

# SUBDIVISION REGULATIONS

KANAWHA COUNTY, WEST VIRGINIA



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**PROVISIONS FOR SUBDIVISION CONTROL**

**AND APPROVAL OF PLATS AND REPLATS**

**KANAWHA COUNTY, WEST VIRGINIA**

ARTICLE 24, CHAPTER 8 OF THE CODE OF WEST VIRGINIA

APPROVAL OF PLATS

After a comprehensive plan and an ordinance containing provisions for subdivision control and approval of plats and replats have been adopted and a certified copy of the ordinance has been filed with the County Clerk, a plat of a subdivision shall not be recorded by the County Clerk unless it has first been approved by the Planning Commission having jurisdiction over the area.

Pursuant to Article 24 of Chapter 8 of the Code of West Virginia, the County Planning and Zoning Commission is authorized by the governing body to prepare and submit for review and ordaining by the governing body a comprehensive plan and regulations for subdivision control and the approval of plats and replats. The Comprehensive Plan for Kanawha County delineates the areas of various land uses, the local street and thoroughfare system and relates the development of future communities to the public service districts for the area within the jurisdiction of the planning commission. The following provisions are designed to implement and supplement the Comprehensive Plan.

## **SECTION I**

101 Purpose: For the purpose of assuring sites suitable for building purposes and human habitation; coordination of subdivision streets with existing and planned streets or highways; coordination and extension of facilities included in the comprehensive plan; establishment of minimum width, depth and area of lots within the projected subdivision; distribution of population and traffic in a manner tending to create conditions favorable to

health, safety, convenience, and the harmonious development of the County; allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry, any county is empowered to adopt and enforce subdivision regulations.

- 102 Grant of Power: After a comprehensive plan and an ordinance containing provisions for subdivision control and the approval of plats and replats have been adopted and a certified copy of the ordinance has been filed with the County Clerk, the County Planning Commission shall have exclusive control over the approval of all plats involving unincorporated land covered by the comprehensive plan and ordinance.
- 103 Effective Date: These regulations shall become effective on final passage and shall remain in effect until modified, amended or rescinded by the Kanawha County Commission.
- 104 Short Title: These regulations shall be known and may be cited as the “Subdivision Regulations of Kanawha County.”
- 105 Territorial Limits of Regulations: The Subdivision Regulations contained herein shall apply within the unincorporated parts of the county under the jurisdiction of Kanawha County. Nothing herein shall prevent the use of these regulations by municipalities within Kanawha County upon mutual agreement between the appropriate municipal governing body and the Kanawha County Commission.
- 106 Approval Required to Record: After a comprehensive plan and ordinance containing provisions for subdivision control and the approval of plats and replats have been adopted and a certified copy of the Ordinance has been filed with the County Clerk, a plat of a subdivision shall not be recorded by the County Clerk unless it has first been approved by the Planning Commission having jurisdiction over the area.
- 107 Enforcement: No person, firm or corporation for the purpose of making or effecting a subdivision within the territory subject to these regulations shall make any conveyance including without limitation any deed, mortgage, trust deed or contract for the sale or

other transfer of such subdivision or any part thereof, by metes and bounds description or otherwise, before obtaining from the Planning Commission the approval of, and recording in the County Clerk's Office, the final plat of either such subdivision or the section thereof for all or part of which such deed, mortgage, trust deed or contract for sale or other transfer is to be made. An offer to sell or otherwise transfer subdivision land which is expressly made contingent upon the obtaining of approval of the final plat aforesaid within one year from the date of making of such offer shall not be deemed prohibited by the foregoing provision.

The filing and recording in the county clerk's office of a plat involving the subdivision of lands in the territory subject to these regulations shall be without legal effect unless approved by the Planning Commission; provided, however, that failure to comply with these regulations shall not invalidate or affect title to any land within the area of such plat, and provided further that if such plat shall bear the seal of the Planning Commission, it shall be presumed to have been approved thereby.

It shall be the duty of the Planning Commission with the aid of the law enforcement officers of the County to enforce these regulations.

No permit shall be issued for any part of a subdivision for which final plat approval has not been obtained.

108 Penalty: A person who violates these regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five hundred dollars (\$500.00). Each sale or transfer of land in violation of these regulations shall constitute a separate offense. In addition, the Planning Commission or any designated enforcement official may institute a suit for injunction in the circuit court of the county to restrain an individual or a governmental unit from violating the provisions of these regulations.

109 Variance: Where the subdivider can show that a provision of these regulations would cause an unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission a

departure may be made without destroying the intent of such provisions, the Planning Commission may authorize a variance. Any variance thus authorized is required to be entered in the minutes of the Planning Commission and the reasoning on which the departure was justified.

- 110 Frontage Requirement for Permits: No permits for the erection of any building within a subdivision shall be issued unless the road giving access to the lot upon which said building is proposed to be located shall have received the legal status of a public road or shall have been dedicated to public use at the time of the taking effect of this Act or corresponds in its exact location with the road shown on a subdivision plat approved by the Planning Commission, or with a road, plan or plat adopted by the Planning Commission; or is on a private right-of-way or easement approved as adequate by the Planning Commission.

## **SECTION II**

### **Definitions**

- 201 Unless otherwise expressly stated, the following words shall, for the purpose of these Regulations, have the meaning herein indicated.
- 202 Alley - A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.

- 203 Block - The area and distance along one side of a street between two street interchanges. Where blocks exceed one thousand (1,000) feet, the Planning Commission may use a distance of one thousand (1,000) feet or more as a block.
- 201 Cartway - That portion of the street right-of-way surfaced for vehicular use.
- 205 Commission, Planning Commission or County Planning Commission - The Kanawha County Planning Commission.
- 206 County - Kanawha County, West Virginia
- 207 County Commission - The County Commission of Kanawha County
- 208 County Engineer - The engineer designated by the County Commission.
- 209 Cul-De-Sac - A short minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
- 210 Dead-End Street - A street having one (1) outlet for vehicular traffic and not containing a vehicular turnaround.
- 211 Health Department - The Kanawha-Charleston Health Department and/or the West Virginia Department of Health.
- 212 Highway Plan - That part of the Comprehensive Plan, now or as hereafter adopted, which includes a major arterial highway plan and sets forth the general location, alignment, identification and classification of existing and proposed streets, highways and other thoroughfares. (See Road Classifications).
- 213 Improvements - Changes to land and construction that prepare land for use.

- 214 Lot - A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.
- 215 Marker - A metal pin or pipe of at least three-fourth (3/4") inch diameter and at least twenty-four (24") inches in length.
- 216 Monument - A stone or concrete monument with a flat top at least four inches (4") in diameter or square, containing a copper or brass dowel (plug) and at least twenty-four inches (24") in length (preferred 30", to 36").
- 217 Permanent Monument – A monument or structure tied by survey into a benchmark.
- 218 Plat - A map, drawing or chart, upon which the subdividers plan of the subdivision is presented for consideration, and which, if approved, will be filed for record with the County Clerk.
- 219 Public Reservation - A portion of a subdivision which is designated for public use and made available for public acquisition within the specific time limits as shall be set by the Planning Commission, at the time of final approval.
- 220 Public Service District - A legally constituted public corporation created by the County Commission as given in Article 13a, West Virginia Code which is authorized to acquire, construct and operate water and sewer systems within the counties.
- 221 Public Utilities - All persons, firms, corporations, co- partnerships or municipal authority providing gas, electricity, water, steam, telephone, sewer or other services of a similar nature.
- 222 Right-of-Way - Land used or designated for use as a street, alley, interior walk, or other public way.
- 223 Road Classifications - Due to the necessary distinctions between rural and urban areas, these definitions are noted:

- A. Regional Highway - A highway serving a large volume of comparatively high speed and long distance traffic between major cities or regions.
- B. Major Arterial Thoroughfares - A major arterial in an urban area is classified as a major street and is intended for heavy volumes of traffic and includes boulevards. In the rural areas, these are connectors between medium sized population centers or major portions of a county or counties.
- C. Secondary Thoroughfare - A local service road providing primary access from one small population center or locality to another. This road may also serve as a main connector from a highway, which is classified Regional Highway and Major Arterial Thoroughfare.
- D. Local Road-Occasional - This is a local road of the lowest classification; one which affords access to a rural area on an occasional or low-volume basis (under 25 ADT).

## 224 Street Classifications

- A. Collector - In an urban area, this is classified as a street and which, in addition to providing access to abutting properties, intercepts local and minor streets to provide a route serving an ultimate total of one- hundred fifty (150) or more dwelling units. It also serves to give access to community facilities and/or collectors and major streets or arterials.

In a rural area, this road may deliver its traffic to a local arterial road or any higher type.

- B. Street, Local - A street used primarily to serve and to provide access into neighborhoods or sub-neighborhoods, however, the number of residences served should not exceed seventy-five (75) dwelling units.
- C. Street, Minor - A street used primarily to provide access to abutting properties, however, the number of residences should not exceed forty (40) dwelling units.
- D. Street, Marginal Access - A minor street, parallel and adjacent to a major street (but separated from the latter by a reserve strip), which provides access to abutting properties and with controlled intersections with the major streets.
- 225 Subdivider - Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the subdivider.
- 226 Subdivision - The division of a tract or parcel of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development including all changes in street or lot lines; provided, however, that this definition of a subdivision shall not include bona fide divisions of land for agricultural purposes in parcels of more than ten (10) acres not involving any new street or easement of access. The land so divided shall also constitute a subdivision.

## **SECTION III**

### **Procedure**

- 301 Sketch Plan: Prior to the preparation of the preliminary plan of a subdivision, the subdivider should provide a sketch plan of the proposed subdivision for review and comment.

302 Preliminary Plat

- A. Purpose: The purpose of the preliminary plat is to present all the data which may enable the Planning Commission to determine whether the proposed subdivision is satisfactory, and will serve the public interest. The plat should be prepared by a registered professional engineer or a registered land surveyor. (See Appendix, Page 26 for application form.)
- B. Filing: In order to receive consideration at the next meeting of the Planning Commission, a written request accompanied by five (5) copies of the proposed plat shall be filed with the Planning Commission at least forty-five (45) days prior to such meeting. In addition, an additional copy shall be filed where the property abuts a state highway; where an on-site sanitary disposal system is proposed, or where the property falls within the service area of a municipality, public service district, or public utility company.
- C. Other Public Agencies: The Commission shall, within five (5) days after such filing, transmit a copy of the proposed plat to the County Health Officer for his study and recommendations where said subdivision falls within his jurisdiction. A similar transmittal shall be sent to an affected public service district and each affected public utility company.
- D. Design of the Plat: The design of the subdivision shall be in accordance with the design standards treated in Appendix "A", Page 20.
- E. The Preliminary Plat: The preliminary plat shall contain the following:
1. Name of subdivision which shall not duplicate, be the same in spelling, or be alike in pronunciation with any other recorded subdivision.
  2. Location by section, municipality, county and state, tax map and lot numbers, or by other legal description.

3. Name and address of owner.
4. A topographic map at the same scale as the plat and at a five (5) foot contour interval when required by the Director.
5. Accurate traverse of the subdivision boundary with true courses and distances and survey tie into the nearest permanent monument, and date of survey.
6. Total acreage, number of lots, and total acreage and length of streets.
7. Layout and identification of streets, alleys, easements, lots, outlets, and private parks, and areas dedicated for public use.
8. Name and address of surveyor or engineer who made the plat.

F. Material to Accompany Preliminary Plat: The following material shall be submitted with the preliminary plat:

1. The names and addresses of owners of record of all land within three hundred (300) feet of the subdivision.
2. A topographic map at the same scale as the plat and at a five (5) foot contour interval when required by the Director.
3. On a white print (prints) of the plat shall be sketched with reasonable accuracy, the following data:
  - existing, utilities, drainage channels, and structures; abutting property lines, roads, utilities, and public facilities.

Sizes shall be indicated.

4. A sketch plan shall be provided showing the relationship of the subdivision's street pattern to the present and possible future street pattern of the area, including any abutting area to be developed in the future by the subdivider.
- 5 . A written report may be required by the Planning Commission where there is reasonable indication that possible sliding or other soil or geological hazard may occur. The report shall be prepared by a qualified geologist, engineer, or soil scientist and describe probable effects upon the proposed development and means of preventing ill effects.
6. Grading plans and road profiles which shall include the extent of cuts and fills, type of material or soils present in such areas and the specific materials to be used for fills. Where the average slopes or grades within the tract or part thereof exceed five (5) percent, and where site grading is anticipated, the subdivider may be required to submit a preliminary site grading plan.
7. When in the opinion of the Planning Commission substantial grading, excavating, backfilling and other disturbances of the natural condition of the site are contemplated, the subdivider may also be required to prepare an erosion and sediment control plan in accord with the recommendation of the "Erosion and Sediment Control Handbook for Developing Areas, W.Va. USDA SCS, November, 1981."

Such plan will be submitted to the Capitol Soil District Office for review and approval prior to proceeding with construction.

8. Construction plans of utilities and other improvements.
9. A statement in a form approved by the Planning Commission that the subdivider has or will have the lawful right to subdivide the land and an explanation of what this right consists.

10. Common and joint maintenance by all owners, present and future, of the lots served by the private drive shall be made a part of the deed of each of the lots stipulating adequate maintenance and insuring that passability will be maintained.

G. Approval of Preliminary Plat for Public Hearing: After proper filing of a preliminary plat, the Commission shall arrange a public hearing. The arrangement of a public hearing is not an acceptance of the plat for recording, but rather is an expression of approval of a general plan for the purpose of holding a public hearing.

H. Fee Before proceeding with the required public hearings, the Preliminary Plat shall be accompanied by a fee, payable to Kanawha County to offset the expense of giving notice to adjoining or adjacent property owners, and to offset in part, expense of checking and processing in amount as follows:

(a) Ten Dollars (\$10.00) per lot, but not less than Twenty-Five Dollars (\$25.00) for any subdivision.

### 303 Preliminary Plat Approval

A. Public Hearing: The Planning Commission shall give notice of a hearing when required on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the County or in the town concerned at least thirty (30) days prior to the date of such hearing. The subdivider shall furnish the name and address of the owner of the land, or his agent, at the time of application; and the Planning Director shall send to said address by mail a notice of the time and place of such hearing not less than fifteen (15) days before the date fixed for said hearing. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names and addresses appear upon the tax records in the Clerk's Office of Kanawha County.

The hearing may be held at a regular meeting or a special meeting scheduled for public hearings.

- B. The Planning Commission shall approve or disapprove the plat at its next regular meeting following a hearing held at a special meeting and at the same regular meeting when the hearing is held at a regular meeting. Notices of the said action shall be mailed to the subdivider within five (5) days of the meeting.
- C. If approved contingent upon certain conditions attached by the Planning Commission, the conditions shall be specified and entered into the official records.
- D. Final approval of a preliminary plat by the Planning Commission is not an acceptance of the subdivision plat for record, but is rather an expression of approval of a general plan as a guide to preparation of a subdivision plat for final approval and recording upon fulfillment of all requirements of these regulations.

Final approval of preliminary plat shall be effective for a maximum period of twelve (12) months unless, upon application by the developer, the Planning Commission grants an extension. If the final plat has not been submitted for final approval within this time limit, a preliminary plat must again be submitted to the Planning Commission for approval.

- 304 Installation of Improvements before Final Approval: The subdivider, after the approval of the Preliminary Plat, may proceed with the required improvements or post with the Commission a surety bond running to the County in a form approved by the Planning Commission, sufficient to cover the full cost of said improvements as estimated by the Commission, to insure the satisfactory performance of said improvements at a time fixed by the Commission and in accordance with its regulations, or establish an escrow account in which a percentage of the proceeds from each lot sold would be deposited, allowing the escrow agent to pay for any improvements and only when improvements are completed affecting a lot, would the subdivider receive any of the escrow account. In the latter case, no permit shall be issued until the improvements have been completed.

A. Contact of Final Plat: The final plat shall conform to the approved preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, subject to the approval of the Planning Commission, provided that such portion conforms with all the requirements of these regulations.

- 1 . A report by the Health Department where on lot sewage disposal is proposed.
2. Evidence that all necessary permits have been acquired by the subdivision.

B. Filing: The subdivider shall apply in writing to the Planning Commission for final approval of a subdivision at least fifteen (15) days prior to a regular meeting of the Planning Commission at which it is to be considered. The Commission shall approve or disapprove the plat at this meeting unless the subdivider agrees to a time extension.

The original and four (4) true copies of the final plat, conforming to requirements as hereinafter more specifically provided, shall accompany the application for final approval, together with such fees, bonds and other documents and drawings as may be required by these regulations. Copies of the plat shall be on reproducible paper. One copy will be retained by the Planning Commission.

C. Approval: When the Planning Commission shall approve a plat, it shall cause to be transcribed upon the plat its certificate of approval and shall forward said plat to the subdivider within five (5) days of such approval. When the Planning Commission disapproves the plat, such action, together with the reasons therefore, shall be entered upon the official records and a copy of such record will be sent to the subdivider within five days of such rejection.

Failure to act within the time period specified shall be deemed to be approval of the subdivision, and the Commission shall issue a certificate to that effect upon demand. The subdivider, however, may waive this requirement and agree to an extension of this period.

Final approval of a subdivision by the Planning Commission shall in no way constitute legal acceptance by the County of any dedicated streets, alleys, or other open spaces shown upon the plat.

306 Short Procedure for Minor Divisions of Land: When a division of land meets all of these criteria:

- A. It is for no more than five 5 lots,
- B. It is the first split of land of a separate parcel existing at the effective date of these regulations or is a lot of a recorded plat,
- C. It does not involve the construction or improvement of roads nor of utilities other than private access drive,
- D. It meets the development criteria of these and other regulations in effect in the area;

either or both of the following administrative decisions may be made by the Planning Commission with the approval of the subdivider:

- A. Information or parts of the information required by Section III may not have to be provided;
- B. The division of land may be determined not to be a subdivision by definition and no public hearing and plat recording will be required.

These administrative decisions shall be accomplished by such actions of the subdivider as the Planning Commission deems necessary to accomplish the purpose of these regulations.

## **SECTION IV**

## Improvements & Construction Requirements

401 Basic Improvements: The following initial improvements shall be installed by the subdivider, or guaranteed as set forth in Section 304 before final plat approval will be given to any plat by the Planning Commission.

A. Monuments: One permanent monument shall be located in all boundary surveys. All lot corners shall be marked after final grading with metal pipe not less than three-fourths inch (3/4") in diameter and twenty-four inches (24") long.

B. Grading: The following are general requirements, however, the Planning Commission may increase these standards where unstable soil or geological conditions indicate that higher standards are necessary.

1. No existing or proposed cut slope in earth shall be steeper than a one foot rise (vertical) for each one and one-half feet (1 1/2') of horizontal run. No earth fill slopes, existing or proposed shall be steeper than that obtained by a rise of one foot (1') for each two feet (2') of horizontal run.
2. Steeper slopes may be permitted by the Planning Commission provided that the same shall be protected by riprapping, sodding or other protective measures as may be approved by the Planning Commission.
3. Proposed rock cuts exceeding ten feet (10') in height shall be shown in detail where these adjoin roads or have an adverse affect upon the lots. It is required that these be back sloped a minimum of one foot (1') per four feet (4') of rise where the rock is considered as stable. Where the rock is considered unstable, the required back slope may be increased.

Benching may also be required by the Planning Commission where combinations of unstable soils and rocks occurs, and where cuts of over twenty-five feet (25') in height are proposed. In such cases, the standards developed by the State Department of Highways for such rock cuts shall be applied.

C. Road Grading: All streets, roads and alleys within the subdivision shall be brought to grade as shown on the plans and profiles approved by the Planning Commission.

402 Permanent Improvements- Roads and Streets:

A. Right-of-way Widths: minimum right-of-way width for new roads and streets shall be thirty-five feet (35').

B. Pavement/Cartway Width: Minimum pavement or cartway width for all new roads or streets shall be twenty feet (20').

403 Permanent Improvements - Accessory to Roads and Streets: The following improvements, where required, shall be installed by the subdivider or guaranteed as set forth in Section 304 before final approval will be given to any plat by this Planning Commission.

A. Curbs and Gutters: Where required, in sub-paragraphs "1" and "2", concrete curbs and gutters or standard rolled curbs and gutters, as shown in Figure 1, shall be constructed.

1 . Required on one side of any street located in areas where the general slopes exceed six per cent (6%) and where the drainage plans indicate that excessive erosion would result.

2 . Required at all intersections where vertical curbing six inches (6") in height shall be installed for the full arc of the intersecting streets. (Rolled curbing not allowed here.)

2a. Exception: Curb and gutters may be omitted along those access roads used for approach to a hilltop and where no frontage is developed provided that alternate vertical drainage channels are provided or run-off pipes are installed. The Commission shall determine the adequacy of alternate drainage facilities for the purposes of this paragraph.

B. Sidewalks: Concrete sidewalks shall be constructed as required below. Sidewalks shall be four feet (4') wide and four inches (4") thick. In commercial areas they shall be seven feet (7') wide and four inches (4") thick.

1 . Sidewalks shall be required in areas where the volume of pedestrian and/or automobile traffic make such facilities necessary for safety. Normally, these areas shall be streets immediately surrounding and leading to a

school or other traffic generator such as a community center or shopping center.

C. Pavement Requirements and Street Width: All local and minor streets shall be paved with a concrete pavement of a minimum thickness of seven inches (7") or of asphaltic concrete or other material of equivalent quality and shall be provided with an adequate base as determined by accepted engineering practice.

D. Intersection Treatment: Intersection layout and treatment warrants special care due to effects upon traffic on the more heavily traveled streets and on the minor street itself. To minimize access difficulties, all intersections where minor streets enter onto heavily traveled paved streets or any of the paved roads shown in the Comprehensive Plan (Arterial Highway Plan) shall be improved as follows:

1. A curb and (paved pavement) return as shown in Figure 2 shall be constructed for a distance of twenty-five feet (25') from the edge of the pavement on the heavily traveled street. The Planning Commission shall determine the application of this section after review with the various traffic agencies in the case of collector or other semi-major streets or roads. Future widening of the major street shall also be considered in the design of such intersection where appropriate.

The Planning Commission may also increase the standards wherever it is deemed after review with the traffic agencies that the present or future traffic conditions warrant such increases. included here will be a larger curb return radius, greater entrance width and greater over-all length.

- 2 . The grade of the road entrance section or platform shall be no less than is specified hereafter and these grades shall extend for a distance of no less than twenty-five feet (25') from the main road pavement or travelway as the case may be.

In the following instances, an additional twenty-five feet (25') of entrance platform shall be provided, however, the grade for this portion may be increased to eight per cent (8%).

- a. Where the proposed side road will have an ultimate length of one-half mile or more.

- b. Where the side road has an overall slope of fifteen per cent (15%) or more for a distance of two hundred feet (200') from the intersection.

Where, in the opinion of the Planning Commission, traffic volumes and other conditions warrant greater precautions, these entrance grade requirements may be extended for greater distances.

#### 404 Other Permanent Improvements

A. Off-Pavement Parking: In some areas, special provisions are to be made for the parking of vehicles. The following procedures are recommended:

- 1 . Group parking bays placed integral with the road and meeting the space requirements of other County regulations may be provided in lieu of individual parking bays. These shall be placed at strategic intervals along each block front. In installing such group parking, care shall be exercised to retain curb and gutters where required for drainage. (See illustration Figure 3).
- 2 . The subdivider may consider the feasibility of providing a paved off-street parking lot within the block which would provide for the above needs. (This could be placed on fill or other area where the construction of a home may not be feasible).

B. Sewage Disposal: The subdivider shall provide the subdivision disposal of sanitary wastes as follows:

- 1 . Where a public sanitary sewer is reasonably accessible, in the opinion of the Planning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot.
- 2 . Where a public sanitary sewer main is not reasonably accessible, in the opinion of the Planning Commission, proper provision shall be made for the disposal of sanitary wastes by one or the other of following methods.
  - a . In the case of a subdivision lot in which the typical size of lots is less than twenty thousand (20,000) square feet, the subdivision shall be provided with a subdivision sewer system, including a lateral connection for each lot, and a subdivision sewage treatment plant

or other means of disposal of a type meeting the approval of the Health Department, unless it is found by percolation and other tests that individual disposal units will prove satisfactory, in which case the provisions of subsection (b) following shall be observed.

b. In the case of a subdivision in which the average size of lots is twenty thousand (20,000) square feet or more in area, and where it is deemed appropriate by the Health Department in consideration of soil and other conditions as determined by percolation and other tests, private restrictions shall be stated on the Final Plat and/or incorporated in each deed calling for the installation on each lot of an individual sewage disposal unit meeting Health Department standards.

3 . Two alternate arrangements as noted below are possible in the above cases and these shall be observed wherever feasible.

a. Where it is apparent that an extension of a public service district sewers or other metropolitan sewer system will be available within a reasonable period of time, the individual or community systems shall be designed so that they can be connected without major revision.

b. Compliance with sub-paragraph (a) above is possible in the case of individual disposal units where these units are so located as to drain into a future sewage collector line. (i.e., all units are placed in front or rear yards along a given street).

C. Water Supply: Whenever an existing public or other approved community water system is reasonably accessible in the opinion of the Planning Commission, a distribution system shall be designed to furnish an adequate supply of water to each lot. The mains shall be sized to provide fire hydrants to meet fire needs.

1. A copy of approval of such system or other assurance that the subdivision will be served shall be furnished by the appropriate public agency or utility company. This shall be secured by the subdivider and filed before final approval.

2. Where such systems are not accessible, and particularly where on-site individual sewage disposal systems are to be used, a community water supply system shall be provided where feasible. Such a system with a central well, adequately planned and protected, is often less expensive to install than an individual well serving each lot. It is also easier to protect against contaminations; it is simpler and far more efficient to purify water from a central well than from individual wells. If such a system is provided, it shall be approved by the County Health Department, and appropriate measures taken to ensure adequate maintenance.
3. Where individual on-site water supply system(s) are to be utilized, it is required that the subdivider provide at least one test well for each ten proposed dwelling units.

D. Storm and Surface Water Drainage: The subdivider shall provide the subdivision with an adequate storm sewer system whenever engineering evidence available to the Planning Commission indicates that the natural surface drainage is inadequate or will be inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. The plans for a storm water sewer system shall be approved by the Planning Commission.

1. The subdivider shall provide for adequate storm and surface water drainage giving particular attention to the protection of filled land, preventing of water ponding (except as approved by the Planning Commission), and the protection of sewer and water conduits and structures from damage caused by improper drainage.
2. Wherever cuts and fills are to be made in a subdivision, the subdivider shall provide for the interception and diversion of surface waters away from the tops of the cuts and fills and into approved drainage ways.
3. Terraces shall not be permitted in subdivisions when geological evidence shows the possibility of pressure heads developing in shale layers beneath the terrace surfaces; provided that the Planning Commission may approve, or require as a condition of approval, the construction of retaining walls where necessary to retain cut or fill slopes within rights-of-way or easements.

E. Street Signs: The subdivider shall provide the subdivision with standard city street signs at the intersection of all streets.

F. Private Drives: Where it can be clearly demonstrated by the subdivider that the topographic conditions will prevent the utilization of all possible building sites in the subdivision if all lots are required to abut on a street, private drives may be permitted by the Planning Commission. This waiver shall be based upon careful design and adequate construction. Not more than five (5) lots shall be served by any one private drive. Deed restrictions shall be required as provided in sub- paragraph 2.

1. Private drives shall be paved of the same material and with the same design characteristics as required for public streets except that the minimum surface width of a private drive may be reduced by the Planning Commission from road standards previously established.

2. Common and joint maintenance by all owners, present and future, of the lots served by the private drive shall be made a part of the deed of each of the lots stipulating adequate maintenance and insuring that passability will be maintained.

## **APPENDIX**

### **DESIGN STANDARDS**

A. Major Secondary Highways & Streets: If the Highway Plan shows any highway so located that any portion thereof lies within any proposed subdivision, such portion shall be shown as a highway, or part of a highway, within such subdivision in the general location shown on the Highway Plan unless the advisory agency finds that there is a reasonable probability that the plan will be so amended as to remove or change the location of any portion of such highway within the proposed subdivision. Each major or secondary highway shall conform with the highest standards concerning widths and substantially in alignment shown or indicated in the Highway Plan; however, the Planning Commission may increase the standards where indicated traffic volumes warrant these changes, following conference with the West Virginia Department of Highways.

1. Highways and Primary Thoroughfares: As designated by the Highway Plan.
2. Secondary Thoroughfares and Parkways: As designated by the Highway Plan, but not less than sixty (60') feet wide in any case.
3. Collector Roads – Streets: Fifty feet (50'), depending on the location, length and relative importance.
4. Local, minor and Dead-end Streets: The standards shall be as shown in Section 402, Page 13.
5. Vertical Visibility: All changes in street grades above (1) per cent shall be connected by vertical curves of a minimum length equal to fifteen hundred feet (1500') times the algebraic difference in the rate of grade for highways, thoroughfares and parkways, and one-half of this minimum for all other streets. (See Figure 5)
6. Horizontal Curvature measured along the centerline shall have a minimum radius as follows:
  - a. Major and Secondary Thoroughfares: Three Hundred feet (300')
  - b. Collectors and Parkways: One Hundred Fifty Feet (150')
  - c. Residential Streets: Seventy-five Feet (75')
7. Between reversed curves on major and secondary thoroughfares, there shall be a tangent of not less than fifty feet (50') and on feeder and residential streets such tangent shall not be less than twenty feet (20').
8. Maximum Grades for Streets shall be as follows:
  - a. Major and Secondary Thoroughfares: seven (7) percent.
  - b. Feeder and Residential Streets and Alleys: greater than:  
Fifteen (15) percent for straight distance of one hundred-fifty feet (150'), or  
Twenty (20) percent for straight distance of one hundred feet (100').
9. The Minimum Grade of any street than two (2) percent in level areas and not greater than four (4) percent in the hillside areas.
10. Street Intersections shall be designed as follows:
  - a. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.

- b. Right-of-way lines at street intersections shall be rounded by a property line radius of ten feet (10') or greater radius as may be required by the Planning Commission at intersections with major roads. Chords may be used in place of rounded corners.
- c. Street right-of-way lines shall be laid out to intersect as nearly as possible at right angles, however, the Planning Commission may require a larger property line radius or chord cut off at the intersection where a street intersects at an acute angle (less than 90 degrees).
- d. Intersections with major streets shall not be located less than one thousand feet (1000') apart, measured from centerline to centerline.
- e. Multiple street intersections involving more than two (2) streets shall not be permitted.
- f. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed two (2) percent within a twenty-five feet (25') distance of travelway intersection points.

Grades at Intersections - See Section 5403D.

Curb Returns at Intersections - See Section 403D.

11. Sight Distance at intersection of streets and streets and railroads shall be provided by not permitting obstruction to vision, which exceeds a height of thirty inches (30") above the elevation of the intersecting streets within twenty (20') feet of the intersection of right-of-way lines forming such intersection.

**B. Streets, Alleys and Block Layout**

1. Conformity: The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and the provisions of these regulations and shall be considered in relation to existing and planned streets, to topographical conditions, and to the proposed uses of lands to be served thereby.
2. Arrangement: Where it is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either, (a) provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or (b) conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.

Minor streets shall be so laid out that their use by through traffic is discouraged. Existing minor streets which terminate in dead-ends at the boundaries of unplatted lands shall be projected to the nearest cross street when such unplatted lands are platted.

Where a railroad crossing is involved, the plan of the subdivision will be considered in its relations to the probability of grade separation or other such treatment. Where the subdivision adjoins a railroad right-of-way, and where other conditions indicate that such property may be used for industrial purposes, streets in the same general direction as the railroad shall be as nearly parallel to such railroad right-of-way as may be practicable.

3. Location: Where a subdivision abuts or contains an existing or proposed major street or railroad, the Planning Commission may, at its discretion, require marginal access streets reverse frontage of lots with a screen planting contained in a no-access reservation along the rear property lines deep lots with rear service alleys, or other treatment it deems advisable to give adequate protection to residential properties and afford separation of through and local traffic.
4. Private Drives: Are prohibited except as permitted by Section 404-F.
5. Half Streets: Dedication of half-streets shall be prohibited except where essential to the reasonable other standards of these regulations, and where the Planning Commission finds that it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there exists a half-street adjacent to a tract to be subdivided, the other half shall be platted within such tract. Pavement width of a half-street shall be as determined by the Planning Commission and in accordance with street classification.
6. Cul-de-sacs: In general, these shall be avoided except in the case of planned unit subdivisions and where necessary for full use of the land. When these are deemed essential by the Planning Commission, the maximum length under ordinary conditions shall be five hundred feet (500') measured from the centerline of the nearest intersecting street to the end of the street right-of-way of the cul-de-sac. Where, in the opinion of the Planning Commission, it is considered essential to extend the length above the maximum, the pavement and right-of-way widths shall be increased to compensate for the extra length

(additional travel). Each cul-de-sac shall be provided at the closed end with a turnaround having an outside pavement diameter of seventy-two feet (72') and eighty-two feet (82') respectively. All cul-de-sacs shall have an additional five-foot (5') easement around the circumference for utility services. The remaining street shall have right-of-way pavement, and roadway widths, as specified in Section 402. The point where the straight pavement and the turnaround diameter meet shall be rounded with a radius of not less than twenty feet (20'). (See Figure 6)

- a. Alternate Turn-around Designs: In areas where terrain or other restriction does not warrant standard cul-de-sac construction, alternate designs may be accepted, when, in the opinion of the Planning Commission, the safety and convenience of property owners will not be adversely affected.

*Dead-end Streets* - Dead-end streets, without a turnaround and designed to be so permanently, are prohibited.

*Alleys* - Alleys shall be avoided in residential districts, but may be required in commercial and industrial districts where no other provisions are made for adequate service access, such as off-street parking and loading.

9. Dead-end Alleys: Shall be avoided; but, if unavoidable, shall be provided with adequate turnaround facilities at the closed end.

10. Street Name: No street names will be used that will duplicate or may be confused with the name of existing or platted streets within a given area, municipality, postal district or public service district. Streets that are now, or will eventually be, continuations of existing or platted streets shall be called by the names of the existing or platted streets.

- C. Utility Easements: Other than in street rights-of-way, utility easements shall be located along rear or side lot lines except where the topography indicates against this. For lots facing on curvilinear streets, the rear easement should consist of straight lines with a minimum of deflections.

1. Easements shall be provided at least twelve feet (12') wide where necessary for overhead or underground utilities. The construction of buildings within easements shall be prohibited.
2. Where a subdivision is traversed by an open water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction or both that will be adequate for such purposes. Parallel streets or parkways may be required in connection with a major drainage easement.

D. Blocks

1. Length: Block length should not exceed thirteen hundred twenty feet (1,320'), nor be less than five hundred feet (500'), except where, in the opinion of the Planning Commission, extraordinary conditions justify a departure from these standards.

Pedestrian easements not less than eight feet (8') wide may be required in blocks longer than six hundred feet (600') where such pedestrian easements are deemed by the Planning Commission to be essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

2. Width: The width of blocks should be planned to provide two (2) tiers of lots.
3. Non-residential Blocks: Blocks intended for business and industrial use should be specifically designed for such purpose with adequate space set aside for off-street parking and loading facilities.
4. Frontage: Where frontage is on a major or secondary street, the long dimension of the block should front thereon.

**KANAWHA COUNTY PLANNING COMMISSION**

**Application For Subdivision Approval**

**SHORT Procedure for Minor Divisions of Land (5 lots or less)**

Name of Subdivision: \_\_\_\_\_

Subdivision Location: \_\_\_\_\_

District: \_\_\_\_\_ Tax Map: \_\_\_\_\_ Parcel: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Applicants Name: \_\_\_\_\_

Applicants Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Registered Engineer/Surveyor: \_\_\_\_\_ Phone: \_\_\_\_\_

Engineer/Surveyor Address: \_\_\_\_\_ License Number: \_\_\_\_\_

Number of Lots: \_\_\_\_\_ Total Acreage: \_\_\_\_\_ Average Lot Size: \_\_\_\_\_

Pavement Width: \_\_\_\_\_ Thickness of payment: \_\_\_\_\_ Inches \_\_\_\_\_

Right of Way Width: \_\_\_\_\_

Source of Water Supply: \_\_\_\_\_

Source of Sewage Disposal: \_\_\_\_\_

Approval: \_\_\_\_\_

Kanawha Charleston Health Department:	Yes	No
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WV Department of Health:	Yes	No
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Public Service District:	Yes	No
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**Attach directions to the site from the Kanawha County Courthouse**

Variance Request:

Statement of actual variance sought:

Applicable section(s) of the Subdivision Regulations:

Has there been a previous subdivision on this property? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

**Office Use Only:**

Kanawha County Planning Commission Date of Action: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Conditions: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Fee Schedule:	
Preliminary:	\$350 + \$25/per lot
Final:	\$50

**KANAWHA COUNTY PLANNING COMMISSION  
APPLICATION FOR SUBDIVISION APPROVAL**

Name of Subdivision: \_\_\_\_\_

Subdivision Location: \_\_\_\_\_

District: \_\_\_\_\_ Tax Map: \_\_\_\_\_ Parcel: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Developer: \_\_\_\_\_

Developer's Address: \_\_\_\_\_

Registered Engineer/Surveyor: \_\_\_\_\_

Engineer/Surveyor Address: \_\_\_\_\_ License Number: \_\_\_\_\_

Number of Lots: \_\_\_\_\_ Total Acreage: \_\_\_\_\_ Average Lot Size: \_\_\_\_\_

Lineal feet of new streets: \_\_\_\_\_ Asphalt: \_\_\_\_\_ Concrete: \_\_\_\_\_

Pavement Width: \_\_\_\_\_ Thickness of payment: \_\_\_\_\_ inches

Right of Way Width: \_\_\_\_\_

Variance Request: \_\_\_\_\_

Statement of actual variance sought: \_\_\_\_\_

Applicable section(s) of the Subdivision Regulations: \_\_\_\_\_

Has there been a previous subdivision on this property? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Source of Water Supply: \_\_\_\_\_

Source of Sewage Disposal: \_\_\_\_\_

Average sale price of house to be built \$ \_\_\_\_\_

Estimated cost of proposed improvements: \_\_\_\_\_

Streets: \_\_\_\_\_ Sewage System: \_\_\_\_\_ Storm Sewers: \_\_\_\_\_ Others: \_\_\_\_\_

---

Approval:

Kanawha Charleston Health Department:	Yes	No
WV Department of Health:	Yes	No
Public Service District:	Yes	No

- Attach list of adjoining property owners within 300 feet
- Attach directions to the site from the Kanawha County Courthouse

**Office Use Only:**

Kanawha County Planning Commission Date of Action:

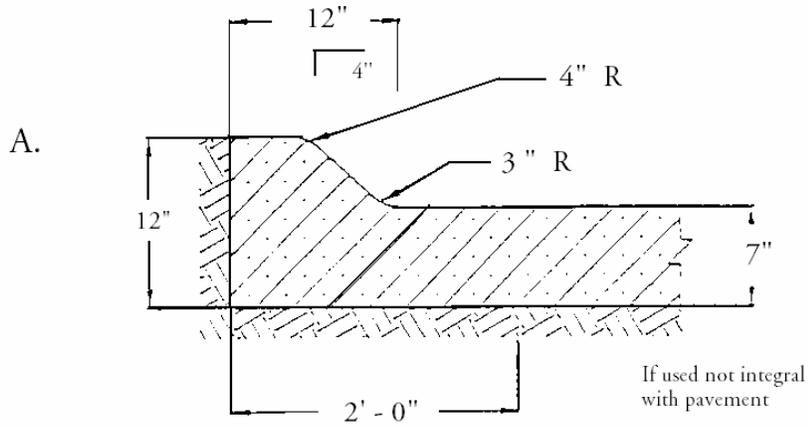
Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Conditions: \_\_\_\_\_

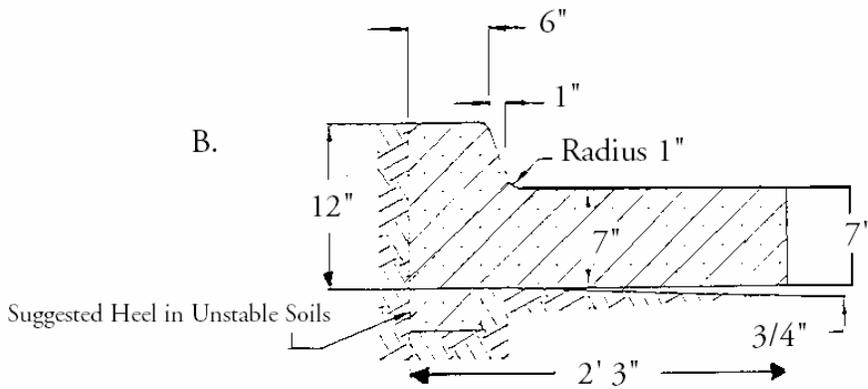
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Planning Official – Signature and Title

Curb and Gutter Detail - Types A, B, and C  
Using Cement Concrete



INTEGRAL OR ROLLED CURB GUTTER



COMBINED CURB & GUTTER

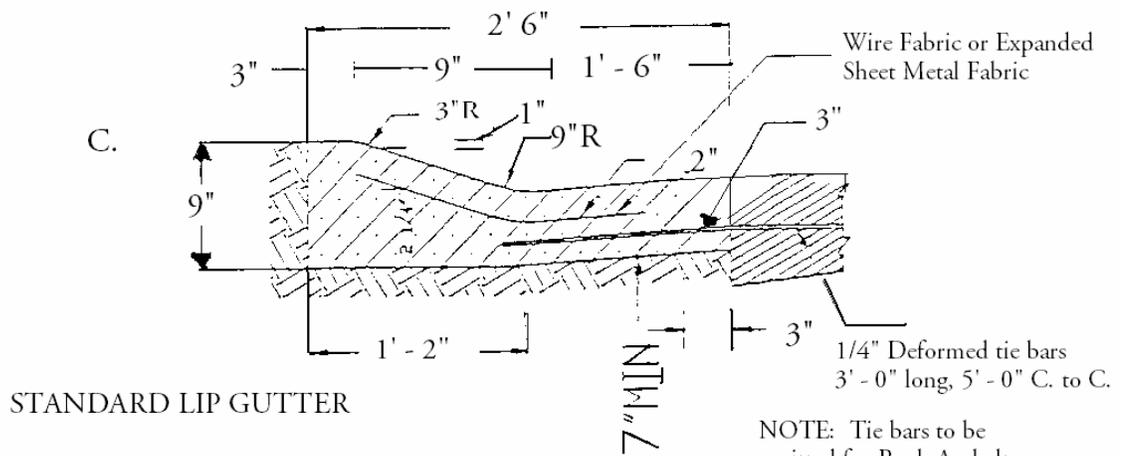


FIGURE 1

NOTE: Tie bars to be omitted for Rock Asphalt or Bituminous Concrete Pavement

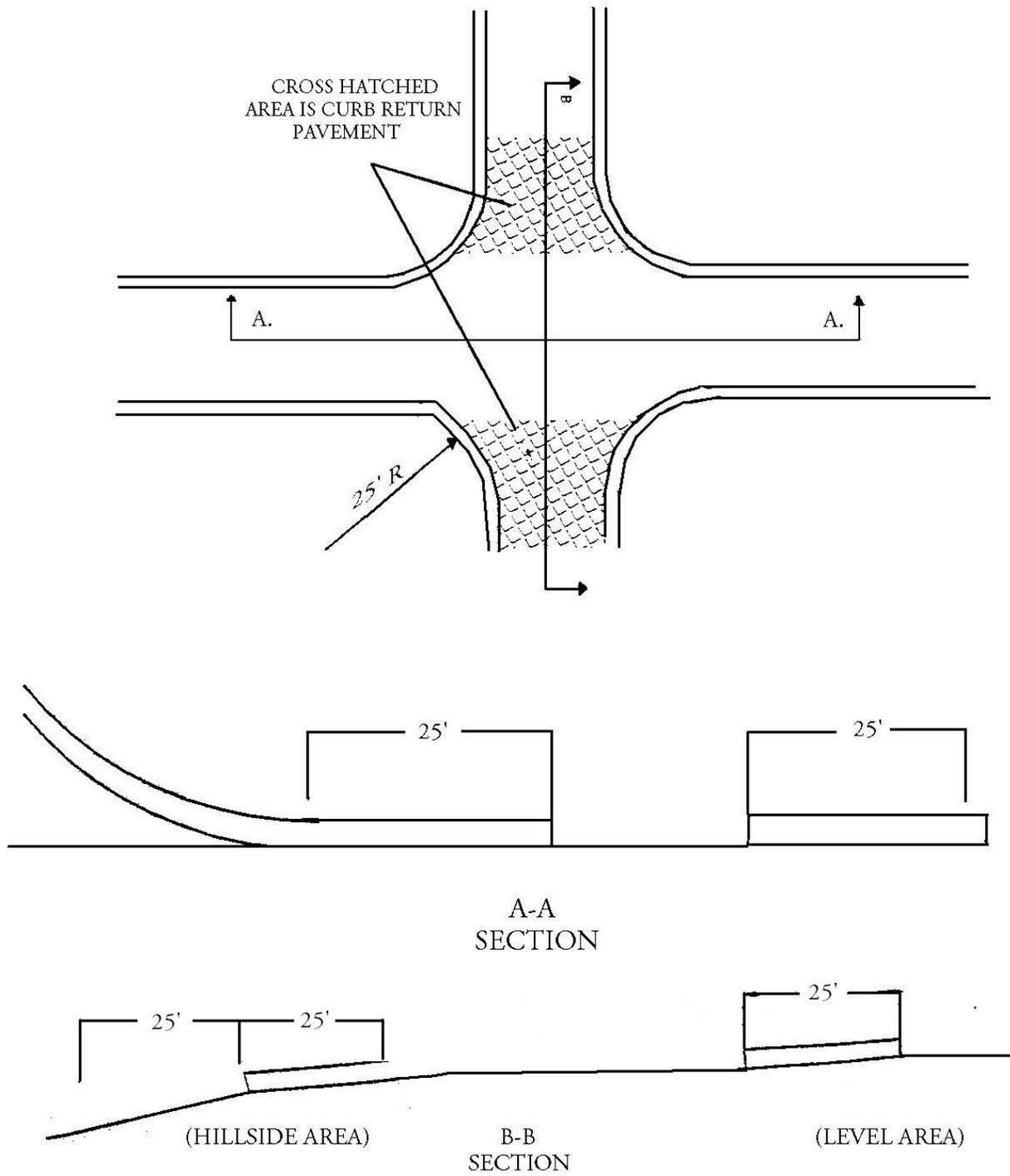
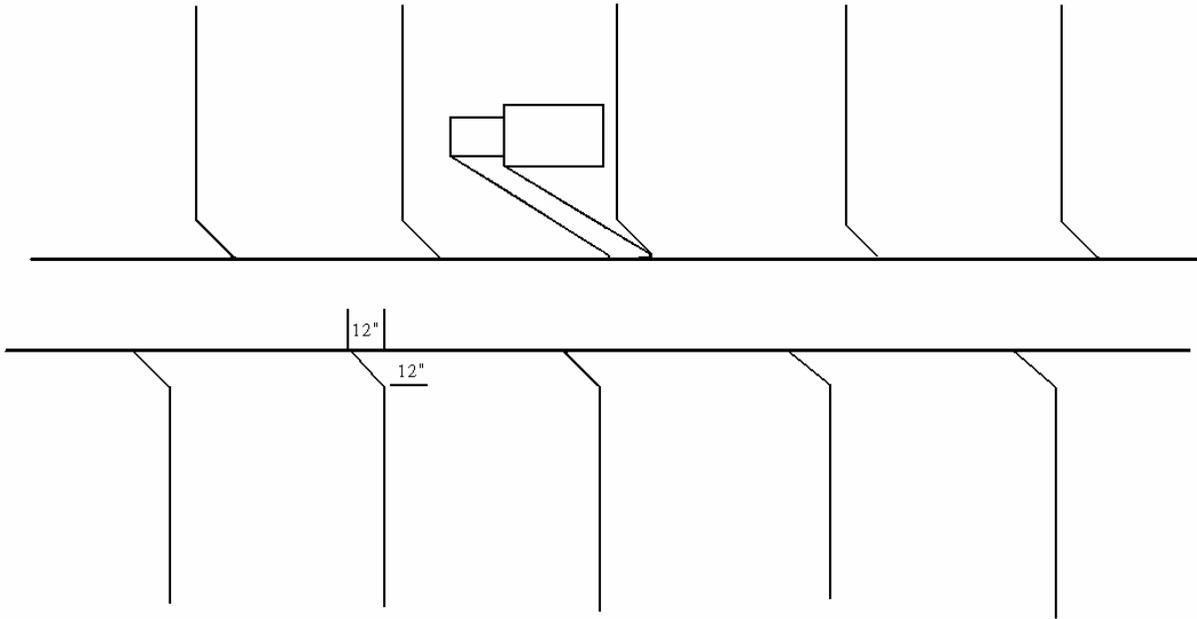


ILLUSTRATION OF CURB AND PAVEMENT RETURN  
 FIGURE 2

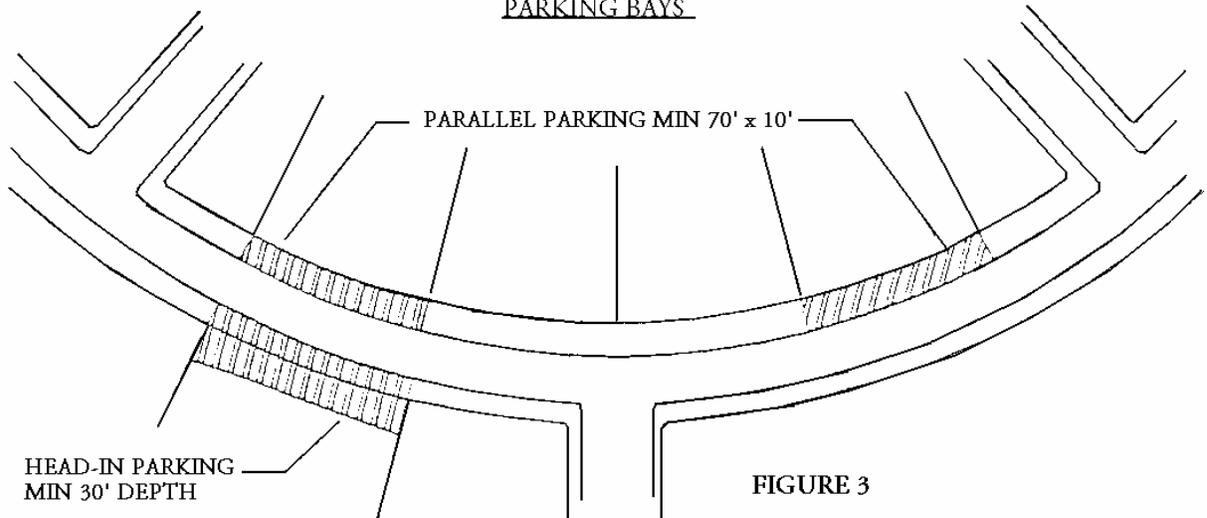


**PANHANDLE LOTS**

**FIGURE 4**

APPLICABLE WHERE FRONT  
YARD SLOPES ARE 1 1/2: 1

**GROUP  
PARKING BAYS**



**FIGURE 3**

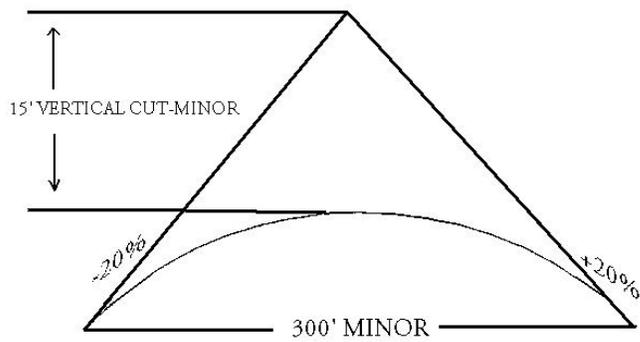
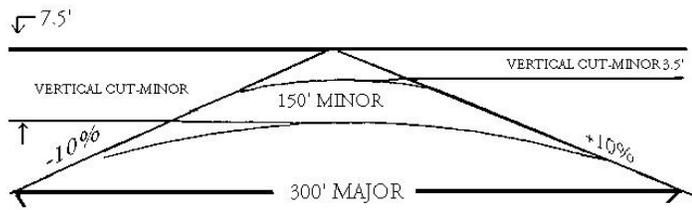


FIGURE 5