed and correlated with documented bedrock fractures.
6. A proposed pumping test plan.

Using the background information compiled previously, conduct an evaluation of the site hydrogeology and the occurrence, quality, and quantity of groundwater. These data and conclusions shall be compiled into a hydro-geological report.

B. Pumping Test Requirements

Wells shall be installed and tested to provide evidence that the hydrogeologic system is capable of furnishing and sustaining the potable water needs of the eventual inhabitants of the proposed development. Well construction and testing shall be performed in accordance with the West Virginia Department of Health and the Berkeley County Health Department.

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Prior to the commencement of any drilling or pumping tests, a pump test plan will be required to obtain preliminary approval for well development. The pump test plan should contain location, construction, and purpose of at least two (2) or more monitoring wells. It shall also include the planned pumping rate, duration, and frequency of monitoring. A minimum test shall include:

1. Test Pumping Rate - The pump test must be performed at or above the pumping rate for which approval will be sought in the water supply application. If multiple wells are to be pumped simultaneously to achieve the necessary yield, the test shall incorporate such a pumping plan. To reproduce the anticipated stress on the aquifer, the pump test shall be done when any nearby wells normally in operation are running. Pumping of other wells in the test area shall be monitored.

A constant pumping rate should be maintained throughout the test. The pumping rate should be measured accurately and recorded at least as often as water level measurements (see No. 5 of this section, Measuring Schedule).

During the first hour of the test, any failure to pump within ten percent (10%) of the test pump rate for any reason will require termination of the test, recovery of water levels to static, and a restart of the test. Later pump failures must have no significant effect on the data or a similar termination and restart is necessary

2. Length of Test - Regardless of the type of aquifer, pump tests shall be conducted for a minimum of seventy-two (72) hours at a constant pumping rate.

(a) A minimum of six (6) hours of stabilized drawdown must be displayed at the end of the test. Stabilized drawdown is defined herein as a water level that has not fluctuated by more than plus or minus 0.5 foot for each one hundred feet (100') of water in the well (i.e., static water level to bottom of well) over at least a six (6) hour period of constant pumping flow rate. The plotted measurements shall not show a trend of decreasing water level.

(b) If stabilized drawdown is not achievable, the test period may be extended or semi-log extrapolation of drawdown versus time (or other similar methods) may be employed to demonstrate the ability of the aquifer to supply a pumping rate equal to the desired yield (which must be equal to or less than the pump test yield) on a long term basis. Normally, an extrapolation of six (6) months of pumping with no assumed recharge must be compared against the level of water remaining above the pump intake at the end of the period (see paragraph No. 12 of this section, Analysis of Pump Test Data). This type of evaluation may be used in lieu of satisfying the objectives of section 2(a) of this document at the discretion of the County Engineer.

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(c) Excessive rainfall may require extension of the test or a rescheduling of the test.

3. Pre-Test Conditions - No pumping should be conducted at or near the test site for at least 24 hours prior to the test (including the step-drawdown test). Static water levels at the pumping well and observation wells should be measured at least daily for one (1) week prior to the start of the test and again immediately prior to the start of the test. If on site or nearby pumping cannot be curtailed due to system supply needs or other factors, the County Engineer should be consulted prior to the start of the test.

4. Discharge of Water - Water discharged during the pump test should be conducted away from the pumping well to a nearby stream or surface water body if possible, or as far from the well as is practicable.

5. Measuring Schedule - Water levels in observation wells and at the pumping well should be measured to give at least ten (10) observations of drawdown within each log cycle of time, beginning one (1) minute after the start of pumping. A suggested schedule of measurements at all wells is as follows.

Table 4-2

Time intervals for water level measurements	
Time After Pumping Started	Time Intervals
0 to 15 minutes	1 minute
15 to 50 minutes	5 minutes
50 to 100 minutes	10 minutes
100 to 500 minutes	30 minutes
500 to 1000 minutes	1 hour
1000 to 5000 minutes	4 hours

6. Observation Wells - At least two (2) observation wells or piezometers should be monitored during the pump test. The observation wells should be placed so as to best define the hydrogeologic characteristics of the aquifer with respect to the pumping well. In some cases the Engineering Department may recommend that a representative sample of nearby homeowner wells be monitored during the pump test, regardless of whether the anticipated zone of influence will extend to those wells or not. Existing wells may be used as observation wells.

Water levels in nearby water bodies (streams and springs) should be measured prior to and during the test.

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7. Recovery Period - Water level measurements should be collected during the

recovery period for all wells using the same procedure and time pattern followed at the beginning of the pump test (see No. 6.) Measurement should commence at least one (1) minute prior to shutdown of the pumping well and continue for at least twelve (12) hours. Water level measurements should be made to the nearest 0.01 foot. To obtain accurate data during the recovery period, a check valve must be installed at the base of the pump column pipe in the pumping well to eliminate backflow of water into the well. Water level measurements should also be collected during the recovery period in all off-site monitoring wells, such as homeowner's private wells.

8. Rainfall Measurement - Rainfall should be measured to the nearest 0.01 inch and recorded daily at or near the site for one (1) week preceding the pump test, during the test, and during the recovery period. A log of weather conditions during this period should also be kept, including barometric pressure recorded on the same schedule as rainfall. Weather station data available from within a reasonable distance of the test site can be utilized.

9. Surface Water Measurements - Fluctuations in surface water stages (or flow) for all surface waters within one thousand feet (1000') of the pumping well should be measured to the nearest 0.01 foot. Measurements should be made using, as appropriate: weirs, staff gages (with stilling wells as necessary), nested piezometers, etc. The horizontal distance between each observation point and the pumping well should be measured to the nearest 0.1 foot. The vertical elevation of a fixed reference point on each observation point should be established to the nearest 0.01 foot and reported in North American Datum 1983 (NAD 1983). Measurements should be read and recorded at least once daily for one (1) week prior to the start of the test and at least twice per log cycle, after the first ten (10) minutes, for the duration of the test. Measurements should be made more frequently if surface water levels are changing rapidly. The degree and nature of hydraulic connection with the surface water body should be quantified.

10. Water Quality Samples - Comprehensive (per WV DHHR requirements) water samples should be obtained from the pumping well during the last hour of pumping. Samples should be analyzed to establish acceptable quality as per WV DHHR requirements.

11. Wells Under the Influence of Surface Water - Additionally, If the pumping well is, or may be, hydraulically connected to a surface water body, water samples from the well should be analyzed in the field at least once every four (4) hours for the following parameters: pH, temperature, conductivity, and hardness. Further, representative water samples from the surface water body should be taken at both the beginning and the end of the pump test and analyzed for the same parameters. The WV DHHR should be consulted on all issues related to groundwater under the influence of surface water.

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12. Analysis of Pump Test Data - In order to accurately analyze pump test data, it is necessary to use the methods and formulae appropriate for the hydrogeologic and test conditions encountered at, and specific to, the pump test site. Knowledge of the hydrogeologic conditions of the area is necessary in order to ensure the use of appropriate techniques of analysis. Accordingly, analysis of pump test data should be carried out by a hydrogeologist, professional engineer or geologist with hydrogeologic training, or another appropriately trained evaluator.

(a) Data Corrections - Water level data, graphs, and interpretations should be corrected, as appropriate or deemed significant, for the effects of: ambient water level trends; partially penetrating production well(s); partially penetrating observation wells; delayed yield from unconsolidated aquifers; aquifer thickness, recharge and/or impermeable boundaries; barometric pressure changes; changes in stage in nearby surface water bodies (including springs); recharge events (rainfall, snow melt) during the week preceding the test, during the test, or during the recovery period; influence from nearby pumping wells; and any other hydrogeologic influences. All such data and calculations should be included in the test information package.

(b) Theoretical time-drawdown graphs should be prepared from the recorded drawdown graphs. The graphs should be derived from the pump test data, setting time equal to one hundred eighty (180) days and groundwater withdrawal equal to the pump test production rate. Based on these graphs and the remaining standing water in the well at the end of the pump test, a maximum safe pumping rate (yield) should be established for each production well or for the well field if simultaneous pumping of multiple production wells is planned (taking into account well interference).

(c) Theoretical distance-drawdown graphs should be prepared. The graphs should be derived from the pump test data, setting time equal to one hundred eighty (180) days and groundwater withdrawal equal to the pump test production rate. It is highly recommended that the following wellhead protection areas be delineated using all available information (e.g., published hydrogeologic information, local knowledge, pump test results, etc.) and best professional judgment: zone-of contribution area or recharge areas (for confined or bedrock aquifers), and aquifer boundary area.

(d) Recovery data should be analyzed in a similar manner to drawdown data.

13. Submission of Data - Data submitted in support of a requested groundwater withdrawal should include:

- the raw pump test data (legible) with: date, clock time, elapsed time (minutes), measuring point (top of casing) elevation, static water level, water

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- level measurements, and calculated drawdown [an "Excel" or "Quattro Pro" spreadsheet file may be submitted with this data in place of a written record];
- engineering diagrams showing construction details (e.g. well casing, screen setting and casing stickup, etc.) and depths of pumping wells and observation wells;
 - geologic logs (completed well registration reports);
 - transmissivity, storage coefficient, and safe yield, as well as all graphs, formulae and calculations used to estimate these values;
 - scaled site plan showing water level elevation controls (e.g., top of casing) and grade elevation for all wells, staff gages and other water measuring points, pump test discharge piping and discharge point, the location of nearby surface water bodies, and, if applicable, the one hundred (100) year flood plain and elevation;
 - latitude and longitude (in degrees, minutes, seconds, tenths of second), State Plane Coordinates, or Universal Transverse Mercators (UTMs) for all production wells and any observation wells which are to remain, preferably in NAD83 (specify the method and datum used to locate the wells);
 - a topographic map showing wellhead protection areas and the locations of existing or potential groundwater contamination threats; and
 - Interpretations including methodology, geologic sections of the area, references, and rationale.

All documentation submitted must be legible. Plans and maps should use shading, cross-hatch patterns, symbology, etc., such that features are readily distinguishable and remain readable when photocopied in black and white.

14. Discharge of Water - Please note it is not legal in the State of West Virginia to discharge water into any water body or wetland if such discharge results in turbidity or erosion leading to turbidity or down stream flooding. Accordingly, if it is anticipated that discharged water will create flooding, erosion and/or turbidity, water must be directed to a holding area and released in a controlled manner to prevent such problems.

C. Sustainable Yield Evaluation

Data analysis shall include an analysis of sustainable yield of the aquifer and well based upon the following:

- Recharge to the site under normal and drought conditions.
- Extrapolation of drawdown to one hundred eighty (180) days without significant recharge.
- Significant adverse impacts (quality or quantity) on neighboring wells and springs.

D. Delineation of Contributing Areas

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The delineation of recharge zones and contributing areas to a community water supply well requires the application of appropriate geologic information and methods to assess ground water flow and the influence of boundary conditions. Unless the aquifer is homogeneous and isotropic and no near-field boundary conditions are present, analytical methods (e.g., Wellhead Protection Areas (WHPA), stagnation point calculations) will not provide realistic results. For most semi-confined, fractured bedrock wells, surface water bodies provide positive (recharge) boundaries, and the edges of the water-bearing unit provide negative (barrier) boundaries. These conditions influence the contributing area significantly, and cannot be adequately simulated by common analytical methods.

A Certified Geologist or Hydro-geologist who is familiar with the conditions at the well site shall perform the delineation. The goal of wellhead delineation is to provide the public water supplier with an area that is most likely to provide recharge to the well. This area must be reasonably sized, and appropriate to the anticipated yield of the well.

E. Reporting Requirements

The principal reporting requirement shall be:

1. The hydrogeologic report, and
2. The pumping test report, which must be made available prior to preliminary plat approval.

Section 402.5 Sensitive Areas

Section 402.5.1 Application

The following applications or permits as required by this Ordinance shall also comply with the additional identification and design requirements below.

1. Applications for approval of Major Subdivisions or Sketch Plans.

Section 402.5.2 Identification of Sensitive Areas

All applications subject to this section shall include the following information on a scale drawing. The relationship between the following features and the proposed use or construction shall be clearly shown in addition to a Phase 1 Environmental Study:

1. Location of streams, sinkholes and springs.
2. The boundaries of any flood plain as defined in the Berkeley County Floodplain Management Ordinance. (Appendix F).
3. Areas of severe slope, defined as greater than 1 ½' horizontal to 1' vertical (66.6%).

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4. Location of current or proposed pedestrian trails, on or adjacent to the subject site.
5. Location of Registered State or National historic sites.
6. Significant Karst features.
7. Areas that have been polluted, contaminated, or areas that pose a human health/safety risk.

Section 402.5.3 Design Requirements

If any of the features listed above exist on the subject property, the following additional requirements shall apply:

1. Stream buffers shall be provided in the manner as described below in Section 505. **(Amended xx, 2014)**
2. Use of the floodplain shall be governed according to the Berkeley County Floodplain Ordinance.
3. Identification of severe slopes shall be in the manner as described below in Section 505. **(Amended xx, 2014)**
4. Identification of wetlands shall be in the manner as described below in Section 505. **(Amended xx, 2014)**
5. Where it has been documented by the U.S. Fish and Wildlife Service that threatened or endangered species exists on the site, the applicant shall provide evidence of that determination and demonstrate that the permitted activity will not disturb the habitat area. The applicant must also demonstrate compliance with any other applicable restrictions imposed by the U.S. Fish and Wildlife Service.
6. If known or suspected contaminated areas are identified, the applicant must document that the contamination will have no effect, currently or in the future, on the use requested.
7. The location of all sinkholes shall be shown on the existing conditions scale drawing, included with the preliminary plan submission. The edge of the sinkhole is to be considered the last closed contour based on two foot (2') contour mapping.
8. All sinkholes identified prior to construction shall be either remediated or separated from construction by a minimum fifty-feet (50').
9. Remediation shall be carried out under the direction of a qualified Professional Geologist or Geotechnical Engineer. Mitigation shall be carried out according to the WVDEP Sinkhole Management Guidance Document (August 2005 et. seq.), or other applicable standards as recommended by the PG or PE and approved by the County Engineer.
10. Any improvements planned to fall within one hundred feet (100') of any sinkhole (remediated or not), shall require a thorough subsurface investigation conducted by a qualified PG or PE to ensure that the planned improvements do not present a threat to human health, safety, or the environment. Should these investigations detect previously unknown sinkhole features, paragraph 8 applies.

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11. For any subsurface investigations requiring boreholes, such as air track drilling or rock coring, the boreholes must be grouted upon completion. All air track drilling operations used to determine the depth of overburden and continuity of bedrock shall be monitored full-time by a PG or PE or other qualified individual as defined by the Ordinance.
12. Underground utilities located within one-hundred feet (100') of a karst feature, then a dike of clay or other suitable material shall be placed across the trench at twenty-foot (20') intervals or less along the entire length which passes through the one hundred foot (100') radius, or as directed by a PG or PE.

SECTIONS 402.5.5, 402.5.6, 402.5.6.1, 402.5.7 AND 402.5.7.1 MOVED TO SECTION 505. (xxx, 2014)

Section 402.5.5 — Stream Buffers

~~Where an application contains any portion of a perennial or intermittent stream, a buffer shall be established and shown on the plan. The width of the buffer shall be a minimum of thirty-five feet (35'), measured from and perpendicular to the top of the stream bank. The buffer shall be expanded to include any floodplain determined by the Floodplain Ordinance, any field verified non-tidal wetland areas and/or any area of severe slope as defined in this Ordinance.~~

~~Within the stream buffer vegetative ground cover shall be maintained at all times. The U.S. National Resources Conservation Service (NRCS) may recommend planting species and methods when no ground cover exists in the buffer or additional planting to improve existing ground cover. No permanently affixed building shall be permitted within the stream buffer except those designed to improve water quality in the stream or structures such as fences designed to limit access to the stream. No septic system shall be constructed within the buffer nor shall any septic reserve area be established within the buffer.~~

Section 402.5.6 — Severe Slope

~~These provisions shall apply to all land development as defined in the Berkeley County Subdivision Ordinance.~~

~~Identification of severe slopes shall be established by the applicant at the time of application.~~

~~Severe slopes shall consist of all land which has a natural slope of 1 ½' horizontal to 1' vertical (66.6%) or greater. The natural slope of an area shall be determined by calculating the distance between field verified contours. The horizontal run shall be measured at right angles to the natural contours.~~

Section 402.5.6.1 Verification of severe slope delineation

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~~Where the applicant has provided a determination of the severe slope the County Engineer shall verify the accuracy of the boundary. The Planning Commission, upon recommendation by the County Engineer, may render adjustments to the boundary delineation in order to comply with this Ordinance.~~

Section 402.5.7 Wetlands

~~At the time of applications, wetlands shall be verified through a Jurisdictional Determination by an Army Corps of Engineers representative, and all wetlands boundaries surveyed. If there are no wetlands present onsite, a letter stating such shall be submitted from a qualified third party.~~

~~Wetland boundaries shall be established as a buffer area of fifteen feet (15') along any delineated wetland and shall be based on a wetland investigation and a Jurisdictional Determination conducted by an Army Corps of Engineers representative.~~

~~Comprehensive Plan maps related to flood plains and other general soils and hydric soils information may be used as a reference for determining the general location of major wetland areas. Final wetland delineations shall be through a jurisdictional determination by the U. S. Army Corps of Engineers.~~

~~Wetland disturbance shall be permitted. However, the US Army Corps of Engineers must approve any such disturbance.~~

Section 402.5.7.1 Standards

- ~~1. In all applications, wetlands shall be shown on a drawing indicating their location and measurement in accordance with the above standards.~~
- ~~2. A conservation easement covering the wetlands shall be provided on the plan, or approved mitigation plans shall be submitted.~~

Section 403. Final Plat

Section 403.1. General

~~The Final Plat shall be legibly drawn on a material required by the Clerk of the County Commission and clearly labeled "Final Plat". The scale shall be one hundred feet (100') or less to the inch and the size of the sheet shall be twenty-four inches (24") by thirty-six inches (36"), including a one and one-half inch (1 ½") left margin for binding. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire land development drawn to scale. In addition, one (1) electronic media formatted copy shall be required. Please reference the Berkeley County Digital Data Submission Standards Policy. **(Amended xx, 2014)**~~

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Section 403.2. Required Information

- a. The Final Plat shall show:
 1. The location of the proposed development by inserting on the plat, a location vicinity map at a scale of no less than six hundred feet (600') and no greater than one thousand feet (1000') to the inch indicating the location of the property with respect to surrounding property and streets. The map shall show all streets and property within one thousand feet (1,000') of the applicant's property.
 2. A title block as part of the standardized cover sheet as prescribed by the Berkeley County Planning Commission Staff.
 3. Names and location of adjoining subdivisions, if any, and location and ownership of adjoining unsubdivided property along with deed book and page number, tax map and parcel number.
 4. A north arrow referencing true and magnetic north. Final plats with north referenced to the State Plane North Coordinate System must include, in addition to references to true and magnetic north, coordinate values located at the end points of the longest perimeter boundary line.
 5. The name, address, and telephone number of the owner or applicant.
 6. The name, address and seal of the West Virginia registered professional civil engineer or registered professional surveyor responsible for the preparation of the plat, and certification that the plat represents a survey made by him and that all monuments shown thereon actually exist, and that their location, size and material are correctly shown.
 7. All plat boundary and proposed lot lines labeled with length of courses to hundredths of a foot and bearings to the nearest second. Boundary lines shall be determined by an accurate field survey. The data for all curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord and chord bearing.
 8. Provide site data for subdivision including tax map, parcel number, deed book/page reference. Include number of lots, gross density and acreage of storm water management areas and access to them and open space.

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- 9. Bearings and distances of established street boundaries and easements.
- 10. The accurate location and type of material of all existing and proposed permanent reference monuments. The plan shall be tied to the State of West Virginia State Plane North Coordinate System.
- 11. When the Final Plat under review is a re-plat of a subdivision of record, there shall be shown the following statement on the Final Plat with the applicable entries made thereon:

This is a replat of _____
(name of subdivision)

recorded on _____, in Plat Book # _____,
(date of recordation)

Page # _____, owned by _____ at
(name)

time of recordation.

Signature of Present Owner

- 12. In the case of a re-plat of a subdivision of record, dotted or dashed lines shall be used to show the features or locations to be abandoned and solid lines to show the currently proposed features or locations.
- 13. The exact layout for the Land Development, including:
 - i. Street and alley lines; their names, bearings, lengths and widths, including widths along the line of any obliquely intersecting street.
 - ii. All restrictive easements or rights-of-way, when provided for or owned by public utilities, with the limits of all easement areas shown and stated on the plat.
 - iii. Coverage, density and parking calculations.
 - iv. A note referencing the current deed(s) in the chain of title including grantor(s) and grantee(s), date and recording

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reference(s).

14. Show floodplains as depicted on current Federal Emergency Management Agency (FEMA) FIRM or as indicated by a flood plain study and, where applicable and available, bearings and distances of flood plain easements.
15. If individual water supply systems are to be provided, the location of the well as being one hundred feet (100') distant from any septic system and ten feet (10') distant from any property line is required.

If individual sewage disposal systems are to be provided, location of required septic reserve areas and the location and extent of area or areas suitable for septic tank filter fields as approved by the West Virginia Department of Health shall be shown.
16. Lots shall be numbered in numerical order throughout the entire subdivision.
17. Area of each lot to the nearest square foot.
18. All building setback lines and any other setback lines or street lines established by public authority and those stipulated in the deed restrictions.
19. Accurate outlines and acreages of any areas to be reserved or dedicated for common use by the residents of the Land Development, or for the general public use with the purposes indicated thereon.
20. The following statement shall be included, as applicable: “The Soil Survey of Berkeley County, West Virginia indicates a seasonal high water table on lots _____ to be less than five feet (5') below the surface and therefore basement construction is not recommended for those lots.”
21. Provide and sign Owner’s Certification block, ~~(example provided by the Berkeley County Planning Department).~~ **(Amended xx, 2014)**
22. The remediated and un-remediated sinkholes and setbacks shall be shown.

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23. A certificate of roadway widening reservation as follows:
“I hereby certify that areas shown hereon reserved for future roadway widening shall **not be encroached upon** conveyed to **and in the event the WV Department of Highways determines the area is needed** at the time of roadway widening ~~without any compensation~~ **I will work with the DOH to provide the reservation area at a fair and reasonable price.** This agreement shall be binding upon all my assignees or heirs.”**(Amended xx, 2014)**

Developer

Date

24. Each plat shall include pertinent information from the Berkeley County Soils Survey, including the “Soil Properties and Qualities” and (Implications for) “Community Development” sections of the Survey for the soils types present on the subject development Parcel. (Added January10, 2013)

25. Each plat shall include the following note: “This Final Plat substantially conforms to the Preliminary Plans previously advanced by the Berkeley County Planning Commission on **[date]** and no changes have been made to those plans. All design, improvement, and construction methods and details should reference those Preliminary Plans. (Added January 10, 2013)

b. The Final Plat shall be accompanied by:

Copies of the Declaration of protective covenants and restrictions, pursuant to the provisions of Chapter 32B, West Virginia Code, as approved by the Planning Commission legal counsel, in a form appropriate for recordation, including covenants governing the maintenance of public spaces, common area or reservations, and copies of approved provisions for maintenance and operation of facilities, if applicable, including the storm water management maintenance agreement.

~~c. Electronic Media Required Format~~**(Amended xx, 2014)**

~~Please reference the Berkeley County Digital Data Submission Policy Document. ??????~~

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Section 404 Minor Plats

Section 404.1 General

The Minor Plat shall be clearly drawn on an acceptable sheet size (8 ½" x 14", 11" x 17", or 24" x 36") and shall be clearly labeled as to the type of Minor Plat (Plat of Merger, Boundary Line Adjustment, Family Transfer, Plat of Easement, Testamentary Transfer). **Minor Subdivision Plats creating more than one lot shall be drawn on 24" X 36" sheets. (Amended xxx, 2014).**

Section 404.2. Required Information

a. All Minor Plats shall show:

1. Plat title.
2. Owner name, tax district, map and parcel number, deed book and Page reference of subject property.
3. Name, address, license number, seal and signature of the surveyor.
4. **Signed Owner's Certification by owner(s) of all parcels impacted by the submitted plat.(Added xx, 2014**
5. The location of the proposed project by inserting on the plan a vicinity map showing a minimum of one thousand feet (1000') adjacent to the subject property.
6. The map scale, plat date and north arrow with source and date.
7. All plat boundary and proposed lot lines labeled with length of courses to hundredths of a foot and bearings to the nearest second. The data for all curves shall be shown in detail at the curve or in a curve table containing the following: radius, arc length, chord and chord bearing.
8. A description of all property corners, referencing the monument type and whether or not the monument was found or set.
9. **The lots numbered and areas of the lots to the nearest square foot (or acres to at least four decimal places) for each lot/parcel. (Amended xxx,2014)**
10. The locations of proposed well and septic reserve areas. Well areas

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shall be at least one hundred (100) feet from septic reserve areas and ten (10) feet from property lines.

11. All street boundaries and existing right-of-ways with widths.
12. All proposed right-of-ways shall be at least fifty (50) feet in width from a recorded, existing right-of-way (except for Family Transfers: see Section 302.2). Panhandle lots may be a minimum of twenty-five (25) feet in width and a maximum of four hundred (400) feet in length.
13. All adjacent properties including current owners, tax map and parcel number, and deed book and page reference.
13. A statement on the plat as to whether or not the lot/parcel lies within the 100-year floodplain including the FIRM Map Panel number, date and base flood elevation, if known. Floodplain boundaries shown by graphical methods shall be properly cited.
14. Minor Plats ~~creating new building lots~~ shall provide the following outside agency approvals, as applicable: **(Amended xx, 2014)**
 - i. WV Department of Highways Entrance Permit
 - ii. Berkeley County Health Department (wells and septic)
 - iii. Berkeley County Public Service District (public sewer and public water)
15. Plats creating common access easements must include the following statement: "Lot owners benefiting from the access afforded by the private right-of-way created with this plat are responsible for the maintenance of said private right-of-way."
16. **Storm water management and erosion and sediment control plans shall be provided for all new non-residential minor subdivisions and minor residential subdivisions creating lots or disturb over 5,000 square feet on each.(Added xxx, 2014)**

Section 404.2.1 Additional information required for Addition/Merger plats (formerly Section 302 (1))

The following note shall be on all lot mergers:

"The ____ acre tract shall be merged into one property with the adjoining tract, Tax Map and Parcel, for the exclusive purpose of increasing the area of the said lot(s). The merged properties shall not be used or sold individually without compliance with prevailing

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Berkeley County laws and regulations.”

Section 404.2.2 Additional Information Required for Family Transfer / Testamentary Plats Items:

1. Family Transfer Plats shall include the following note: “The intent of the owner is to transfer the land only to a member of the immediate family. A lot which is created via a Family Transfer Exception may not be re-conveyed to a non-family member for a period of five (5) years from the date of recording of the plat of record without a variance from the Planning Commission. Any further subdivision activity will comply with all applicable Berkeley County Regulations.”
2. Family Transfer Plats shall also include a draft deed with the above statement included in the deed.
3. Plat shall show all setbacks as prescribed in Section 503.
4. Family Transfer and Testamentary Transfer plats shall include the following note: “Any earth disturbance of over 5,000 square feet shall require stormwater management.”
5. The following statement shall be included, as applicable: “The Soil Survey of Berkeley County, West Virginia indicates that soils on this site may have a seasonal high water table. Therefore, prior to any construction, it is recommended that the builder and/or contractor verify if basement construction is allowed or recommended on the site.”
6. All soils on the site shall be labeled and a soil boundary shall be provided. (Added January 10, 2013)

Section 405. Minor (Site Plans) (Added xxx 2014)

Section 405.1 General(Added xx, 2014)

A Minor Site Plat shall be clearly drawn on an acceptable sheet size (8 1/2” x 14”, 11” x 17”, or 24” x 36”) and shall be clearly labeled as a Minor Site Plan. (Added xxx 2014)

Section 405.2 Required Information(Added xx, 2014)

- a. All minor site plans shall show the following:**

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- 1. Plan Title**
- 2. Owner name, tax district, map and parcel number, deed book and page reference of subject property.**
- 3. Name, address, license number, seal and signature of the surveyor.**
- 4. The location of the proposed project by inserting on the plan a vicinity map showing a minimum of one thousand feet (1000') adjacent to the subject property.**
- 5. The map scale, plat date and north arrow with source and date.**
- 6. All plat boundary lot lines labeled with length of courses to hundredths of a foot and bearings to the nearest second. The data for all curves shall be shown in detail at the curve or in a curve table containing the following: radius, arc length, chord and chord bearing or reference recorded plat information.**
- 7. A description of all property corners, referencing the monument type and whether or not the monument was found or set.**
- 8. The lot number and areas of the lot(s to the nearest square foot (or acres to at least four decimal places) for each lot/parcel.**
- 9. The location of proposed well and septic reserve area(s) as shown on the recorded plat. Well areas shall be at least one hundred (100) feet from septic reserve areas and ten (10) feet from property lines.**
- 10. All street boundaries and existing right-of-ways with widths.**
- 11. All existing right-of-ways shall be shown.**
- 12. All adjacent properties including current owners, tax map and parcel number, and deed book and page reference.**
- 13. A statement on the plan as to whether or not the lot/parcel lies within the 100-year floodplain including the FIRM Map Panel number, date and base flood elevation, if known. Floodplain boundaries shown by graphical methods shall be properly cited.**
- 14. Site Plans shall provide the following outside agency approvals, as applicable:**
 - a. WV Department of Highways Entrance Permit**

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- b. Berkeley County Health Department (wells and septic)
- c. Berkeley County Public Service District (public sewer and public water)

15. Site Plans utilizing a common access easements must include the following statement: “Lot owners benefiting from the access afforded by the private right-of-way are responsible for the maintenance of said private right-of-way.” (Added xxx 2014)

16. A Traffic Impact Study may be required. Refer to Section 402.2(c)(23).

Section 406. Major (Site Plans) (Added xxx 2014)

Section 406.1 General(Added xx, 2014)

A Major Site Plan shall be clearly drawn on a 24” x 36” sheet and shall be clearly labeled as a Major Site Plan. (Added xxx 2014)

Section 406.2 Required Information (Added xx, 2014)

a. All Major site plans shall show the following:

1. The location of the proposed development by inserting on the plan, a location vicinity map at a scale of no less than six hundred feet (600’) and no greater than one thousand feet (1000’) to the inch indicating the location of the property with respect to surrounding property and streets. The map shall show all streets and property within one thousand feet (1,000’) of the applicant’s property.
2. The proposed use for the property included on the site plan.
3. A title block as part of the standardized cover sheet as prescribed by the Berkeley County Planning Commission Staff.
4. Names and location of adjoining subdivisions, if any, and location and ownership of adjoining unsubdivided property along with deed book and page number, tax map and parcel number.

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- 5. A north arrow referencing true and magnetic north. Final plats with north referenced to the State Plane North Coordinate System must include, in addition to references to true and magnetic north, coordinate values located at the end points of the longest perimeter boundary line.**
- 6. The name, address, and telephone number of the owner or applicant.**
- 7. The name, address and seal of the West Virginia registered professional civil engineer or registered professional surveyor responsible for the preparation of the plan, and certification that the plat/plan represents a survey made by him and that all monuments shown thereon actually exist, and that their location, size and material are correctly shown.**
- 8. All plat boundary and proposed lot lines labeled with length of courses to hundredths of a foot and bearings to the nearest second. Boundary lines shall be determined by an accurate field survey. The data for all curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord and chord bearing.**
- 9. Provide site data for site including tax map, parcel number, deed book/page reference. Include number of lots, gross density and acreage of storm water management areas and access to them and open space.**
- 10. Bearings and distances of established street boundaries and easements.**
- 11. The accurate location and type of material of all existing and proposed permanent reference monuments. The plan shall be tied to the State of West Virginia State Plane North Coordinate System.**
- 12. In the case of a re-plat of a subdivision of record, dotted or dashed lines shall be used to show the features or locations to be abandoned and solid lines to show the currently proposed features or locations.**
- 13. The exact layout for the Land Development, including:**

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- i. Street and alley lines; their names, bearings, lengths and widths, including widths along the line of any obliquely intersecting street.**
- ii. All restrictive easements or rights-of-way, when provided for or owned by public utilities, with the limits of all easement areas shown and stated on the plat.**
- iii. Coverage, density and parking calculations.**
- iv. A note referencing the current deed(s) in the chain of title including grantor(s) and grantee(s), date and recording reference(s).**

14. Show floodplains as depicted on current Federal Emergency Management Agency (FEMA) FIRM or as indicated by a flood plain study and, where applicable and available, bearings and distances of flood plain easements.

15. If individual water supply systems are to be provided, the location of the well as being one hundred feet (100') distant from any septic system and ten feet (10') distant from any property line is required.

If individual sewage disposal systems are to be provided, location of required septic reserve areas and the location and extent of area or areas suitable for septic tank filter fields as approved by the West Virginia Department of Health shall be shown.

16. Lots shall be numbered in numerical order throughout the entire subdivision.

17. Area of each lot to the nearest square foot.

18. All building setback lines and any other setback lines or street lines established by public authority and those stipulated in the deed restrictions.

19. Accurate outlines and acreages of any areas to be reserved or dedicated for common use by the residents of the Land Development, or for the general public use with the purposes indicated thereon.

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20. The following statement shall be included, as applicable:
“The Soil Survey of Berkeley County, West Virginia indicates a seasonal high water table on lots _____ to be less than five feet (5’) below the surface and therefore basement construction is not recommended for those lots.”
21. Provide and sign Owner’s Certification block, (example provided by the Berkeley County Planning Department).
22. The remediated and un-remediated sinkholes and setbacks shall be shown.
23. A certificate for roadway widening reservation as follows: “ I hereby certify that areas shown hereon reserved for future roadway widening shall be conveyed to WV Department of Highways at the time of roadway widening without any compensation. This agreement shall be binding upon all my assignees or heirs.

Developer

Date

24. Each plat shall include pertinent information from the County Soils Survey, including the “Soil Properties and Qualities” and (Implications for) “Community Development” sections of the Survey for the soils types present on the subject development Parcel.
25. Each plat shall include the following note: “This Final Plat substantially conforms to the Preliminary Plans previously advanced by the Berkeley County Planning Commission on [date] and no changes have been made to those plans. All design, improvement, and construction methods and details.

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ARTICLE 5 – DESIGN STANDARDS

Section 501. General

Section 501.1. Application

- a. The principles, standards, and requirements contained in this article, or incorporated in this article by reference, will be applied by the Planning Commission in evaluating plats and plans for proposed Land Developments.
- b. The standards and requirements outlined herein, or incorporated by reference, shall be minimum standards and requirements.
- c. The Applicant may place legal restrictions on the development greater than those required in this article.

Section 501.2 General Standards

- a. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, common area or other proposed uses so that land locked areas shall not be created.
- b. Easements controlling access to lots, public lands or adjacent private lands are permitted.
- c. Land to be subdivided or developed shall be laid out and improved in reasonable conformity to existing topography in order to reduce grading and cut and fill.
- d. The land shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, subsidence or other menace.
- e. Land Development projects shall not be designed or planned for tracts of land subject to periodic flooding unless the design and plans will meet the requirements of the (Federal) National Flood Insurance Program, 42 U.S.C. 4011 et seq. and the accompanying regulations of 24 C.F.R. 1901.1 et. seq. and the Berkeley County Floodplain Ordinance. Each application for approval under these regulations for land subject to periodic flooding shall include a study which demonstrates to the satisfaction of the Planning Commission and the Engineering Department that the Land Developments will comply with the above federal standards. All required, appropriate Federal forms shall be completed and filed with the Planning Commission.

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- f. Developers are encouraged to preserve and design around trees, groves, scenic points, historic spots and other community assets and landmarks.
- g. On-lot sewage disposal systems shall be setback a minimum of one hundred feet (100') from known sinkholes or sinks. A septic reserve area of ten thousand (10,000) square feet, or enhanced septic system as determined and approved by the County Health Department, State Health Department or WVDEP, as applicable, is required and shall remain permanently available for such use.
- h. Structures shall be setback a minimum of one hundred feet (100') from the outer perimeter of an existing or proposed cemetery or historic structure listed on the National Register of Historic Places and fifty feet (50') from any railroad right-of-way. If cemetery is located on an adjoining property, a minimum thirty-foot (30') buffer shall be required.

Section 501.3 Guest Residence(Amended xx, 2014)

A guest residence may be established subject to the following requirements:

1. The square footage of the guest residence shall not exceed sixty percent (60%) of the habitable square footage of the primary residence.
2. The guest residence shall have approved utilities.
3. The parcel of land containing a guest residence shall remain in single ownership.

Section 502. Streets, Roads and Parking Facilities

APPENDIX A contains the minimum design criteria and standards for construction of streets, roads and parking requirements for development within Berkeley County.

Section 502.1 Minimum Standards for Subdivision Access

Any phased or non-phased residential development which **totals generates**, one hundred (100) lots or greater **or a non-residential development that generates 1,000 ADT (Average Daily Trips)** initially or cumulatively shall be required to have a minimum of two (2) points of access onto a public road or a WV DOH right-of-way. The access point(s) must meet all other applicable requirements of

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this ordinance, and must be approved by the West Virginia Division of Highways. (Amended xx, 2014)

Section 502.2 Right-of-Way and Buffer yard Requirements for Development on State Roads

All developments which have frontage on a state road shall dedicate twenty-five feet from the center line of the existing road to the Division of Highways. All required setbacks shall be measured from the edge of the dedication. (Amended January 10, 2013)

~~In major subdivisions, where the lots along State Highway Rights-of-way are less than an average of fifteen thousand (15,000) square feet, the Developer shall also provide a fifteen foot (15') vegetated buffer yard between the back or side lot lines and the State Right-of-Way for any lot abutting a State Road Right-of-Way. This buffer yard shall not be included within the current r-o-w or future r-o-w reservations.~~

Section 503. Building Setback Lines

- A. Where the subdivided area is intended to be used for residential purposes, the building setback lines identified in the table below shall be observed:

Table 5-1

Minimum Setbacks	Highway Classifications		
	Arterial	Collector	Local/Other
Front*	20'	20'	10'
Side*	10' minimum	10' minimum	10' minimum
Rear	20'	20'	20'

~~*Ten foot (10') side yard setback. If any lot adjoins a State Highway right-of-way, then a minimum fifty-foot (50') setback is required. (Amended January 10, 2013)~~ **Corner lots shall provide front yard setbacks along all road rights-of-way. If more than two (2) roads abut the property, only two (2) front yard setbacks shall be required and shall be along the two (2) roads having the highest ADT. (Amended xxx, 2014)**

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- B. Where the subdivided area is intended to be used for non-residential purposes, the building setback lines identified in the table below shall be observed:

Table 5-2

Minimum Setbacks	Highway Classifications		
	Arterial	Collector	Local/Other
Front	75' 50'	50' 35'	5' 25'
Side*	15'	15'	5'
Rear	25'	25'	5'

*** Corner lots shall provide front yard setbacks along all road rights-of-way, if more than two (2) roads abut the property, only two (2) front yard setbacks shall be required and shall be along the two (2) roads having the highest ADT. (Amended xxx, 2014)**

Section 503.1. Blocks

- A. The length, width, shape, and design of blocks shall be based on the site analysis and the intended use proposed for the site.
- B. Blocks shall not exceed one thousand six hundred feet (1600') in length and shall not be less than five hundred feet (500') in length.
- C. Depth of a block shall equal the depth of two (2) approved lots which share the same rear lot line. However, the block depth may vary from the requirement in cases where parallel roads are utilized or where topographic limitations exist.

Section 504. Lots

The following regulations shall govern the design and layout of lots:

- A.** All lots shall have frontage upon an existing or proposed public street, **except that in a Land Development Unit project, lots having access to a private street, or common parking area. Minor subdivisions may gain access from a deeded right-of-way, which existed as of the date of this amendment upon approval by the Planning Commission.** Lots within a major residential subdivision development that are less than sixty thousand (60,000) square feet shall take access from an interior

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road system. (Amended xxx, 2014)

- B. Access. No residential lot less than 60,000 square feet shall have direct access to an arterial or major collector road. Access shall be permitted from Arterial or Collector roads to parking lots serving a minimum of any combination of eight (8) dwelling units of single family attached dwellings: (Duplex, Triplex, Quadruplex, Town House, etc.) and or multi-family dwellings. (Amended January 10, 2013)
- C. Where a drainage swale, perennial or annual stream separates the buildable area of a lot from the street upon which it takes access, provision shall be made for the installation of a culvert or other structure. The design of the culvert or other structure is subject to approval by the County Engineer.
- D. “Panhandle” lots shall be permitted providing that only one lot is situated between the main body of the panhandle lot and the access roadway. Panhandles shall be a minimum of twenty-five feet (25’) in width and a maximum of four hundred feet (400’) in length. When two “Panhandle” lots are situated side by side and have one proposed access location the access can be reduced to a single twenty-five foot (25’) wide common driveway within a shared access easement.
- E. **The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of the surrounding development. (Added xxx, 2014)**
- F. **The size, width, depth, shape and orientation of yards and lots shall be appropriate for the type of development and use proposed. (Added xxx, 2014)**
- G. **The ratio of the depth of any lot to its width shall not be greater than two and one-half to one, except for lots one acre or more in size, townhouse lots, or Land Development Unit projects, subject to Planning Commission review and approval. (Added xxx, 2014)**
- H. **All side lot lines shall be at right angles to street lines and radial to curved street lines, unless a variation from this rule will give a better street of lot plan as determined by Planning and Engineering staff. (Added xxx, 2014)**
- I. **All lots shall be designed to meet the minimum requirements**

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of the Berkeley County Health Department. (Added xxx, 2014)

- J.** All lots created that incorporate land within a designated floodplain shall include a buildable area large enough to accommodate a structure and septic area outside of the identified flood hazard area and be served by streets within the proposed development having surfaces no lower than one (1) foot below the elevation line defining the floodplain limits. (Amended xx, 2014)
- K.** The following tables illustrate the minimum requirements for proposed lots, subject to other conditions as noted in the Berkeley County Subdivision Ordinance. This provision may not apply to existing lots of record. (Amended January 10, 2013)

Table 5-3

A. CONDITION - With Public Water AND Public Sewer			
<u>Type of Development</u>	<u>Maximum Impervious Coverage</u>	<u>Minimum¹ Lot Width</u>	<u>Minimum Lot Size</u>
Single Family Residence	60 %	75 Feet	7,500 Square Feet
Duplex Residence	60%	85 Feet Total lot width	9,000 Square Feet
Multi-Family Residence	60%	100 Feet	10,000 Square Feet, plus 400 sq. ft. for each one bedroom unit; and 600 sq. ft. for each unit with two bedrooms or more.
Townhouse	60%	18 Feet ²	1,800 Square Feet with a maximum of 10 units per acre. ¹
Commercial	80%	100 Feet	No minimum

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Industrial	80%	150 Feet	40,000 Square Feet
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¹ In a Townhouse Development 30% of the units may be reduced to a minimum lot width of sixteen feet (16') and a minimum lot size of 1,600 square feet. In this case, no one townhouse unit shall contain more than eight (8) dwelling units.

Table 5-4

B. CONDITION - With Public Water AND Individual, On-Lot Sewage Disposal System			
<u>Type of Development</u>	<u>Maximum Impervious Coverage</u>	<u>Minimum ¹ Lot Width</u>	<u>Minimum Lot Size</u>
Single Family Residence	40 %	100 Feet	40,000 Square Feet
Duplex Residence	PROHIBITED		
Multi-Family Residence	PROHIBITED		
Townhouse	PROHIBITED		
Commercial	75%	150 Feet	1 Acre
Industrial	75%	150 Feet	1 Acre
Factory Built Home Community	PROHIBITED		

¹ Lots being served by a Community Well may have lots with a minimum lot size of forty thousand (40,000) sq. ft. The minimum lot size is permitted, provided that the resulting density does not exceed the yield calculated by using a minimum lot size of eighty thousand (80,000) sq. ft.

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Table 5-5

C. CONDITION - With Approved Individual On-Lot Water Supply AND Public Sewer			
<u>Type of Development</u>	<u>Maximum Impervious Coverage</u>	Minimum ¹ <u>Lot Width</u>	<u>Minimum Lot Size</u>
Single Family Residence	40%	100 Feet	40,000 sq. ft.
Duplex Residence	PROHIBITED		
Multi-Family Residence	PROHIBITED		
Townhouse	PROHIBITED		
Commercial	75%	150 Feet	1 Acre
Industrial	75%	150 Feet	1 Acre
Factory Built Home Community	PROHIBITED		

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Table 5-6

D. CONDITION - With Approved Individual On-Lot Water Supply and Individual On-Lot Sewage Disposal System			
<u>Type of Development</u>	<u>Maximum Impervious Coverage</u>	<u>Minimum Lot Width¹</u>	<u>Minimum Lot Size</u>
Single Family Residence	35%	125 Feet	60,000 sq. ft.
Duplex Residence	PROHIBITED		
Multi-Family Residence	PROHIBITED		
Townhouse	PROHIBITED		
Commercial	75%	200 Feet	2 Acre
Industrial	75%	300 Feet	2 Acres
Factory Built Home Community	PROHIBITED		

(Amended January 10, 2013)

Table 5-7

E. CONDITION - With Community Well ¹ and Public Sewer			
<u>Type of Development</u>	<u>Maximum Impervious Coverage</u>	<u>Minimum Lot Width²</u>	<u>Minimum Lot Size³</u>
Single Family Residence	35%	75 Feet	7,500 sq. ft.

1. The community well-head must be within the boundary of the

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proposed development or within one thousand feet (1000') of the same.

2. This minimum lot size is permitted provided that resulting density does not exceed the yield calculated by using a minimum lot size of fifty thousand (50,000) sq. ft.

Section 505. Restrictive Easements

The following regulations shall govern the design and layout of easements:

- a. Should utility easements be required along rear or side lot lines, to the fullest extent possible, the easements shall be centered on the lot line(s).
- b. No structure shall be permitted to be placed, set or put within the area of an easement, unless the structure adequately proves to facilitate that easement.
- c. The Planning Commission, upon recommendation from the County Engineer, may require, when it deems it necessary for safety purposes and to facilitate pedestrian access to community facilities or to another nearby street, perpetual unobstructed pedestrian easements and paved or unpaved sidewalks and/or walkways.
- d. Where topography or other conditions make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed utility easements at least twenty feet (20') in width shall be provided across property outside the street lines but with satisfactory access to the street. In no case shall easements for individual septic or water systems or any easement or area designated as a septic reserve area be permitted to encroach on any building lot other than the lot which is served by the individual septic or water well system or which the septic reserve area is intended to serve. Septic system easements may be permitted in community open space areas.

~~Where a Land Development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way of not less than ten feet(10') conforming substantially to the line of such watercourse or of such width as will be adequate to preserve the riparian zone.~~

- e. **Stream Buffers: (formerly Section 402.5.5)** Where an application contains any portion of a perennial or intermittent stream, a buffer shall be established and shown on the plan. The width of the buffer shall be a minimum of thirty-five feet (35'), measured from and perpendicular to the top of the stream bank. The buffer shall be expanded to include any floodplain determined by the Floodplain Ordinance, any field verified non-tidal wetland areas and/or any area of severe slope as defined in this

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Ordinance.

~~Within the stream buffer vegetative ground cover shall be maintained at all times. The U.S. National Resources Conservation Service (NRCS) may recommend planting species and methods when no ground cover exists in the buffer or additional planting to improve existing ground cover. No permanently affixed building shall be permitted within the stream buffer except those designed to improve water quality in the stream or structures such as fences designed to limit access to the stream. No septic system shall be constructed within the buffer nor shall any septic reserve area be established within the buffer.~~

- f. **Severe Slopes: (formerly Section 402.5.6)** These provisions shall apply to all land development as defined in the Berkeley County Subdivision Ordinance.

1. Identification of severe slopes shall be established by the applicant at the time of application.

2. Severe slopes shall consist of all land which has a natural slope of 1 ½' horizontal to 1' vertical (66.6%) or greater. The natural slope of an area shall be determined by calculating the distance between field verified contours. The horizontal run shall be measured at right angles to the natural contours.

~~3. **Verification of severe slope delineation (formerly Section 402.5.6.1)** Where the applicant has provided a determination of the severe slope the County Engineer shall verify the accuracy of the boundary. The Planning Commission, upon recommendation by the County Engineer, may render adjustments to the boundary delineation in order to comply with this Ordinance.~~

- g. **Wetlands: (FORMERLY Section 402.5.7)** At the time of applications, wetlands shall be verified through a Jurisdictional Determination by an Army Corps of Engineers representative, and all wetlands boundaries surveyed. If there are no wetlands present onsite, a letter stating such shall be submitted from a qualified third party.

1. Wetland boundaries shall be established as a buffer area of fifteen feet (15') along any delineated wetland and shall be based on a wetland investigation and a Jurisdictional Determination conducted by an Army Corps of Engineers representative.

2. Comprehensive Plan maps related to flood plains and other general soils and hydric soils information may be used as a reference for determining the general location of major wetland areas. Final wetland delineations shall be through a jurisdictional determination by the U. S. Army Corps of Engineers.

3. Wetland disturbance shall be permitted. However, the US Army Corps of Engineers must approve any such disturbance.

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Standards — (formerly Section 402.5.7.1)

4. In all applications, wetlands shall be shown on a drawing indicating their location and measurement in accordance with the above standards.

5. A conservation easement covering the wetlands shall be provided on the plan, or approved mitigation plans shall be submitted.

Section 506. Grading & Drainage

- a. Blocks and lots shall be graded to secure proper drainage away from buildings and to prevent the pooling or collection of storm water.
- b. All drainage provisions shall be designed to carry surface waters to the nearest practical and adequate street, storm drain, natural drainage way or watercourse and should be diverted away from any on-site sewage system reserve area, on-site sewage system, unremediated sink hole or water well. Drainage swales on residential lots shall not exceed a facial slope of 3 horizontal:1 vertical in order to allow proper maintenance.
- c. The land development shall be provided with drainage structures and/or pipes as are necessary to prevent erosion damage and to satisfactorily carry off surface waters.
- d. No excavation shall be made with a face steeper than **three feet (3')** horizontal: one foot (1') vertical, except under one or more of the following conditions:
 1. The excavation is located so that a line having a slope of three feet (3') horizontal: one foot (1') vertical, and passing through any portion of the cut face will be entirely inside the property lines of the property on which the excavation was made.
 2. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than three feet (3') horizontal to one foot (1') vertical. A written statement to that effect from a professional civil engineer, registered in the State of West Virginia and experienced in erosion control, is submitted to and approved by the Planning Commission. The statement shall affirm that the site has been inspected and that the deviation from the slope requirements will not result in injury to persons or damage to property.

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3. A concrete or stone masonry wall constructed in accordance with approved standards is provided to support the face of the excavation.
- e. No fill shall be made which creates any exposed surface steeper in slope greater than **one and a half feet (1.5')** horizontal to one foot (1') vertical, except under one (1) or more of the following conditions:
 1. The fill is located so that settlement, sliding or erosion will not result in property damage; no sediment will enter or be deposited in watercourses or natural drainage channels; and no hazards to adjoining property, streets, alleys or buildings shall be created.
 2. A written statement from a professional civil engineer, registered in the State of West Virginia and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, nor will any sediment enter or be deposited in watercourses or natural drainage channels, is submitted to and approved by the Planning Commission.
 3. A concrete, stone, or masonry wall constructed in accordance with approved standards is provided to support the face of the fill.
- f. Storm drains and appurtenances shall be required to be constructed by the Developer/owner to take surface water from the bottom of vertical grades, to lead water away from springs and to avoid excessive use of cross gutters at street intersections and elsewhere.
- g. Watercourses shall remain open and shall not be piped or incorporated into a storm water system, except as determined by the County Engineer.
- h. In the design of storm sewer systems, the future use of undeveloped areas upstream shall be taken into account in calculating pipe size.

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Section 507. Erosion & Sediment Control

All applications must comply with the Berkeley County Storm Water Management and Sediment and Erosion Control Ordinance. Moreover, nothing contained in this ordinance shall be construed to relieve an applicant from any obligation to comply with the Berkeley County Storm Water Management and Sediment and Erosion Control Ordinance.

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Article 7 – Required Improvements

ARTICLE 7 - REQUIRED IMPROVEMENTS

Section 701 General

Minimum improvements and construction standards required for all Land Development projects shall be as set forth in this Ordinance and in the applicable design standards of other public agencies.

Section 702. Monuments and Markers

- A. Monumentation shall be set at the intersection of all lines forming angles in the boundary of the Land Development.
- B. A minimum of two (2) monuments shall be placed within each block of a subdivision and shall be designated as control corners. The Planning Commission may require additional monuments at other points.
- C. Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the lines to be marked, and shall be set so the top of the monument is level with the surface of the surrounding ground. Monuments may be of the following two types:
 1. Cut stone, 6" x 6" x 3' - 0 long with a drill hole in the center.
 2. Reinforced concrete, 6" x 6" x 3' - 0 long with an obvious marking of the center.
- D. The applicant shall bear the cost of replacing a disturbed monument or marker until construction of the Land Development is completed or the land in question changes ownership.
- E. Monumentation is required for all new or reestablished corners, or reference monument for inaccessible corners, and is encouraged at intervisible points between corners. Set monuments shall be made of durable material and set firmly in the ground. Pipes shall have a minimum inside diameter of one inch (1"), while rebars shall have a minimum outside diameter of five-eighths inch (5/8") and both shall have a minimum length of thirty inches (30"). Other markers shall have a minimum cross-sectional area of one-half square inch (1/2) and shall be made of durable material, identifiable and unique. Natural objects chosen for corners shall be durable, unique and easily identifiable.

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Section 703. Street Signs and Traffic Control Devices

- A. The applicant shall erect at every street intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs, and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign. Street signs shall be of a design approved by Central Dispatch.
- B. Traffic control devices shall be in compliance with size, color, location criteria and requirements for the installation of signs and/or signals as set forth by the West Virginia Department of Highways.

Section 704. Street Improvements

- A. All streets shall be constructed in conformance with the standards set forth in the West Virginia Division of Highways “Standard Specifications for Roads and Bridges” as modified by “The Manual of Street Standards, Berkeley County, West Virginia” as may be amended from time to time and is attached as Appendix A. Street Improvements shall be reviewed by the Berkeley County Planning Commission and the Berkeley County Engineer. The following standards shall also apply:
 - 1. The proposed plat shall provide for continuation of any existing roads or streets (constructed or recorded) in accordance with adopted highway plans, 911 mapping and WVDOH County Road maps.
 - 2. A tract proposed for subdivision into parcels larger than minimum required building lots and intended for future subdivision rather than immediate development shall be divided so as to allow for future opening of streets and such further logical subdivision as can be foreseen.
 - 3. Developers/landowners are encouraged to coordinate and negotiate with the adjoining developers/landowners to provide interconnectivity of roads between subdivisions. It is desirable to provide internal traffic circulation whenever possible to avoid excessive intersection with State Highways.
 - 4. Local streets shall be designed to discourage speeding traffic.

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5. When, in the opinion of the Planning Commission and with the agreement of the applicant, it is desirable to provide street access to adjoining property, the proposed streets shall be extended by dedication to the boundary of such property.
6. Proposed streets and highways shall be adjusted to the contour of the land as far as practicable so as to produce useable lots.
7. Dead-end streets without cul-de-sacs or a turnaround are prohibited except as stubs to permit future extensions to adjoining tracts or where they are designed as cul-de-sacs. Temporary cul-de-sacs, upon approval of the County Engineer, may be constructed without asphalt base or wearing course. The developer may be exempt from providing curbing at the terminus of temporary cul-de-sacs, unless curbs are required for drainage control. A temporary cul-de-sac shall be removed by the applicant and replaced with the permanent street upon extension of the existing street.
8. Cul-de-sacs shall be designed in accordance with Appendix A so as to permit safe ingress and egress. Cul-de-sac streets in excess twenty-five hundred feet (2,500) are prohibited. (Amended January 10, 2013)
9. Street names shall be approved by Central Dispatch but names should not be proposed which will duplicate or be confused with the names of existing or platted streets. Proposed streets in alignment with existing or platted streets should bear the names of the existing or platted streets, or names as directed by Central Dispatch.

Section 705. Sidewalks

Sidewalks should be installed in accordance with the criteria set forth in **Sections 705.1 and 705.2** if determined by the planning commission. The location **may be modified from the provisions set forth in the ordinance upon** ~~shall be review and~~ **approved** by the Planning Commission taking into consideration pedestrian safety. In lieu of requiring sidewalks, the commission **may approve a pedestrian circulation plan that provides equal or greater pedestrian circulation. The Commission** may require a pedestrian easement(s) in the event a sidewalk(s) would be required ~~in the~~ at a future date. (Amended January 10, 2013) **(Amended xxx, 2014)**

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Section 705.1 Sidewalks Required

Except where exempted by the Planning Commission or waived in accordance with Subsection G below, **At least one (1) sidewalk shall be required as part of all new developments: (Amended xxx. 2014)**

- A. On one side of arterial and collector streets to be built at the time of street construction;
- B. On one side of all L3 classed streets, to be constructed in conjunction with development of the property;
- C. On one side of any industrial street to be constructed at the time of street construction;
- D. ~~In all Land Development Units, except Manufactured Home Communities;~~ On one side of streets, which provide direct access to Single Family Dwellings where, duplex or two-family dwellings except where the density of the development is less than three (3) units per acre and the lots are over eighty (80) feet in width at the street right-of way line. **(Amended xxx. 2014)**
- E. ~~On one side of streets, which provide direct access to Single Family Attached Dwellings, (Duplex, Triplex, Quadruplex, Town House, etc.)~~ **Sidewalks shall be provided on both side of a streets servicing multi-family family developments including: Triplex, Quadplex, Townhouses, apartments, condominiums. (Amended January 10, 2013)(Amended xxx. 2014)**
- G. **Wherever a pedestrian circulation plan has been developed within the County, such as the Edwin Miller Blvd. and North Martinsburg Area studies, and adopted by the Planning Commission a waiver from the Commission shall be obtained prior to the elimination of sidewalks. (Added xxx, 2014)**

Section 705.2 Sidewalk Design Criteria

Sidewalks shall be designed and constructed in accordance with the following requirements:

- A. **Sidewalks shall not be located within the West Virginia Department of Highway rights-of-ways. (Added xxx, 2014)**
- B. **Sidewalks may be located within the platted right-of-way of a street owned and maintained by a private developer, a Homeowner's Association, or private property owner and shall be at least a foot from the property line. (Added xxx, 2014)**
- ~~C.~~ **Sidewalks must be at least four feet (4) wide in single-family residential areas and five feet (5') wide in duplex, triplex, quadruplex, townhouse, and commercial areas.**
- ~~D.~~ **Within twelve hundred feet (1,200') of shopping centers, schools, recreation areas and other high pedestrian traffic areas, sidewalks must be at least six feet (6') wide.**

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ED. Sidewalks must be constructed in accordance with Standards and Details provided by the Berkeley County Engineer, in Appendix A.

FE. Where sidewalks are required, a planter strip separation of at least four feet (4') between curb or shoulder and sidewalk.

GF. Any pedestrian walk(s) proposed in addition to required sidewalk shall be approved by the County Engineer. Interior pedestrian walks within blocks shall be located in easements not less than ten feet (10') in width.

HG. Sidewalks shall be inspected by the County Engineer or his designated agent after the forms have been placed, just prior to the pouring of concrete and after completion of all work. (Amended January 10, 2013)

Section 706. Curbs

- A. Curbs, when installed, shall be constructed on both sides of the interior streets.
- B. Curbs shall be constructed of concrete and sized in accordance with the details in Appendix A. Mountable curb shall be permitted only in townhouse areas.
- C. Terminal concrete curb ends shall have an exposed face of two inches (2") and be tapered two feet (2').
- D. When curbing is to be removed to construct a driveway or access drive, the length of curbing to be removed shall be carried to the nearest expansion joint or saw cut if the joint is located less than five feet (5') from the end of the curb removal.
- E. Vertical curb height at driveway entrances may be reduced to a minimum of one and one half inches (1 ½") for driveway entrances along streets where curbs are required.
- F. No partial breakout of the curb shall be permitted. No cutting of the curb shall be permitted without approval by the County Engineer.
- G. Curb ramps must be installed in accordance with Americans with Disabilities Act (ADA) requirements. (Amended January 10, 2013)

Section 707. Culverts

When natural drainage channels intersect any driveway or street right-of-way, the applicant shall have satisfactory culverts and bridges designed and constructed. Where culverts are required, they shall conform to the Design Manual as referenced in the Berkeley County Stormwater Management and Sediment and Erosion Control Ordinance.

Section 708. Water Supply Improvements

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The following requirements shall govern water supply provision and improvements:

- A. All water supply sources and distribution systems, whether public or individual lot, shall meet or exceed the minimum requirements of the West Virginia Bureau of Health, Environmental Engineering Division in effect at the time of development. The Planning Commission shall require written approval and/or a permit from the West Virginia Bureau of Health, Environmental Engineering Division that the minimum requirements for water supply sources have been met.
- B. If the water supply is to be on an individual lot basis and the lot also contains its own sewage disposal system, the well shall be located and constructed according to standards which shall demonstrate/show the production of safe, potable drinking water.
- C. The proposed location of the well on each individual lot shall be shown on the plats and satisfactory separation shall be shown between the well and any proposed on-site sewage disposal system. All proposed locations for well and septic systems shall be approved by the West Virginia Bureau of Health, Environmental Engineering Division.

Section 709. Sanitary Sewer Improvements

The following requirements shall govern sanitary sewage disposal:

- A. All sanitary sewage disposal systems, whether public or individual lot, shall meet the minimum requirements of the West Virginia Bureau of Health, Environmental Engineering Division in effect at the time of the development.

The Planning Commission shall require written approval and/or a permit from the West Virginia Bureau of Health, Environmental Engineering Division that the minimum requirements for sanitary sewage disposal systems have been met.
- B. When a proposed development is within one thousand feet (1,000') of an existing public sanitary sewer system, connections to the public sanitary system sewers shall be provided to all lots within the proposed development in accordance with State law and regulations, if available and acceptable.
- C. When a public sanitary sewer system is not available, a water-

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carried sewage disposal system approved by West Virginia Bureau of Health to serve the entire Land Development may be installed.

- D. If individual, on-lot sewage disposal systems are proposed, written approval from the Health Department must be obtained. Sewage disposal systems drain fields, and any required septic reserve areas shall be setback a minimum of one hundred feet (100') from any known sinkhole or sink.
- E. An Underground Injection Control (UIC) permit or rule by the Director shall be obtained from the West Virginia Department of Environmental Protection for Injection wells falling under UIC rules and regulations prior to installation. (Amended January 10, 2013)

Section 710. Drainage Improvements

- A. All on-site storm water management improvements shall be in accordance with the Berkeley County Storm Water Management and Sediment and Erosion Control Ordinance.
- B. A drainage plan shall be submitted with the Preliminary Plan of any Land Development, showing the proposed scheme of all surface drainage. The construction of all drainage improvements shall be subject to inspection of the County Engineer and approval of the Planning Commission.

Section 711. Storm Sewers and Storm Water Drainage

The Berkeley County Storm Water Management and Sediment and Erosion Control Ordinance is the controlling regulation for all land developments. All applicants must refer to and comply with that ordinance regarding storm water management regulations and requirements. Moreover, nothing contained herein shall be construed to relieve an applicant from any obligation to comply with the Berkeley County Storm Water Management and Sediment and Erosion Control Ordinance, including all policies developed by the County Engineer which are either based upon or which serve to interpret the language contained in the Berkeley County Storm Water Management and Sediment and Erosion Control Ordinance. In addition:

- A. Storm sewers, culverts, drainage channels and related installations shall be provided where necessary to:
 - 1. Permit unimpeded flow of natural water courses;

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2. Ensure adequate drainage of all low points along streets; and
 3. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- B. In determining the proper drainage of any Land Development, the Planning Commission shall take into consideration and, if possible, make provisions for existing or future drainage problems. As the primary review agency for drainage plans, it shall be the responsibility of the County Engineer to advise the developer and the Planning Commission when additional or supplemental drainage plans and provisions are appropriate, as well as the proper nature and extent of such supplemental drainage plans and provisions.
- C. If necessary, due to the applicant's design, the Applicant may be required to extend the storm drainage system beyond the boundaries of the Land Development in order to conduct runoff to an acceptable point of disposal. If so, the Applicant will be responsible for securing all required drainage easements.
- D. Lots shall be laid out and graded to provide positive drainage in all directions away from buildings and building sites.
- E. In the design of storm drainage installations, special consideration shall be given to the avoidance of problems with erosion and safety, which may arise from concentration of storm water runoff over adjacent properties.
- F. All storm drainage systems shall be designed per the requirements as prescribed Berkeley County Storm Water Management and Sediment and Erosion Control Ordinance and its references without overflowing the system at any point.

Section 712. Community Open Spaces and Provision of Recreational Amenities

- A. A single-family residential subdivision/development with fifteen (15) or more lots wherein the average lot size is one-half of an acre or less shall include community open spaces for the use and enjoyment of its residents. The community open space shall consist of an area of not less than ten percent (10%) of the total acreage contained in the development parcel but in no case less than five thousand (5,000) square feet. The required open space may be constituted by two (2) or more non-contiguous parcels, so

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long as the Applicant can demonstrate to the satisfaction of the Planning Commission that all of the open space areas provided are actually usable for passive or active recreational purposes. Where proposed development adjoins an existing or proposed open space, the open spaces should be contiguous to already established open space areas where feasible. The open space areas shall be free of all other easements or encumbrances which would otherwise limit their use for recreational purposes.

Section 713. Off Site Extensions

If streets or utilities are not available at the boundary of a proposed Land Development the applicant may be required, prior to advancement of the Preliminary Plan, to obtain necessary easements or rights-of-way.

Such improvements may be made available for connections by subsequent development of adjoining land.

Section 714. Provisions for Maintenance and Operation

When the Land Development contains park areas, tot lots, streets, or other physical facilities necessary or desirable for the welfare of residents which are of common use and benefit and which are of such character that:

- A. no public body may legally acquire or operate and maintain the facilities;
- B. no public body which, if established, could legally operate and maintain such facilities, or;
- C. a public body in existence which may legally operate the facilities but refuses or does not desire to operate and maintain the facilities, then the Applicant shall establish, prior to approval of the final plan by the Planning Commission, a homeowners association that will operate and maintain such facilities described above.

Such homeowners association shall be funded by the Developer and shall be sustained by assessment of the property owners. Authority for the homeowners association and the covenants in the proposed deed shall be reviewed and approved by the Legal Counsel to the Planning Commission.

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Appendix A

**THE MANUAL OF STREET STANDARDS
BERKELEY COUNTY, WEST VIRGINIA**

Section 1.1 Purpose

Any individual, developer, corporation or entity desiring to construct a road, street or parking area within a Subdivision or Land Development within Berkeley County, West Virginia shall follow the procedures described herein. Design and construction shall also be as specified herein.

Section 1.2 Procedures

The applicant shall adhere to the following procedures in order for the project to progress in an orderly manner:

- a) Submit to the County Planning Commission the appropriate number of sets of plans. Included in the plans shall be roadway plan and profile sheets with scale 1"=50' horizontal and 1"=5' vertical. Plan and profiles shall be augmented by complete alignment information, accurate dimensions locating roadway, highway and drainage structures, ditches and other incidental construction. Finished grade elevations shall be shown every 50' on the profiles as well as stations and elevations for PVC, PVI and PVT. For proposed streets adjacent to developed properties, or lands owned by someone other than the developer, cross sections shall be submitted showing stations every 50' along the developed portions of the proposed roadway. The location of all Bench Marks used and the elevations for some shall be noted on the plans. Drainage pipes and ditches shall be shown on the plan and on the cross sections. Engineering design computations and drainage area maps shall accompany submission to justify the sizes of drainage structures, pipes, ditches, etc. Acceptable storm drainage design criteria shall conform to the Berkeley County Stormwater Management and Sediment and Erosion Control Ordinance. All pipes shall have a minimum of one (1) foot of cover over pipes.
- b) Prior to actual construction operations, the developer's contractor shall review the project and proposed schedule with a representative of the County Engineer/Planning Commission for the purpose of scheduling periodic inspections by the County.
- c) All bonding shall be in accordance with Article 6 of the basic Ordinance.
- d) The developer's attention is also directed to Berkeley County Stormwater Management and Sediment and Erosion Control Ordinance for other information and references on required improvements.

Section 1.3 Specifications

Specifications for road improvements shall be those of the West Virginia

Department of Highways contained in "Geometric Design Criteria for Rural Highways" and "Standard Specifications Roads and Bridges" adopted 1993 and as may be amended from time to time unless specified differently herein.

Section 1.4 Geometric & Pavement Design

Geometric and pavement design shall be in accordance with the plates included herein. Items not covered in the plates shall be in accordance with State Department of Highway Standards or ASSHTO as may be appropriate.

Section 1.5 Intersection Design

a) Sight distances at Intersections

Sight distances at Intersections should be regulated to allow approaching drivers sufficient time to stop. Each vehicle should be visible to the other driver when each vehicle is located on the street centerline and at a specified distance from the point of intersection of the street centerlines. Clear sight triangles should be provided at all intersections and no building, structure, grade, or planting higher than two and one-half (2 1/2') feet above the centerline of the street should be permitted within such sight triangles. For intersections of streets having an ADT of 200 or less, or having 20 mile-per-hour speed limit the clear sight triangle requirement may be waived.

- 1) Clear sight triangles of fifty (50') feet measured along street centerlines from their points of junction should be provided at all intersections of lanes and places. This may be waived as noted above.
- 2) Clear sight triangles of seventy-five (75') feet measured along street centerlines from their points of junction should be provided at all intersections.
- 3) For intersections of industrial or commercial with state highways, a greater sight distance is desirable.

b) Horizontal Alignment at Intersections

The preferred angle of intersection for intersecting streets is 90 degrees

- 1) The minimum angle is 60 degrees. Any change in street alignment to meet this requirement should occur at one hundred (100') feet from the intersection.
- 2) Multiple intersections involving junctions of more than two (2) streets should be avoided.
- 3) Two (2) streets intersecting the same street from opposite sides should intersect this same street directly opposite one another or with a minimum offset of one-hundred fifty (150) feet between their centerlines.

Section 1.6 Sidewalks

When possible, steps in sidewalks and paths shall be avoided. When steps are necessary, the minimum number of risers shall be two (2) in adjacent series or at least two (2) single risers may be used in a ramp series with the maximum distance between risers being six (6') feet. Risers shall not exceed six (6") inches. All risers and treads shall be uniform in a single flight. All risers in a single sidewalk or path shall be uniform in-height. Tread width shall be at least eleven (11") inches or twelve (12") inches when step flights have a total rise of more than thirty (30") inches. Tread pitch shall be 1/8-inch per foot for drainage.

Sidewalks and paths may be paved with asphalt or Portland cement concrete. Other suitable materials for surfaces may be used as appropriate for local conditions or aesthetics. Procedures for asphalt concrete mixing, proportioning and placement shall be designed by a registered engineer having experience in asphalt concrete construction acceptable to the Planning Commission.

Portland cement concrete sidewalk or path paving shall have expansion joints at all intersections with other paths or sidewalks and structures and at the bottom and top of flights of steps with three (3) or more risers. Portland cement concrete sidewalk or path surfaces shall be brushed or broomed. Procedures for mixing, proportioning and placing Portland cement sidewalks or paths shall be designed by a registered engineer having experience in Portland cement concrete construction acceptable to the Planning Commission.

Concrete sidewalks shall be at least four (4") inches thick except under driveways when at least six (6") inches must be used.

Section 1.7 Cul-de-sac Requirements

- a) For all housing developments which contain an interior roadway in excess

of one thousand (1,000') feet in length at least one cul-de-sac shall be provided with a paved diameter of one hundred fifty (150') foot diameter right-of-way to accommodate emergency vehicle and school bus turning movements. Additional larger cul-de-sacs may be required dependent upon the proposed design.

b) Dead-end streets are prohibited except as stubs to permit future extensions to adjoining tracts or where they are designed as cul-de-sacs. Temporary cul-de-sacs, upon approval of the County Engineer, may be constructed without asphalt base or wearing course. The developer may be exempt from providing curbing at the terminus of temporary cul-de-sacs, unless curbs are required for drainage control. A temporary cul-de-sac shall be removed by the applicant and replaced with the permanent street upon extension of the existing street.

Section 1.8 Off -Street Parking

a) Off-street parking facilities may be parking lots, parking bays, or other suitable types. ~~(See figure A-1 for typical design standards)~~ **(Amended xxx, 2014)**

b) All parking lots and parking bays permitting parking, other than parallel, shall be physically separated from the street and confined by curbing or other suitable separating device, unless other suitable design is approved in accordance with Article 7.

c) Entrances and exits to and from off-street parking areas shall be located so as not to interfere with street traffic.

d) Every off-street parking area shall include sufficient reservoir space to accommodate entering and exiting vehicles without overflowing out into adjacent streets.

e) Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

f) All dead-end parking areas shall be designed to provide sufficient back-up area for the end stalls of the parking area and to allow turn-around of cars without having to back out of parking areas.

g) The layout of every parking area shall be such as to permit safe and efficient internal circulation, in accordance with accepted traffic engineering principles and standards.

Section 1.9 Street and Other Outside Lighting

- a) Street lights, like sidewalks, are accepted as integral parts of city streets but few are considered necessary in rural and suburban developments. In areas where there are concentrations of pedestrians and/or vehicles, fixed source lighting tends to reduce accidents.
- b) Areas of potential need of lighting for the safety of pedestrians and motorists are schools, churches, recreation or other community centers, apartment and townhouse developments and parking areas where lighting may be needed for the safety of pedestrians would be interior sidewalks and paths.
- c) Whenever street or other outside lighting is required, the minimum lighting intensity shall be in accordance with the American National Standard Practice for Roadway Lighting. Illuminating Engineering Society, Approved July 11, 1972, American National Standards Institute and amendments thereto.

Section 1.10 Street Classification and Design

a) Classification-HIGHWAYS

1. Arterial. This classification includes highways which are major traffic corridors or provide for regional traffic of substantial volumes where the average trip lengths are usually five miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour" and have an estimated average daily traffic (ADT) count of 5,000 vehicles or greater after being fully developed.
2. Collector. This classification is intended to include those highways which connect local access highways to arterial highways. They may serve as traffic corridors connecting residential areas with industrial, shopping and other service. They may penetrate residential areas. Generally, these highways will accom1odate operating speeds of 35 miles per hour, and have an estimated average daily traffic (ADT) count of 1,750 to 5,000 vehicles after being fully developed.

b) Classification-LOCAL-Subdivision Street

- 1) Local. This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short.

- a) L1-Rura1 Lane-Gravel. Lots over 5 acres in size.

- b) L2-Local Road-Serving a maximum of 60 lots.
- c) L3-Local Road-Serving a maximum of 250 Lots.
- d) Alley-Serving off street parking or rear of residential lots.

c) Classification-Heavy Duty

1) Heavy-Duty. This classification is intended to provide access to industrial areas and other areas where semi-trailer truck traffic is expected.

TABLE A

Minimum component widths for each type of street shall be as follows:

A. Highway Widths

<u>Type of Street</u>	<u>Right-of-Way</u>	<u>Cartway Width</u>
Arterial	60'-120'	26' or 40'
Collector	60'	24' or 34'

B. Local Widths

<u>Type of Street</u>	<u>Right-of-Way</u>	<u>Cartway Width</u>
L1-Gravel	50'	18'
L 2	50'	20'
L 3	60'	22'
Alley	20'	12'

C. Heavy Duty Widths

<u>Type of Street</u>	<u>Right-of-Way</u>	<u>Cartway Width</u>
Heavy Duty	60'	24'

GEOMETRIC DESIGN CRITERIA STREETS AND HIGHWAYS

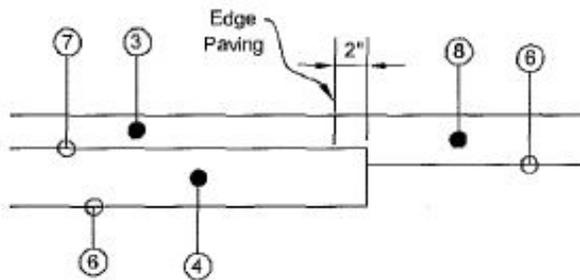
Item	Streets			
	L1- Alley	L2	L3	Heavy-Duty
Design Speed	25	35	35	N/A
Minimum Turning Lane Width	---	12'	12'	12'
Minimum Horizontal Curvature Radius	100'	150'	300'	500'
Minimum Turning Flare Radius at connections	30'	30'	35'	50'
Stopping Sight Distance	100'	175'	235'	275'
Minimum Roadway Grade	0.5%	0.5%	0.5%	0.5%
Maximum Roadway Grade	15%	12%	10%	8%
Intersection Approach Grade	8%	6%	6%	6%
Roadway Pavement Cross Slope	3/8"/ft.	3/8"/ft.	3/8"/ft.	3/8"/ft.
Maximum Super elevation	---	---	0.04'/ft.	0.04'/ft.

Minimum Super elevation Run out	--	--	175'	200'
Minimum Right-of-Way at Cul-De-Sac (Radius)	70'	70'	70'	N/A

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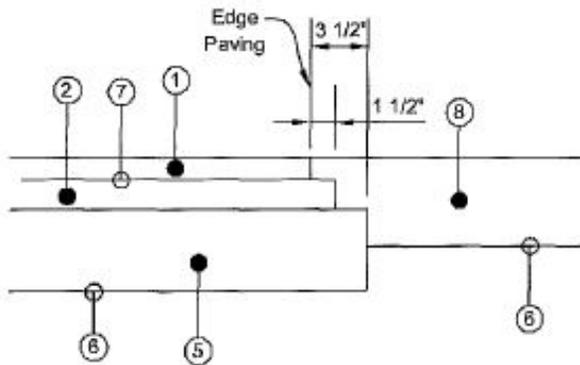
HEAVY DUTY & L3 - PAVEMENT

Full depth Asphalt



- ③ 2" Bituminous Concrete Surface Course
- ④ 6" Bituminous Concrete Base Course
- ⑥ Prepared Subgrade
- ⑦ Tack Coat
- ⑧ Shoulder: 6" Dirty Crusher Run

Stone Base

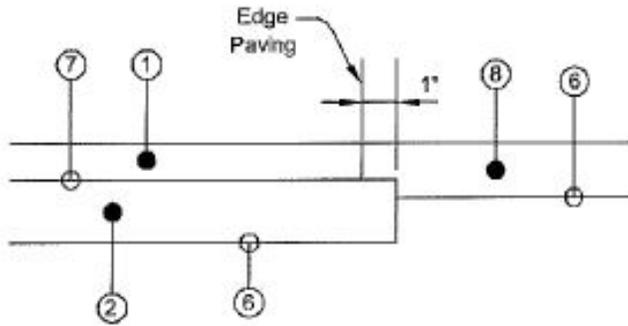


- ① 1 1/2" Bituminous Concrete Surface Course
- ② 3" Bituminous Concrete Binder Course
- ⑤ 7" Crusher Run Base (2 Courses)
- ⑥ Prepared Subgrade
- ⑦ Tack Coat
- ⑧ Shoulder: 6" Dirty Crusher Run

PLATE NO. 1

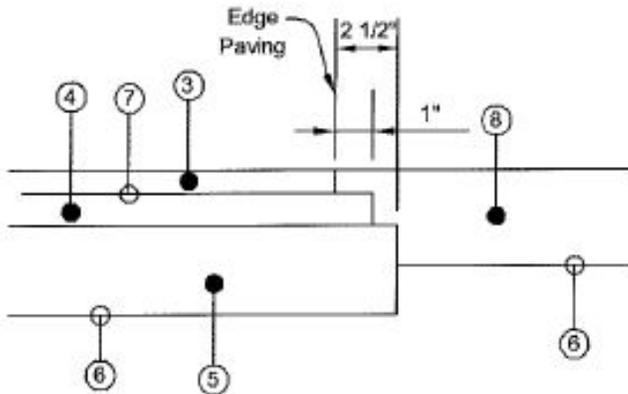
L2 & ALLEYS

Full depth Asphalt



- ① 1 1/2" Bituminous Concrete Surface Course
- ② 4" Bituminous Concrete Base Course
- ⑥ Prepared Subgrade
- ⑦ Tack Coat
- ⑧ Shoulder: 6" Dirty Crusher Run

Stone Base



- ③ 1" Bituminous Concrete Surface Course
- ④ 2" Bituminous Concrete Binder Course
- ⑤ 6" Crusher Run Base (2-3" Courses)
- ⑥ Prepared Subgrade
- ⑦ Tack Coat
- ⑧ Shoulder: 6" Dirty Crusher Run Stone

PLATE NO. 2

L - 1 (GRAVEL)

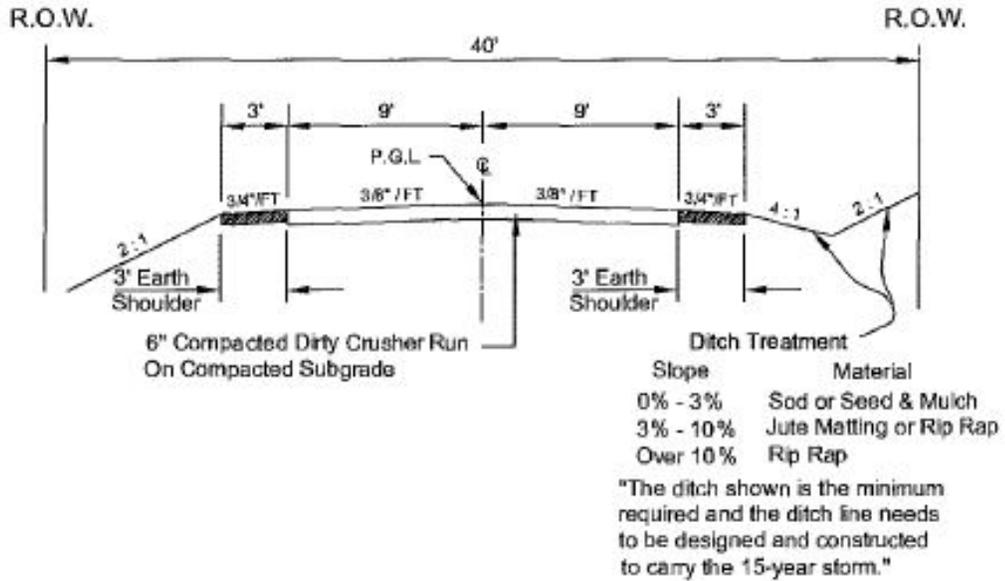


PLATE NO. 3

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Appendix G

Development Review Fee Schedule
For Planning and Engineering Departments

(Amended xx, 2014)

PLEASE MAKE CHECK(S) PAYABLE TO BERKELEY COUNTY PLANNING DEPARTMENT. AND IF FEES ARE REQUIRED FOR ENGINEERING A SEPARATE CHECK SHOULD BE PROVIDED PAYABLE TO THE BERKELEY COUNTY COUNCIL

<u>Requested Service</u>	<u>Fee</u>
<u>Miscellaneous</u>	
Subdivision Regulations (paper copy)	\$25.00
Comprehensive Plan (paper copy)	\$35.00
CD Copies (S/D Regs, Comp Plan, PC Minutes Other)	\$5.00
Copies	\$0.50 / \$1.00 color \$5.00 for 24 X 36 prints
<u>Aerial Photos</u>	\$25.00
<u>Aerial Photos Special Order</u>	\$35.00
<u>Ortho Photo Layer</u>	\$50.00

Research Requests \$20.00 per request

Public Hearing Fee \$110.00 + sign inspection fee
\$185.00

Public Hearing Sign Inspection** \$75.00

Waiver \$345.00 (\$160 waiver + \$110 public hearing fee + \$75 sign inspection)

Major Subdivisions

NOTE: The fees established for **Major Subdivisions and Site Plans** include the **First Three Reviews at each stage**, after which a review fee of \$1,000.00 will be assessed for each review at that stage of the approval process. All fees also include public hearing fees where one is required by the ordinance, unless otherwise noted.

Minor Subdivision

Merger, Family Transfer, Testimonials, \$275.00 + \$75.00 per parcel (parcel includes: lots, tracts, residues and all affected property)
Plat of Right-of-Way, Boundary Line Adjustments, Re-survey, Easements \$125.00 **\$150.00**

Family-Transfer, \$275.00 + \$75.00 per lot, including any residue.

Minor Subdivisions \$275.00 + \$75.00 per lot, including any residue.

Sketch Plans	\$385.00
Minor Site Plan	\$600.00 + \$200 per lot for residential or \$600.00 + \$200.00 per acre if non-residential.
Major Site Plans (Residential)	\$1,000.00 + \$200.00 per lot. If project does not include subdivision. Projects including subdivision shall only pay fees associated with plating process.
Major Site Plans (Non-Residential)	\$1,000.00 + \$200.00 per acre. If project does not include subdivision. Projects including subdivision shall only pay fees associated with plating process
Preliminary Plan (1-49 lots)*	\$1,100.00 Base + \$200.00 per lot for planning review + \$200.00 per lot for engineering review + \$185.00 public hearing fee if under 2004 Regulations.
Preliminary Plan (50 lots and above) +	\$1,100 Base + \$200.00 per lot for Planning review + \$200.00 per lot (1-49) + \$150.00 per lot (50 and above) for Engineering review + \$185.00 public hearing fee if under 2004 Regulations
Plan Change	\$600.00 \$785.00 (\$485.00 Planning, \$300.00 Engineering) + \$185.00 (public hearing)
Plan Change (Administrative)	\$300.00 Planning, \$300.00 Engineering

Commercial/Industrial Preliminary Plan	\$600.00 + \$200.00 per acre (\$500.00 payable to Planning Department and \$500.00 payable to the Engineering Department)
Preliminary Plan Extensions	\$300.00 per extension for plan of 1-49 lots
	\$600.00 per extension for plans over 50 lots
Final Plat (1-49 lots)	\$600.00 \$300.00 payable to Planning Department + \$150.00 payable to Engineering Department + \$185.00 public hearing fee if under 2009 Regulations.
Final Plat (50 lots and above)	\$600.00 payable to Planning Department + \$300.00 payable to the Engineering Department + \$185.00 public hearing fee if under 2009 Regulations.
Final Plat Extensions	\$300.00 for plan of 1-49 lots
	\$600.00 for plans over 50 lots
Supplemental Plat/Land Development Unit	\$300.00 Engineering + \$150.00 Planning
As-Built Drawings/Supplemental Plat	\$450.00
Preliminary/Final Plat	\$450.00 (\$300.00 Planning + \$150.00 Engineering)

~~Commercial Land Development Unit~~ ~~\$500.00 Planning Base Fee + \$150.00 per acre or fraction thereof + \$500.00 Engineering Base Fee + \$150.00 per acre or fraction thereof~~

~~Bond Surety Reductions or Releases~~ ~~\$100.00 After for each three reductions, \$100.00 Planning fee + \$250.00 Engineering request for a reduction or release of a surety.~~

~~Reconsideration Request per Section 1205~~ ~~\$200.00 + \$185.00 if subject of previous public hearing.~~

Hydrogeologic/Karst

Submission Review \$750.00

Field Check \$575.00

Letter Report \$500.00