

## C O N T E N T S

	Page
ARTICLE 1375 PURPOSE, TITLE AUTHORITY	2
ARTICLE 1377 DEFINITIONS	4
ARTICLE 1381 ADMINISTRATION	13
ARTICLE 1383 PROCEDURE FOR DEVELOPMENT APPROVAL	18
ARTICLE 1385 SPECIFICATIONS FOR PLANS	25
ARTICLE 1387 DEVELOPMENT DESIGN STANDARDS	38
ARTICLE 1389 REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS	47
ARTICLE 1391 HILLSIDE REGULATIONS	58
ARTICLE 1393 GENERAL PROVISIONS	61

## ARTICLE 1375

### PURPOSE, TITLE, AUTHORITY

#### Section 1375.01 General Purpose

These development regulations are adopted in order to provide for the harmonious development of the City of Huntington; to provide wholesome living environments, including sound building sites, for the residents of the City; to effect the coordination of roads in developments with other existing or planned roads, to aid in coordinating development plans with municipal and state plans; to provide adequate open space for light, air, and recreation; to conserve natural, scenic, historical, and recreational areas; to aid in enhancing the public health, safety, and welfare by requiring that facilities, such as roads, water mains, sewers, and drainage facilities, be installed within developments prior to the sale of lots or parcels in order that excessive public expenditures for such facilities will be avoided.

All developments within the City of Huntington shall adhere to the requirements of this Development Ordinance. These requirements shall apply to all commercial, industrial, governmental, religious, non-profit or public, and multi-family residential developments of one acre or more, and single-family residential developments of four or more lots. Single-family residential developments of one to three lots must also meet these regulations if they fall under the Hillside Regulations as defined in Article 1389 of the Development Ordinance.

Permits for construction or other related activities will not be issued until approval of the development by the Planning Commission has been obtained.

#### Section 1375.02 Titles

Regulations governing the development of land within the incorporated territory of the City of Huntington, establishing procedures for the development and review of development-plans, establishing standards for the design and installation of improvements to developments, providing for the administration and enforcement of these regulations, and providing for penalties for their violation.

#### Section 1375.03 Authority

By authority of an Ordinance adopted by the City of Huntington on the 26<sup>th</sup> day of December, 2000, (a certified copy of which has been duly filed with the County Clerk), pursuant to the provisions of Section 28 through Section 35, inclusive, and other sections of Article 24, Chapter 8, of the Code of West Virginia, a plat of the developments covered by this ordinance shall not be recorded by the County Clerk unless it has first been approved by the Planning Commission.

## ARTICLE 1377

### DEFINITIONS

#### Section 1377.01 Purpose

The purpose of this section is to eliminate ambiguity by providing a full definition of certain words and phrases which are used in these regulations.

#### Section 1377.02 Definition of Words

For the purpose of these regulations and in order to carry out the provisions and intention as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; and the terms "shall" and "will" are always mandatory and not directory, and the word "may" is permissive.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

5. Administrative Agencies - Administrative Agencies include the Department of Public Works, the Cabell and State Health Departments, the Huntington Planning Commission, and the Huntington Sanitary Board.
10. Area, Buildable - That portion of a lot bounded by the required rear and side yards, and the building setback line.
15. Bench Mark - A permanent marker which designates elevation and location.
20. Block - A surface land area which is separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.
25. Block Number - The official number or letter assigned to a block for identification purposes.
30. Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. When separated by party walls, without any opening through walls, each portion of a building shall be considered a separate structure.

35. County Clerk - The recorder of deeds for Cabell or Wayne County.
40. Dedication - Setting aside of land and/or improvements for a particular use.
45. Developer - The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
50. Development - The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities). Routine repair and maintenance activities are exempted.
55. Development, Major - All developments, including but not limited to subdivisions of four (4) or more lots, or any size development requiring any new streets or extension of the local governmental facilities, or the creation of any public improvements.
60. Development, Minor - Any development, including but not limited to subdivisions containing not more than three (3) lots fronting on an existing street, not involving any new street or road, nor the extension of municipal facilities, nor the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or these regulations. Except for the clearing of land, the staff may allow any development where cost will not reasonably exceed one hundred thousand dollars (\$100,000) to be considered as a minor development instead of as a major development.
65. Development Plan – A drawing, including a legal or site description, of the real estate involved which shows the location and size of all existing and proposed lots, buildings, structures, and yards; location and dimension of the building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets; all of which presents a unified or organized arrangement of streets, lots, buildings and public and service facilities and other improvements such as landscape development, and public parking areas, all of which shall have a functional relationship to the real estate comprising the planned development and to the use of properties immediately adjacent thereto.
70. Director of Public Works - The Director of the Department of Public Works for the City of Huntington. In the event that the position of City Engineer is vacant, the Director of Public Works shall fulfill the duties assigned to the City Engineer under the provisions of this Ordinance.

75. Easement - The right to use another person's property, but only for a limited and specifically named purpose. The owner generally may continue to make use of such land since he has given up only certain, and not all, ownership rights.
80. Easement Area - A strip of land over, under, or through which an easement has been granted.
85. Elevation, Average Ground - The mean elevation of the finished grade.
90. Engineer - A Registered Engineer currently licensed to practice engineering in the State of West Virginia
95. Floodway - The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.
100. Frontage - The side of a lot abutting on a street; the front lot line.
105. Health Department - Cabell-Huntington Health Department, Wayne County Health Department or West Virginia State Health Department.
110. Improvements - Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for man's activities. Typical improvements in these regulations would include, but not be limited to grading, street pavement, curbs, gutters, drainage ditches, retention or detention ponds, storm and sanitary sewers, street name signs, street trees, street lighting and traffic signals.
115. Land Remnant - Any portion of a tract of land which cannot be developed after the tract has been subdivided.
120. Lot - A designated parcel, tract or area of land established by a plat, subdivision, or as otherwise permitted by law and to be used, developed or built upon as a unit.
125. Lot, Corner - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
130. Lot, Flag - A lot not fronting on or abutting a public road and where access to the public road is a narrow, private right-of-way.
135. Lot, Through - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.
140. Lot, Reverse Frontage - A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

145. Lot Area - The total land area within the lot lines of a lot, excluding any street rights-of-way.
150. Lot Depth - The average horizontal distance between the front and rear lot lines. For lots where the front and rear lot lines are not parallel, the lot depth should be measured by drawing lines from the front to rear lot lines, at right angles to the front lot line, every ten feet and averaging the length of these lines.
155. Lot Frontage - The length of the front lot line measured at the street right-of-way line.
160. Lot Line - A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
165. Lot Line, Front - The lot line separating a lot from a street right-of-way. A corner or through lot shall have two front lot lines.
170. Lot Line, Rear - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
175. Lot Line, Side - Any lot line other than a front or rear lot line.
180. Lot Number - The official number assigned to a lot for identification purposes.
185. Lot Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
190. Monuments - Markers placed on or in the land.
195. Percolation Test - An examination of subsoil used in determining the acceptability of the site and the design of the subsurface disposal system.
200. Planning Commission - The Planning Commission of the City of Huntington, West Virginia.
205. Plan, Final - The material which comprises the second and last "official" submission of a development scheme to the Planning Commission, and which consists of an applied construction drawing of the "as-built" physical improvements. In the case of subdivisions this is the plan to be recorded in the County Clerk's Office.

210. Plan, Preliminary - The material which comprises the first "official" submission of a development scheme to the Planning Commission, and which consists of an application, a draft copy of any protective covenants, the development design drawings, and construction drawings of the proposed improvements.
215. Protective Covenants - A written statement governing development of the land.
220. Public Hearing - A meeting for the review of a matter where opinions may be presented by the public. These hearings may take place during the regular Planning Commission meeting and are held according to state laws.
225. Public Utility - Any person, firm, corporation, municipal department or board duly authorized to furnish under state or municipal regulations to the public, electricity, gas, steam, communications, telegraph, transportation, water, or sewer.
230. Recreational Facilities - Country clubs, riding stables, golf courses, and other similar recreational areas and facilities including swimming pools, and tennis courts.
235. Right-of-Way - A dedication of land to be used generally for streets, alleys, or other public uses wherein the owner gives up his rights to the property as long as it is being used for the dedicated purpose. Also, a land measurement term meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalks, grass area, and utilities.
240. Road - For the purpose of these regulations, "road" shall be defined the same as "street".
245. Roadway - The portion of the street right-of-way which contains the street pavement, curb, and gutter, and is used primarily as a channel for vehicular movements and secondarily as a drainage channel for storm water. In these regulations where curbs are required, the pavement is measured from face to face of the curbs; without curbs, it is the measurement of the wearing surface.
250. Sanitary Board - The Huntington Sanitary Board.
255. Secretary - The person designated by the Planning Commission as its Secretary.
260. Septic Tank - See Individual Sewerage Treatment Facility.
265. Setback - The required minimum horizontal distance between the building line and the related front, side, or rear property line.

270. Setback, Building - A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line or lines. No building shall then be placed in the space between the building setback line and the right-of-way line.
275. Sewerage, Community System - A central sewerage system which is owned, operated and maintained by a private corporation or a non-profit property owner's association.
280. Sewerage, Individual Treatment Facility - A sewerage disposal system developed to function on an individual lot basis. A septic tank is a type of individual sewerage treatment facility.
285. Sewerage, Public System - A central sewerage system, owned, operated, and maintained by a municipality, county, utility district, or private company.
290. Sewer, Sanitary System - A municipal or community sewerage disposal system of a type approved by the West Virginia State Health Department.
295. Sketch, Pre-application - An informal drawing and other materials indicating the general lot and street layout and other features of a proposed development.
300. Staff - Employees of the Huntington Planning Commission.
305. Street - A general term used to describe a right-of-way which provides a channel for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of underground and above ground utilities.
310. Street, Intersecting - Any street which joins another street at an angle, whether or not it crosses the other.
315. Street Classification - Types of streets as set forth in the Major Thoroughfare Plan for the City of Huntington.
320. Street Grade - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.
325. Street Line - The legal line between street right-of-way and abutting property.
330. Street Plan, Major - The official plan adopted by the Huntington Planning Commission designating types and locations of streets in Huntington.
335. Street Sign - The sign designating the official name of the street.



340. Sub-divider - For the purpose of these regulations, "sub-divider" shall be defined the same as "developer".
345. Subdivision - See "Development"
350. Surveyor - Licensed land surveyor. Licensed to practice surveying in the State of West Virginia.
355. Terrain Classification - Terrain within the entire area of the preliminary plan is classified as level, rolling, hilly, or hillside for design purposes. The classifications are as follows:
1. "Level" is that land which has a cross slope range of four (4) percent or less.
  2. "Rolling" is that land which has a cross slope range of more than four (4) percent but not more than eight (8) percent.
  3. "Hilly" is that land which has a cross slope range of more than eight (8) percent but not more than fifteen (15) percent.
  4. "Hillside" is that land which has a cross slope range of more than fifteen (15) percent.
360. Test Holes - Openings constructed in the ground for conducting soil tests.
365. Unit - A subsection of a total development developed as a complete segment.
370. Use - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
375. Use, Public - Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted to storage and maintenance of equipment and material.
380. Utilities Agencies - All agencies providing public utilities, such as sanitary sewers, storm sewers, water supply, electric, telephone, natural gas, and television cable companies.
385. Water, Public System - A central water system, owned, operated, and maintained by a municipality, county, utility district, or private company.
390. Way - A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

395. Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.
400. Yard, Front - A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward, other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
405. Yard, Rear - A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward other than by accessory buildings which do not occupy more than 30 percent of the required space, and steps, walks, terraces, driveways, lamp posts, and similar structures.
410. Yard, Side - A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such space is unoccupied and unobstructed from the ground upward other than by architectural appurtenances projecting not more than 24 inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four feet, and certain accessory uses in accordance with the provisions of the Zoning Ordinance.
415. Zoning Ordinance - The duly adopted Zoning Ordinance of Huntington, West Virginia.

ARTICLE 1381

ADMINISTRATION

Section 1381.01 Purpose

The purpose of this section is to specify the function to be performed by the various agencies in administering these regulations.

Section 1381.02 Planning Commission

The Planning Commission and its staff shall perform the following duties in regard to the administration of these regulations:

A. Maintenance of Records

The staff of the Planning Commission shall maintain permanent and current records of these regulations, including amendments thereto.

B. Pre-application Sketch

The staff of the Planning Commission shall receive and review all pre-application sketches. After review of the sketch with the developer and other appropriate agencies, the Planning Commission staff shall either approve, amend, or disapprove the sketch.

C. Preliminary Plan

The Planning Commission as represented by its staff shall receive all preliminary plans for administrative review.

D. Design Review

The Planning Commission staff shall review all preliminary plans for development design and conformance to regulations governing the development of land.

E. Distribution of Plans

The Planning Commission staff shall distribute copies of all preliminary plans to appropriate administrative and utility agencies for review of conformance to the individual agency's requirements.

F. Field Trips

The Planning Commission staff shall arrange for and conduct all conferences and field trips necessary for proper investigation of preliminary plans.

G. Recommendations

Based upon findings of the staff's review and the recommendations of other appropriate agencies, the Planning Commission staff shall make recommendations for approval or disapproval of the preliminary plan to the Planning Commission.

H. Notification

The Planning Commission shall notify the developer by mail the time and place of the public hearing on the preliminary plan. Legal notification shall take place at least fifteen (15) days prior to the public hearing.

I. Approval or Disapproval

The Planning Commission shall receive the recommendations of its staff and approve or disapprove the preliminary plan within sixty (60) days of its submission

J. Records

The Planning Commission staff shall keep a record of all preliminary plans and Planning Commission actions pertaining thereto.

K. Final Plan

The Planning Commission as represented by its staff shall receive all final plans for administrative review.

L. Review

The Planning Commission staff shall review all final plans for conformance to preliminary plan and data required by these regulations.

M. Distribution of Plans

The Planning Commission staff shall distribute copies of all final plans to appropriate administrative and utility agencies for review and approval.

N. Sufficiency of Bonds

The Planning Commission staff shall obtain the recommendation of the various City agencies as to the sufficiency of all necessary bonds for the financing of required improvements.

O. Recommendations

Based upon findings of the staff review and recommendations of other appropriate agencies, the Planning Commission staff shall make recommendations for approval or disapproval of the final plan to the Planning Commission.

P. Certification

The Planning Commission shall consider the final plan and approve or disapprove the plan if found to conform to the requirements of this ordinance within sixty (60) days of its submission. For subdivisions, the Planning Commission shall certify that such plan is approved for recording with the County Clerk.

Section 1381.03 Cabell Huntington Health Department

The Cabell Huntington Health Department shall perform the following duties in regard to the administration of these regulations when individual sewage disposal or water supply facilities are included in the development.

A. Pre-application Sketch

After review of the pre-application sketch, the Cabell Huntington Health Department shall provide the Planning Commission Staff with a written statement relative to the possible success of individual sewage disposal facilities on tracts where sanitary sewers are not provided, and they may make recommendations concerning other health factors.

B. Percolation Tests

The results of all percolation tests required for individual sewage disposal facilities shall be reported to the Planning Commission Staff.

C. Other Health Factors

Any other factors relating to the health of the community shall be provided to the Planning Commission Staff.

D. Preliminary Plan

After review of the preliminary plan the Cabell Huntington Health Department shall approve the preliminary plan or provide the Planning Commission Staff with a written statement of deficiencies.

E. Final Plan

After review of the final plan the Cabell Huntington Health Department shall issue Certificates of Approval.

Section 1381.04      Huntington Sanitary Board

After review of the preliminary plan the Huntington Sanitary Board shall provide the Planning Commission Staff with a written statement relative to the following:

A. Storm Drainage

The adequacy of all storm drainage systems.

B. Sanitary Sewer

The adequacy of sanitary sewer facilities.

C. Final Plan

After review of the final plan, the Sanitary Board shall issue Certificates of Approval.

Section 1381.05      Director of Public Works

The Director of Public Works shall perform the following duties in regard to the administration of these regulations:

A. Pre-application Sketch

The Director of Public Works shall review the pre-application sketch for adequacy of proposed roads and drainage systems and make necessary written recommendations to the Planning Commission Staff.

B. Preliminary Plan

After review of the preliminary plan, the Director of Public Works shall provide the Planning Commission with a written statement relative to the adequacy of all

proposed roads and drainage systems.

C. Final Plan

After review of the final plan, the Director of Public Works shall issue a Certificate of Acceptance of Roads or provide the Planning Commission with a written statement of deficiencies.

## ARTICLE 1383

### PROCEDURE FOR DEVELOPMENT APPROVAL

#### Section 1383.01      General Purpose

The purpose of this section is to establish the step-by-step procedure which shall be followed by the developer in submitting plans to the Planning Commission.

##### A. Pre-application Meeting

The developer shall meet with the City Planning Commission staff prior to submitting the pre-application sketch. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the Comprehensive Plan, the Major Thoroughfare Plan, the Parks and Public Open Space Plan, the Zoning Ordinance, and the drainage, sewerage, and water systems for the City of Huntington.

##### B. Preparation of Pre-application Sketch

The developer shall prepare a pre-application sketch in conformance with Section 1385.02 of these regulations. When the developer desires assistance regarding the pre-application sketch, the Planning Commission staff and other administrative agencies may provide advice.

##### C. Submission of Pre-application Sketch

After the pre-application sketch has been prepared by the developer, it shall be submitted to the Planning Commission staff for their review.

#### Section 1383.02      Preliminary Plan

##### A. Purpose

The preliminary plan is the first "official" plan required by these regulations. The preliminary plan is required in order to properly identify the property being developed, to ensure the adherence to required design standards, to determine improvement proposals, and to guide construction of the required improvements.



B. Preparation of Preliminary Plan

After the pre-application sketch has been reviewed by the Planning Commission staff, the preliminary plan shall be prepared in conformance with Section 1385.03 of these regulations by a Licensed Land Surveyor or Registered Engineer licensed by the State of West Virginia.

C. Public Hearing

Within sixty (60) days after the submission of a preliminary plan, the Planning Commission shall hold a public hearing thereon. Having been properly notified of said hearing in conformance with Section 1381.02 of these regulations, the developer and/or his representative shall be present. Upon presentation of the preliminary plan at the public hearing, during which variances from the established standards of this ordinance shall be presented in writing, the Planning Commission will review all recommendations and approve or disapprove the preliminary plan or request additional information.

D. Approval

If the preliminary plan is approved, the developer is authorized to proceed with physical improvements after securing any required construction permits. Lots and parcels may be sold after this approval, building permits will not be issued except with the approval of the Planning Commission.

E. Disapproval

If the preliminary plan is disapproved for further action, the developer may rework the plan to conform to the Planning Commission's requirements, and then re-submit the plans.

Section 1383.03      Final Plan

A. Purpose

All development plans shall receive their second "official" consideration by the Planning Commission as final plans. The final plan is the permanent record of the development as constructed. It shows all property lines and other dimensions important for the accurate and legal transfer of property and records the location of street lines, easements, utilities, and improvements as they exist upon the ground.

B. Preparation of Final Plan

After the preliminary plan has been approved by the Planning Commission and the required improvements have been installed or appropriate bonds have been filed, the final plan shall be prepared in conformance with Section 1385.04 of these regulations by a competent Licensed Land Surveyor or Registered Engineer licensed in the State of West Virginia.

C. Time Lapse

Unless a time extension has been requested by a developer and granted by the Planning Commission, all final plans shall be submitted within eighteen (18) months of the approval date of the preliminary plan; otherwise, the plans can not receive "final plan" consideration, but shall be considered as, and re-submitted as, new preliminary plans.

D. Submission of Final Plan

Following the preparation of the final plan, the developer shall submit to the Planning Commission, one reproducible copy along with three (3) copies of said plan at least twenty (20) days prior to Planning Commission action thereon.

E. Planning Commission Action

The Planning Commission will review the final plan for compliance and approve or disapprove.

F. Amendments To Approved Plan

1. Approval of an amendment shall be required for:

a. Any material change, deletion, or addition made to:

1. an approved Preliminary Plan, or

2. An approved Final Plan, or for

b. A Final Plan that does not conform to the Preliminary Plan approved by the Planning Commission. An applicant seeking approval of an amendment shall file an application therefore with the Planning Director. The application shall describe the amendment sought and provide such other information as the Planning Commission may require. It shall be accompanied by 10 copies of the proposed amendment and a filing fee.

2. If the Planning Director determines that the amendment sought is a Minor Amendment as defined herein, he or she shall refer it to the Planning Commission for final action. No public hearing shall be required for a Minor Amendment. An applicant may appeal a decision of the Planning Commission on a Minor Amendment to the City Council.
3. For amendments other than Minor Amendments, the full approval process set forth herein for Preliminary Plans and Final Plans shall be followed.

A Minor Amendment to a development shall be any change from the previously approved Plan that involves:

- a. No change in land use type or housing type, and
- b. No change in the location of any structure, off-street parking or loading area, common open space area, or any area or right-of-way to be conveyed to or reserved for a public body, by more than 10 feet in any direction, nor a change in the spacing between any two structures by more than 10 percent, and
- c. No change of more than 10 percent in any non-locational quantitative specification of the previously approved Plan, including:
  1. any dimension of any lot, yard, structure, or pedestrian or vehicular thoroughfare
  - 2.
  3. any residential density
  4. amount of common open space acreage
  5. utility line capacity
  6. amount of floor area of non-residential development
  7. amount of land to be conveyed to or reserved for any public body
  8. size or capacity of any off-street parking or loading area
  9. amount or dimensions of proposed tree or ground cover, landscaping, or screening, and
- d. No other change that causes the development to fall short of meeting the

requirements of any applicable zoning district to any greater degree than already provided on the previously approved Plan.

4. The Planning Commission may disallow Minor Amendment status if a proposed amendment fails to meet the foregoing criteria when it is considered together with one or more Minor Amendments previously approved for the same development.
5. The Planning Commission shall approve, conditionally approve, or disapprove an amendment. An amended Final Plan shall be recorded in accordance with the provisions herein governing recording of a Final Plan.

G. Resubmission

In the event of the disapproval of a final plan by the Planning Commission, the developer may correct the plan's and/or development's deficiencies and re-submit the final plan in conformance with the required procedures.

H. Recording of Developments

Upon approval of the final plan by the Planning Commission, one (1) black line copy of the final plan shall be filed for recording with the County Clerk.

Section 1383.04 Minor Developments

A. Purpose

The purpose of this Section is to establish special requirements for minor development plans in order that they may be prepared and processed in much less time than is required for major development plans.

B. Qualifications for Minor Developments

For the purpose of these regulations, when a parcel of land is divided so that the resulting plan contains three (3) or fewer lots, all of which have frontage on an existing street or road, or when two (2) or more lots are combined into a single parcel with frontage on an existing road, it may be considered as a minor development.

C. Minor Development Procedures

Procedures for submitting minor developments are as follows:

1. Submission of Application

A formal application including such information as required for an initial plan as provided for in Section 1383.02 of these regulations shall be submitted to the Planning Commission staff.

2. Review of Application

The staff of the Planning Commission shall review all minor development applications and shall advise the developer of approval to proceed, suggested amendments, or rejection within fourteen (14) days from the receipt of the application.

3. Submission of Final Plan

After review of the application and provision for all required improvements, the developer shall submit a final plan for the signature of the President of the Planning Commission and Director of Planning.

D. One Lot Developments

When a single lot is created on an existing street and when no improvements are required, the Planning Commission may authorize the Planning Commission staff to require necessary information and give approval for recording the plan of said lot.

E. Planning Information

The planning information for minor developments shall be the same as required for a final plan in Section 1385 of these regulations. Under special circumstances where unusual topographic problems exist or where improvements will be required, the Planning Commission may also require:

1. Topographic information as specified in Section 1385.03.
2. A drainage plan as specified in Section 1385.03.
3. A map showing existing and proposed utilities as required in Section 1385.03.
4. Improvements, if any, to be made in a minor development, to be shown on the minor development plan.

F. Required Improvements

The Planning Commission may require those improvements for a minor development which will be necessary to bring that section of road along which the land is subdivided and those utilities or drainage ways within the development up to the

design standards set forth in Article 1387 of these regulations. All improvements required for minor developments shall be provided in accordance with the standards and regulations required under Article 1389 of these regulations.

## ARTICLE 1385

### SPECIFICATIONS FOR PLANS

#### Section 1385.01 Purpose

The purpose of this section is to specify the information required to be included on plans of proposed developments. Three (3) plans are required to be submitted: the pre-application sketch, the preliminary plan, and the final plan. The overriding consideration in requiring the submission and approval of three plans is to assure that developments develop soundly. One objective in requiring three plans is to assist the developer in the sound and economical development of his property through the examination of the suitability of the property for development before surveying expenses and improvements costs are incurred. A second objective in requiring three plans is that administrative and utility agencies may aid in the design of proposed developments so that improvements, including roads and utilities, may be installed at minimal costs.

#### Section 1385.02 Pre-application Sketch

##### A. Submission of Pre-application Sketch

Prior to the preparation of a development plan, the developer shall submit one (1) copy of the pre-application sketch to the Planning Commission staff.

##### B. Vicinity Map

A small scale map or sketch of the general vicinity shall be submitted showing the relationship between the proposed development and existing community facilities which serve or influence it, such as main traffic arteries, public transportation lines, parks, playgrounds, schools, principal places of employment or shopping, railroad stations, airports, hospitals, churches, and other community facilities.

##### C. Sketch Plan

A sketch plan of the area to be developed shall be submitted. The sketch plan should be to an appropriate scale. The sketch plan shall show the general location of the following:

- A. Boundaries of the tract.
- B. Physical characteristics of the site, such as swamp, woods, drainage pattern, geotechnical data, etc.
- C. Existing buildings.

- D. Available Utilities.
- E. Proposed layout of streets, lots, open spaces, nonresidential area, and other important facilities.

D. Statements

The following information shall accompany the sketch plan:

1. Property Owners of the proposed development names and addresses.
2. Developers' names and addresses.
3. Statement indicating the availability of public utilities.
4. Written statement from the Cabell Huntington Health Department relative to the possible success of individual sewage disposal facilities on the tracts where sanitary sewers are not provided.
5. After the review of the Pre-application Sketch, the developer will be given direction as the amount of detail that will be required for the Preliminary Plan submission in regards to (1) traffic impacts; (2) geotechnical investigations; (3) drainage; and,(4) grading.

Section 1385.03 Preliminary Plans

A. General

The preliminary plan shall be prepared by Licensed Land Surveyor or Registered Engineer licensed in the State of West Virginia. Two (2) copies of said preliminary plans shall be submitted to the Planning Commission staff.

B. Land Development Drawing

The preliminary plan drawn to the following specifications shall be submitted.

1. Development Name

The proposed name of the development, which shall not duplicate nor closely approximate (phonetically or in spelling) the name of any other development or subdivision in Huntington, preceded by the words, "Preliminary Plan of \_\_\_\_\_" shall be indicated.



2. Person Identification

The name and mailing address of the property owner, the developer, the engineer, and other persons directly involved in the transaction shall be indicated.

3. Date and Scale

The date of design of the preliminary plan, north point, and the graphic scale which shall be at a minimum of one inch equals one hundred (100) feet.

C. Vicinity Map

A sketch showing the general location of the development in relation to the surrounding area shall be placed on the sheet. The location sketch shall be drawn to a scale large enough to show the proposed development's relationship to existing and proposed community facilities, such as major traffic arteries, public transportation, schools, hospitals, recreation areas, shopping areas, industrial areas, and natural features such as rivers, streams, and topographic features.

D. Drainage Plan

Specific plans for handling storm water including, but not limited to, the following information: existing and finished contours; the locations, sizes, and profiles of storm drains and culverts; data used in making the determinations of the sizes of storm drains and culverts; and other pertinent information required in dealing with storm drainage problems, and in particular to prevent flooding or ponding on building sites.

E. Plan Information

Preliminary plans shall contain all necessary information pertaining to tract boundaries, contours, streets, utilities, lots, and other information as may be required by the Planning Commission.

1. Boundary lines on and adjacent to the tract.

The location, distance, and bearings for boundary lines and location, width, and purpose of all easements shall be indicated. The boundary lines of the tract should be shown by a special line style and weight (possibly a heavy solid line) which will provide quick and easy distinction between the developer's property and any adjacent property.

2. Contours.

The preliminary plan shall show accurate original and finished contours developed in the field.

- a. Contours shall be at intervals of two (2) feet.
- b. Where the grade of slope exceeds fifteen (15) percent, the Planning Commission may accept contour intervals of five (5) feet.
- c. Where possible, all contour information shall be referenced by USGS (United States Geological Survey) datum and/or a permanent bench mark.

F. Existing and Proposed Streets

The following is required for existing and proposed streets.

1. Streets on and adjacent to the tract shall be indicated by the street name, right-of-way width, and location; type, width, and elevation or any surfacing or curb; any legally established centerlines and elevations; gutters, culverts, etc.
2. The plan and profile of each proposed street indicating the existing ground surfaces and proposed street grade surface at a horizontal scale equal to the horizontal scale of the land development plan and a vertical scale of one-tenth (1/10) of the horizontal scale, with tentative finish grades indicated, shall be shown.

A typical section of each proposed type of street at a scale of ten (10) feet or less to the inch showing the width of pavement, the location, and width of sidewalks, the location of utilities, and rights-of-way shall be shown.

In order that the administrative agencies may more accurately study the preliminary plan, center lines of all proposed streets in the development shall be staked out in the field prior to submission of the preliminary plan, or the developer and/or the developer's engineer shall visit the development site with members of the administrative agencies.

3. Traffic Impact Study. After the review of the pre-application Sketch, the developer may be directed to prepare and submit for approval a Traffic Impact Study (TIS) for the proposed development. The TIS is to be prepared by a qualified professional engineer and will contain an analysis of existing traffic in the vicinity of the development, projections of the traffic to be generated by the

development, the affects of the generated traffic on the existing system, and proposed mitigation measures required, if any. Mitigation measures may be required as part of the development.

#### G. Utilities

The preliminary plan shall show the following information concerning existing and proposed utilities including sanitary sewers, water lines, storm sewers, gas, telephone, and electrical work.

1. The locations, sizes, and capacities, where appropriate, of all water mains, manholes, pumping stations, standpipes, reservoirs, and similar facilities, and the locations and dimensions of specific easement areas related thereto shall be indicated.
2. The plan and profile including invert elevation of all sanitary sewers, manholes, lift stations, and treatment plants, and similar facilities, and the locations and dimensions of specific easement areas related thereto, and vertical scale of profiles shall be one-tenth (1/10) of the horizontal scale, as required by this ordinance.
3. The drainage plan as required in this section and all easements related thereto shall be shown on the preliminary plan.

#### H. Lotting and Setback

The location of lot lines, along, with the appropriate lot and block numbers. The proposed building setback lines with dimensions showing the distance setback from the street right-of-way shall be indicated when the proposed setback is other than the minimum required in the Huntington Zoning Ordinance.

#### I. Non-residential Designation

The name, acreage, and use of any sites proposed for public use such as parks, playgrounds, etc., and the name, acreage, and use of any other uses (other than single-family dwellings) such as multi-family dwellings, shopping centers, churches, etc., shall be indicated.

#### J. Other Conditions

Other conditions on the tract to be shown on the preliminary plan shall include the following information:

1. Zoning designations, proposed highways, parks, schools, or other major improvements shall be indicated.
2. Watercourses, marshes, rock outcroppings, woodlots, railroads, bridges, or other structures shall be indicated.

K. Subsurface Conditions

The location and results of tests made to ascertain subsurface soil, rock, and ground water conditions, on the site are to be submitted. A slope stability analysis may be required when steep slopes are created either by cuts or fills. The location of test holes (at least one (1) per acre) for preliminary percolation tests where sanitary sewers are not to be provided, and a letter from the Cabell Huntington or Wayne County Health Departments interpreting and approving the results of such percolation tests shall be submitted.

L. Drainage

A drainage report shall be submitted which shows as a minimum the pre-development storm runoff, the post development storm runoff, the impact of the storm runoff on downstream drainage features, and any measures required to mitigate these impacts. Retention ponds or other measures to alleviate these impacts may be required as part of the development.

M. Site Plans

A site plan for the proposed development must be submitted meeting the requirements of Article 1351 of the Zoning Ordinance.

N. Storm Water Management/Soil Erosion Control Plan

A Storm Water Management/Soil Erosion Control Plan meeting the requirements of the West Virginia Erosion and Sediment Control Handbook for Developing Areas shall be submitted for approval. A copy of the Approved plan submitted to the West Virginia Division of Environmental Protection will meet this requirement.

O. Other Permits

Copies of all other permits that are required by state and federal regulations and laws shall be submitted.

P. Development Agreement

The Development Agreement shall include an agreement outlining the responsibilities of the City and developer relative to the construction and phasing of improvements and planned use of the property. Said agreement shall be approved by the appropriate governmental body.

Section 1385.04 Final Plan

A. General Information

The final plan of a development shall conform substantially to the preliminary plan and shall be prepared in the following manner:

1. Materials

The final plan of a development shall be drawn to a scale of one hundred (100) feet or less to the inch.

2. Size

The final plan shall be drawn according to established methods used by the County Clerk's Office.

3. North Point

The final plan shall be so oriented that the north point will be directed as nearly as possible to the top of the page with the binding edge on the left.

4. Page Numbering

When more than one sheet is used for any final plan, each sheet shall be numbered consecutively and shall contain a notation indicating the total number of sheets in the plan. In addition, an index sheet of the same dimension shall be required showing the entire development, the sheet numbers, and outlines for each separate sheet of the final plan.

5. Number of Copies

At the time of final application, the original and two (2) copies of the final plan shall be submitted to the Planning Commission.

6. Copy to be Recorded

Two copies of the final plan with all appropriate certificates shall be recorded with the County Clerk.

B. Mapping and Engineering Information

The final plan of the development shall include sufficient data to accurately reproduce the development on the ground and shall include the following information:

1. Street Lines on Adjacent Land

Show the exact location with dashed lines and the width along the property lines for all existing or recorded streets intersecting or paralleling the boundaries of the tract.

2. Monument references on adjacent land

Show the bearing and distances to nearest established street boundaries, established survey lines, or other official monument.

3. Adjacent Land

For adjacent land which is planted, show the boundaries with dashed lines and the recorded name of the development. For adjacent land which is unplanted, show the boundaries with dashed lines.

4. Boundary Lines of Tracts

In a line style and weight which will distinguish the developer's property from all adjacent property (possibly a heavy, solid line) show the tract boundary lines with lengths of courses to hundredths of a foot and bearings to the nearest minutes. These boundaries shall be determined by an accurate survey in the field.

5. Monuments on Tracts

Show the accurate location and material of all permanent reference monuments.

6. Street, Easement, and Lot Lines on Tracts

For street and alley rights-of-way, show the names, bearings, angles of intersection, and width including the widths along the line of any obliquely

intersecting street; for all arcs, show the length of radii, points of curvature, and tangent bearings; for all easements or other rights-of-way, show the locations, width, and actual name and purpose (gas line easement, etc.); for all lot lines, show dimensions in feet and hundredths, and bearings and angles to minutes.

#### 7. Easements Along Property Lines

The minimum easement along boundary lot lines as required in Section 77-10 of these regulations shall be noted on the final plan.

#### 8. Reservations and Dedications of Tracts

Show the accurate outline of all property which is either offered for dedication to public use or which is reserved by covenant in the deeds for the common use of the property owners in the development with the purpose also plainly printed thereon.

#### 9. Lot Numbers, Setback Lines, and Restrictions of the Tract

Show the lots numbered in numerical order and lettered in alphabetical order; show the front yard setback building lines with dimensions; and if any private restrictions exist, show boundaries of each type of use restriction and any other restrictions.

### C. Title Block

The title block for the final plat drawing shall contain the following information:

#### 1. Development Name

The Name of the development and, where the plat at hand is only part of a larger development bearing the same name, the unit number or other necessary identification shall be indicated. Such development name shall not duplicate or closely approximate any other development name in the City. The name of the development shall be preceded by the words "Final Plat of \_\_\_\_\_."

#### 2. Person Identification

The name of the following: the property owner, the developer, the engineer and/or surveyor.

3. Legend Information

The graphic scale, written scale, north point, date of preparation, and any other pertinent legend information should be indicated.

D. Certifications

The following appropriate certificates with required signatures shall accompany all final plats.

1. Ownership

The certification of ownership and general dedication shall be as follows:

Certificate of Ownership and General Dedication

(I, We)the undersigned (owner, owners) of the property shown hereon, hereby adopt this as (my, our) plan of development and dedicate the roads, rights-of-way, easements, parks, and other open spaces as shown and otherwise indicated to the public use forever, and hereby certify that (I am the owner, we are the owners) in fee simple of the property and that any portion of said property dedicated to public use is not encumbered by any mortgages.

(I, We) further certify that all restrictive covenants which apply to the lots, if any, are either shown on the plan or are referred to thereon, with copies of the said covenants filed with the Planning Commission of Huntington, West Virginia, and the County Clerk.

Date \_\_\_\_\_

2. Survey

The certification of survey shall be one of the following:

Certificate of Survey

I hereby certify that I am a licensed surveyor and have surveyed the herein described property, that the plan conforms to said survey, and that same is true and correct.

\_\_\_\_\_  
Surveyor

No. \_\_\_\_\_



Certificate of Survey

I hereby certify that I am a registered Engineer licensed to do surveying under the laws of the State of West Virginia that I have surveyed the herein described property, that the plan conforms to the said survey, and that the same is true and correct.

\_\_\_\_\_  
Engineer

West Virginia Registration  
No. \_\_\_\_\_

3. Sanitary Sewerage

The certification for sanitary sewerage shall be one of the following certificates:

Certificate of Approval of Subsurface Sewage Disposal Systems

This is to certify that this development is generally satisfactory for subsurface sewage disposal systems on the property.

Date \_\_\_\_\_  
\_\_\_\_\_  
Cabell Huntington Health Department

Certificate of Approval for Sanitary Sewers

This is to certify that the development shown hereon is approved subject to the installation of sanitary sewers and treatment facilities and that such installation shall be in accordance with state and local regulations.

Date \_\_\_\_\_  
\_\_\_\_\_  
West Virginia State Health Department

Certificate of Approval of Lot for Recording

This is to certify that the lot shown hereon is approved for recording and that no sewage treatment facilities are required.

Date \_\_\_\_\_  
\_\_\_\_\_ West Virginia State Health Department

4. Acceptance of Streets

The City shall certify the acceptance of streets and roads as follows:

Certificate of Acceptance of Roads

This is to certify that the Director of Public Works/ City Engineer has inspected the grade and drainage in this Development, and the roads are hereby accepted by the Engineer subject to any surety bond or certified checks in the Engineer's office for completion of roadway pavement.

Date \_\_\_\_\_  
\_\_\_\_\_ Director of Public Works/City Engineer

5. Approval for Recording

Upon approval and certification of all elements of the final plan, the Planning Commission shall certify the plan for recording as follows:

Certificate of Approval for Recording

This is to certify that the development plan shown hereon has been found to comply with the Development Regulations of Huntington and with existing official plans with the exception of such variances and stipulations, if any, as noted in the minutes of the Planning Commission of Huntington, West Virginia, and that said plan is hereby approved for recording in the Office of the County Clerk.

Date \_\_\_\_\_  
\_\_\_\_\_ Planning Commission

6. Protective Covenants

When the developer intends to regulate land use in the development and otherwise protect the development by the use of Covenants, one copy of the final protective covenants shall be submitted as part of the final plan materials.

## ARTICLE 1387

### DEVELOPMENT DESIGN STANDARDS

#### Section 1387.01      General Statement

The regulations in this section shall control the manner in which streets, lots, and other elements of a development are arranged on the land. These design controls shall help ensure convenient and safe streets, creation of usable lots, provision of space for public utilities and, where possible, reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Planning Commission has the responsibility for reviewing the design of each future developments early in its design.

The Commission shall ensure that all of the requirements of this article are met.

Design standards and criteria relating to the design of streets, drainage systems, and related elements are contained in a separate document which is available from the City of Huntington Public Works Department or the Planning Department.

#### Section 1387.02      Conformity to the City's Comprehensive Plan

The arrangement, character, width, and location of all arterial and collector thoroughfares or extensions thereof shall conform with the City's Comprehensive Plan. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the City Planning Commission based upon the design standards set forth in this section.

#### Section 1387.03      Suitability of Land

If the Planning Commission finds that land proposed to be developed is unsuitable for development due to flooding, bad drainage, topography, inadequate water supply, schools, transportation facilities, and other such conditions which may endanger health, life, or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Commission shall not approve the land for development unless adequate methods are advanced by the developer for solving the problems that will be created by the development of the land.

#### Section 1387.04      Streets

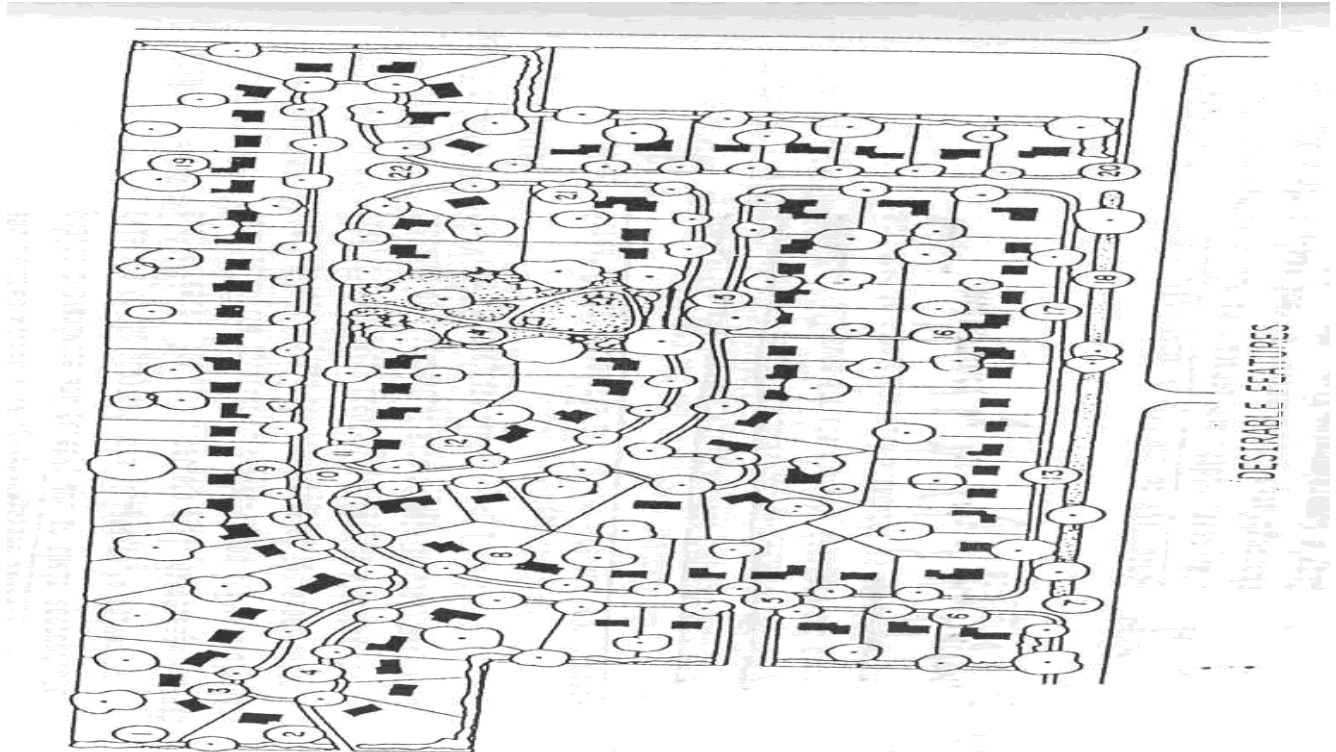
##### A. Street Design

The arrangement, character, extent, width, grade, construction, and location of all streets shall conform to the Major Thoroughfare Plan of the City of Huntington, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of land to be served by such streets. The street pattern shall discourage through traffic in the interior of a development. The developer shall provide within the boundaries of the development plan, the necessary right-of-way for the widening continuance or alignment of such streets in conformity with the Major Thoroughfare Plan.

B. Street Design Standards for Cul-De-Sacs and Loop Streets

All such streets shall be designed and constructed in accordance with standards as maintained by the City of Huntington.

## EXAMPLE OF A SUBDIVISION



2. Street front easement gives access to park.

3. Cul-de-sac utilizes parcel of land to advantage.

4. Turn around right-of-way of sufficient diameter.

5. Street trees planted where no trees exist.

6. Additional building setback improves subdivision entrance.

7. Street intersections of right angles reduce hazards.

8. Lot side line centered on street end to avoid car lights shining into entrance.

9. Residences opposite street end set back farther to reduce glare from car lights.

10. Three-way intersection reduces hazards.

11. Property lines on 30' radii at corners.

12. Lot side lines perpendicular to street right-of-way lines.

14. Neighborhood park located near center of tract. Adjacent lots wider to allow for 15 foot protective side line setback.

15. Pavement shifted within right-of-way to preserve existing trees.

16. 10 foot walk easement provides access to park. Adjacent lots wider to allow for 15 ft protective side line setback.

17. Variation of building line along straight street creates interest.

18. Screen planting gives protection from noise and lights on thoroughfare.

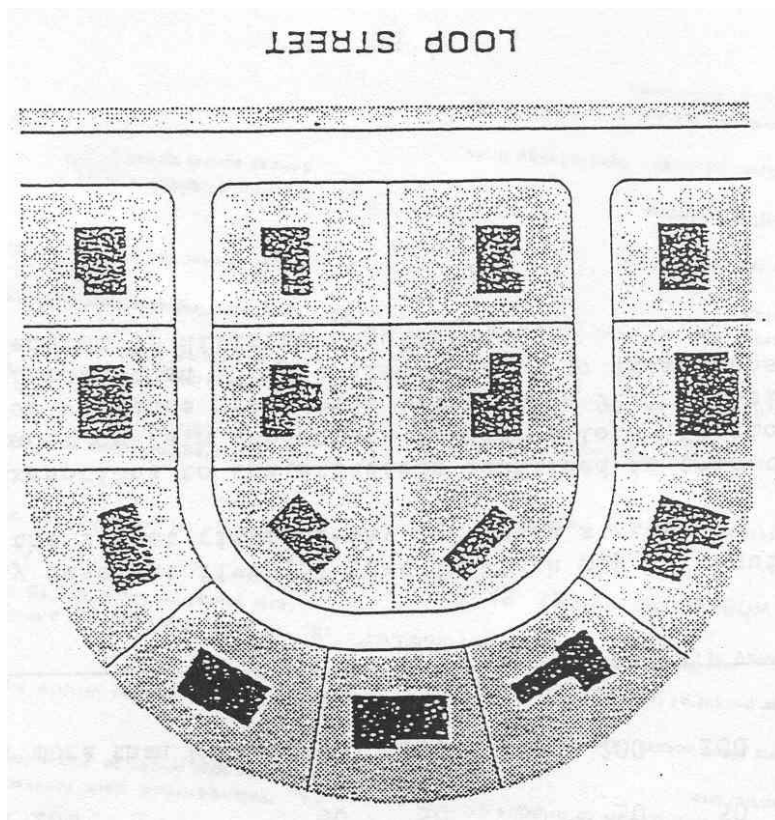
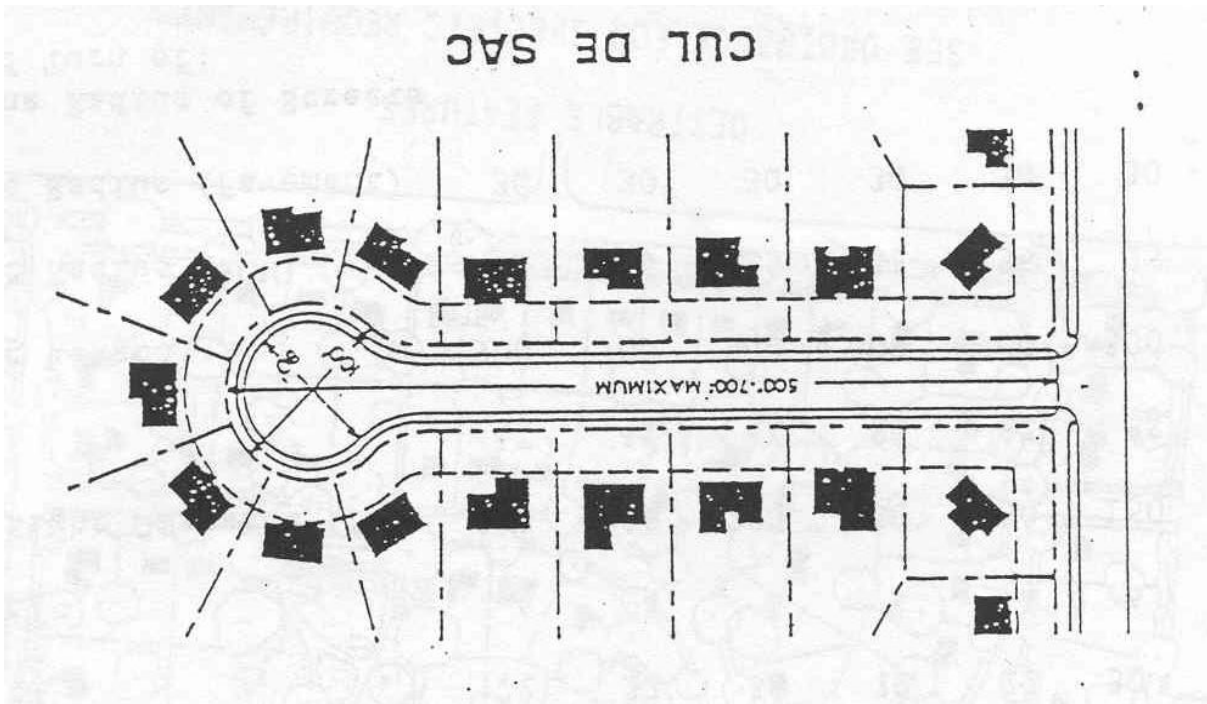
19. Lots backing to uncontrolled land given greater depth for additional protection.

20. Low planting at street intersections permits clear vision.

21. Wider corner lot permits equal building setback on each street.

22. Planting of block end to avoid siding properties to residences across street.

Example for cul-de-sac and loop streets.



C. Collector Street Design Standards

All such streets shall be designed and constructed in accordance with the standards as maintained by the City of Huntington.

D. Intersection Design Standards

1. Multiple Intersections

Multiple intersections involving junctions of more than two (2) streets shall be avoided.

2. Four-Way Intersections

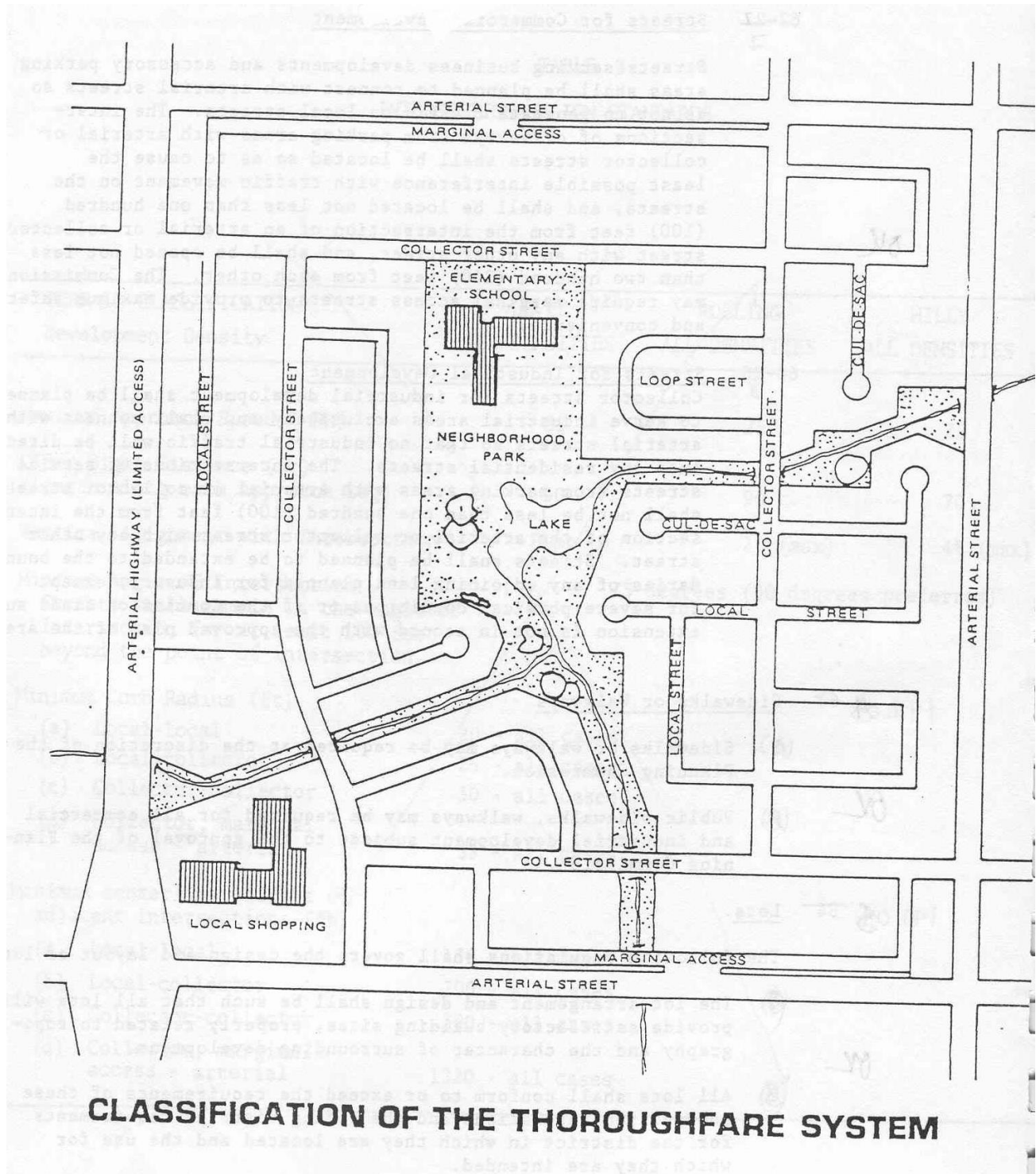
Four-way intersections of local streets should be avoided and three-way or T-intersections should be encouraged wherever possible.

E. Special Street Types

The following requirements shall apply to special street types:

1. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turn-around is satisfactory to the Planning Commission.
2. Dedication of new half-streets shall not be permitted. Where a dedicated or planted half-street exists adjacent to the tract being subdivided, the other half shall be planted.
3. Where a development adjoins an arterial street, a marginal access street shall be designed, if the development design is such that residential lots would require direct vehicular access onto the arterial highway. Points of access to the arterial street shall be spaced at a minimum of thirteen hundred twenty (1,320) feet. A planting strip having a minimum width of twenty (20) feet shall be provided between the pavement of the arterial street and the pavement of the marginal access street. The minimum width of the marginal access right-of-way shall be fifty (50) feet.

# CLASSIFICATION OF THE THOROUGHFARE SYSTEM



# CLASSIFICATION OF THE THOROUGHFARE SYSTEM



F. Streets for Commercial Development

Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Commission may require marginal access streets to provide maximum safety and convenience.

G. Streets for Industrial Developments

Collector streets for industrial development shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas with arterial or collector streets shall not be less than one hundred (100) feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accord with the approved plan of the area.

Section 1387.05 Sidewalks or Walkways

- A. Sidewalks or walkways may be required at the discretion of the Planning Commission.
- B. Public sidewalks, walkways may be required for all commercial and industrial development subject to the approval of the Planning Commission.

Section 1387.06 Lots

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

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- B. All lots shall conform to or exceed the requirements of these development regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.

- C. Each lot shall front on a paved street. For slope areas where the average topographic slope is fifteen (15) percent or greater, refer to Hillside Regulations, Article 1391.
- D. All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Commission determines that a variation to this rule would provide a better layout.
- E. Lots with double frontage (through lot) shall be avoided except where the Commission determines that it is essential to provide separation of residential developments from arterial streets.
- F. No lot shall have a depth of less than one hundred twenty (120) feet except that whenever a lot fronts upon an exterior curved portion of a street, the centerline radius of which is one hundred (100) feet or less than the required minimum, lot depth may be reduced to not less than one hundred ten (110) feet.

Section 1387.07      Easements

Easements shall be a minimum of ten (10) feet in width and shall be provided where necessary for sanitary sewers, gas mains, water lines, and electric lines. Easements shall also be provided along every water course, storm sewer, drainage channel, or stream within a development, as provided for in Section 1387.08 of these regulations.

Section 1387.08      Flood Areas and Storm Drain Ditches

- A. In order to protect the health, safety, and general welfare of the community, the Planning Commission shall discourage any proposed development located in an area within the 100-year Floodplain as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). In the event that the floodplain development is in the best interest of the community at large, Article 1349(Regulation of Floodplain Area and Ponding Basin) of the Zoning Ordinance shall apply. If the development is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the development provided the developer agrees to perform such improvements as will render the area safe for the intended use. In lieu of improvements, the developer shall furnish a surety or certified check covering the cost of the required improvements.
- B. Flood control or storm drainage facilities shall be provided as follows:
  - 1. Access to flood control or storm drainage ditches and channels shall be by means of easements. Such easements shall be not less than ten (10) feet in width, exclusive of the width of the ditch, or channel, and an easement of this type shall be provided

on one (1) side of a flood control or storm drainage ditch, channel, or similar type facility;

2. Flood control or storm drainage easements containing underground facilities shall have a minimum width of ten (10) feet;

3. Whenever a flood control or storm drainage ditch or channel has a depth of five (5) feet or more, or a bank slope of two (2) feet horizontal to one (1) foot vertical or deeper, a five (5) foot high masonry wall or a five (5) foot high chain link fence may be required by the Planning Commission.

Section 1387.09      Drainage Design

Drainage designs will be based on the procedures and methods for hydrology studies outlined in the West Virginia Division of Highways Drainage Manual. Minimum design storm standards, unless directed in writing are:

Storm Sewer -	10 year storm
Roadway Culverts -	(major roadway) 25 year storm (minor roadway) 10 year storm
Detention ponds -	2 year storm
Drainage ditches -	2 year storm (minimum)

## ARTICLE 1389

### REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

#### Section 1389.01      Guarantee for Installation of Improvements

All improvements required herein shall be constructed prior to the recording of the final plan. The developer may be required to furnish the Planning Commission with a surety or certified check for the amount of the estimated construction cost for the ultimate installation and initial maintenance of the improvements if the developer proceeds with construction of the housing by logical phasing of the development.

#### Section 1389.02      Construction Procedure and Materials

The developer shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done with City inspection and shall be completed within the time agreed upon by the City Engineer and Developer. The minimum requirements for materials shall be in accordance with the standards of the current volume of "Standard Specifications" of the State of West Virginia Department of Highways.

#### Section 1389.03      Monuments, Markers and Pins

In residential developments, two stone or concrete monuments, not less than 24 inches long by 6 inches square or in diameter at the top, with proper centers, shall be set in each block so that all street lines can be reestablished; in addition, iron pipes or equally good markers shall be set at all other outside points of angles, curves, and tangents and at any staked lot corners.

#### Section 1389.04      Streets

##### A. Street Improvements

All streets shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in these regulations.

##### 1. Street Width

Minimum street pavement widths shall conform to the standards given in Article 1387.

##### 2. Street Sub-grade

The sub-grade shall be free of sod, vegetative or organic matter, soft clay, and other objectionable materials for a depth of at least two (2) feet below the finished surface.

The sub-grade shall be properly rolled, shaped, and compacted, and shall be subject to the approval of the City Engineer.

### 3. Street Base Course

The developer has the option of using any of the following base courses, based upon recommendations of the City Engineer as to topsoil and traffic conditions; aggregate, bituminous aggregate, asphalt concrete, or equally suitable base course. Thickness shall be determined by the City Engineer, based upon the physical properties of the base course used and the physical properties of the roadbed. The developer shall submit a pavement design based on sub-grade conditions encountered. The pavement design shall be prepared by a registered professional engineer.

### 4. Street Surface Course

The surface course shall be constructed using either asphalt concrete, bituminous mix, or Portland cement concrete. Specific material and thickness recommendations shall be determined by the City Engineer, based on the approved pavement design.

### 5. Portland Cement Concrete Pavement

If the developer elects to construct streets totally out of Portland cement concrete or if such pavement is required by the City Engineer, thickness of six (6) inches for local and collector streets and seven (7) inches for arterial, commercial, and industrial streets shall be required. The Planning Commission may require pavement of greater thickness, upon the recommendation of the City Engineer, based upon his evaluation of the sub-grade, traffic, and wheel load conditions.

### 6. Full-depth Asphalt Pavement

If streets are to be constructed out of "full-depth" asphalt, an asphalt pavement in which asphalt-aggregate mixtures are used for all courses above the sub-grade, careful inspection of the sub-grade may be necessary, to determine pavement thickness.

For local streets pavements may vary from four (4) to six (6) inches depending upon sub-grade conditions. For collector streets pavements shall vary from five (5) to nine (9) inches, and for arterial and industrial streets from six (6) to eleven (11) inches.

### 7. Street Curbs and Gutters

The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas of notable flash flooding or heavy rain

run-off, curbs shall be required to channel the flow of water. Curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed development equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed development. Curbs, combined curbs, and gutters shall be constructed in conformance with the current "Standard Specifications" of the State of West Virginia Department of Highways and requirements of the City Engineer.

8. Sidewalks

All Sidewalks shall be constructed of Portland cement concrete or other acceptable material as may be required in Section 1387.05 to a minimum-depth of 4 inches.

9. Street Names Signs and Street Naming

Street name signs, of a type in use throughout the City, shall be erected by the City at all intersections. The developer may erect street signs of a type compatible with the development upon approval of the Planning Commission.

a. For purposes of street naming, the following suffixes shall apply:  
(See diagram)

1. Avenue shall be used only for streets that run in a generally east-west direction;
2. Boulevard or Drive shall be used only for a large meandering type street;
3. Circle or Court shall be used only for cul-de-sac type streets that run in a generally east-west direction;
4. Lane or Place shall be used only for cul-de-sac type streets that run in a generally north-south direction;
5. Road or Way shall be used only for streets that run in a diagonal manner, either a generally northwest-southeast direction or a northeast-southwest direction;
6. Street shall be used only for thoroughfares that run in a

generally north-south direction;

7. The words north, south, east, or west should be avoided as part of a street name whenever possible.
  - b. Whenever a new street is constructed as an extension of an existing street, its name shall be the same as that of the existing one.
  - c. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Planning Commission prior to such names being assigned or used.
10. Street and Walkway Lighting
  - a. The developer shall install street lights in accordance with standards and specifications of the power company in each residential development which contains a majority of lots with an individual lot width of one hundred (100) feet or less at the front property line. Such lights shall be located at each entrance (streets and walkways) to the development and in each street intersection within the development. In addition, whenever the distance between two (2) adjacent street (walkway) lights would exceed three hundred (300) feet, then additional street lights shall be installed in such a manner that proper light intensity shall be provided and maintained.
  - b. New development street (walkway) lighting shall be installed with all associated wiring underground.

#### 11. Street Trees

Trees should be provided by the developer in all developments where curbs, gutters, and sidewalks are required in accordance with standards and specifications of the Planning Commission. Trees and shrubs shall be species which are resistant to damage and disease and which do not cause interference with underground utilities, street lighting, or visibility at street intersections. Existing trees should be retained in new developments wherever possible, but which do not cause interference with underground utilities, street lighting, or visibility at street intersections.

#### 12. Driveways

Driveways shall be constructed as specified in the existing Zoning

Ordinance.

B. Water Supply Improvements

The following requirements shall govern water supply improvements:

Where a public water supply is reasonably accessible or required because of pollution problems, in the determination of the Planning Commission, the development shall be provided with a complete water distribution system, and shall meet the requirements of the appropriate agencies.

1. Fire Protection

Fire hydrants with two and one-half (2½) inch outlets and one (1) large pumping connection shall be provided by the developer in all developments with public water supplies.

The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400) feet in length.

The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six (6) inches in diameter and should be circulating water lines. The size and location of water lines should be approved by the City Engineer and the Fire Chief.

2. Sanitary Sewer Improvements

The following requirements shall govern sanitary sewer improvements:

a. Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the Planning Commission and Sanitary Board, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Huntington Sanitary Board. Combinations of sanitary sewers and storm Sewers shall be prohibited.

b. Where a public sanitary sewer system is not reasonably accessible, the developer may provide:



1. A central treatment plant, provided that such central treatment plant is installed to meet requirements of Health Department of the State of West Virginia
2. Lots may be served by individual disposal systems if approved by the local health department.

c. Individual Sewage System

1. Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the County Health Department.
2. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed building(s). Such lot size and shape shall conform to the requirements of the zoning district in which they are located.
3. At least one (1) percolation test shall be made for each lot area being planned, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered and its location shown on the preliminary plan. All percolation tests shall be performed in accordance with the requirements of the Planning Commission and the Health Department.
4. Where the installation of individual disposal unit is considered and where the average natural ground slope exceeds ten (10) percent, the installation of a step-up disposal system may be required subject to specification by the Health Department.

3. Drainage Improvements

The developer shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as

determined by the City Engineer to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The velocity of flow in an open ditch shall not exceed four (4) feet per second in soil ditches or six (6) feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility.

4. Storm Sewers and Storm Water Drainage

Where an adequate public storm sewer is available at the development boundary, the developer shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer and approved by the Planning Commission. Paved gutters or storm sewers shall be required if velocities of flow are greater than specified in Section 1389.04 Paragraph B.3. of these regulations or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

5. Culverts and Bridges

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the developer to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

- a. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer.  
The minimum diameter of a culvert pipe shall be eighteen (18) inches. Headwalls or end sections will be required.
- b. Driveway culverts shall have a minimum length of twenty (20) feet, and a minimum diameter of twelve (12) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

C. Electric, Gas, Cable, and Telephone Improvements

The following requirements shall govern electric, gas, cable, and telephone improvements:

1. Electric service and telephone service shall be provided within each development. Gas service may be optional where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plan. Telephone, electric, and street lighting wires, conduits and cables shall be constructed underground except in cases where the City Engineer determines that topographic, bedrock, or underground water conditions would result in excessive costs to the developer.
2. Overhead utility lines, where permitted, shall be located at the rear of all lots. The width of the easement per lot shall be not less than five (5) feet and the total easement width shall be not less than ten (10) feet.
3. Whenever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the following provisions shall be applicable.
  - a. The total easement width shall be not less than (20) feet, and
  - b. The sanitary sewer line shall be installed easement, and the electric and/or telephone lines shall be installed within three (3) feet of the opposite side of the easement.
  - c. Any deviation from the above standards must be approved by the Planning Commission or their representatives.

4. Site Improvements

The utilities, pavements, and other land improvements required for the proposed development shall be designed sufficiently with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the City Engineer.

5. Cost of Site Improvements

The developer shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed development as determined by the City

Engineer. The City shall pay the difference between the cost of required improvements for the proposed development and improvements required to service the surrounding areas specified in Section 1389.04, Paragraph C.4.

D. Extension of Boundaries

The developer may be required to extend the necessary improvements to the boundary of the proposed development to serve adjoining undeveloped land, as determined by the Planning Commission.

1. Off-Site Extensions

If streets or utilities are not available at the boundary of a proposed development, and if the Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the developer may be required, prior to approval of the final plan, to obtain necessary easements or rights-of-way and construct and pay for such extensions.

Such improvements shall be available for connections by developers of adjoining land.

E. Completion of Improvements

No final development plan shall be approved by the Planning Commission or accepted for recording by the County Clerk until all required improvements have been constructed in a satisfactory manner and approved by the Planning Commission and other appropriate agencies.

1. Bond in Lieu of Improvements

In lieu of such prior construction, the Planning Commission may require the filing with the Director of Finance a security bond to ensure the construction of the required improvements within two (2) years from the date of approval of the final plan. Such bond would be in the amount of not less than one hundred (100) percent of the estimated cost of the improvements as determined by the Planning Commission and other appropriate agencies.

All bonds shall be covered by a bonding company licensed to do business in the State of West Virginia.

ARTICLE 1391

HILLSIDE REGULATIONS

Section 1391.01      General

These regulations apply to all hillside areas. A hillside area as referred to herein is defined as one with an average slope of more than fifteen (15) percent.

Section 1391.02      Determination of Average Slope

The average slope for any hillside development shall be determined by the Planning Commission during the time of preliminary development design. Determination will be on an area-by-area basis with each lot sized according to the average topographic change falling within each area.

Section 1391.03      Minimum Lot Requirements for Single-family Homes

The minimum lot requirements shall be used to determine the minimum lot area for a single family home. The average percent of slope is determined by the Planning Commission. The lot area in thousands of square feet shall then be determined by charting the average natural ground slope and the minimum lot area. Rounding shall be made to the nearest five (5) foot frontage interval. Deviations from these requirements may be allowed subject to determination by the Planning Commission where exceptional circumstances warrant.

Section 1391.04      Grading Plan and Controls

The grading plan shall show contour lines at five (5) foot intervals where average slopes exceed fifteen (15) percent and at two (2) foot intervals where slopes are less than fifteen (15) percent. Elevations are to be used on the sea level datum (USGS), if available. The approximate lot layout and the approximate dimensions shall be shown for each lot and each building site. Where pads are utilized or proposed for building sites, engineering data shall show the existing topography and the approximate finished grades, location and size of each building site, and finished grade of streets prior to consideration of the final plan.

Section 1391.05      Cuts and Fills

No land shall be graded, cut, or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one-half (2 ½) feet of horizontal distance between abutting lots, unless a retaining wall of sufficient height and thickness is provided to retain the graded bank. Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with surrounding areas or materially affects such areas, shall

not be permitted if such excavation, grading, and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one-half (2 ½) feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.

Section 1391.06      Compaction of Fill

All fills shall be compacted to a density of ninety (90) percent or greater. Inspection of fill shall be conducted by the City Engineer.

Section 1391.07      Retaining Walls

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. Such improvements shall require the approval of the City Engineer.

Section 1391.08      Minimum Hillside Requirements

The following regulations shall govern the front yard, side yard, street right-of-way and pavement requirements in hillside developments:

Group	Percent of Slope	Front Yard (ft)	Each Side Yard in percent of lot width	Right-of Way	Pavement
1	15+ - 25%	25'	10%	32'	22'
2	26 - 30%	23'	10%	30'	20'
3	31% - Over	20'	10%	28'	18'

A.      Street Alignment

The following regulations shall govern street alignment:

1.      Vertical profile grades shall be connected by vertical curves up to twenty (20) percent, but only for short, straight stretches.
2.      Waiver of visibility requirements may be given subject to the approval of the City Engineer.
3.      Waiver of vertical curve requirements may be given subject to the approval of the City Engineer.

B. Sewage Disposal

Where public sewers are not available or reasonably accessible, a central treatment plant shall be installed by the developer in accordance with Huntington Sanitary Board requirements.

Section 1391.09 Undeveloped Land

Land subject to flooding, land with excessive slope and land deemed by the Planning Commission to be undesirable for development shall not be planned for residential occupancy, nor for such other uses as may involve danger to health, life, or property or to aggravate erosion or flood hazard. Such land shall be set aside for compatible uses.

ARTICLE 1393

GENERAL PROVISIONS

Section 1393.01 Area of Jurisdiction

The Huntington Planning Commission, through these Development regulations, shall have jurisdiction and control over the development of all incorporated land in Huntington, West Virginia, which area shall also be considered as the planning area. For land that is expected to be annexed, the Planning Staff may act in an advisory capacity to the developer.

Section 1393.02 Variances

These land development regulations are adopted only as minimum requirements, and all developers should consider constructing their developments to higher standards. Thus, the developer is encouraged to go beyond the standards of these regulations; and the Planning Commission may require standards above the minimum contained herein whenever it feels that public health safety, and welfare purposes justify such increases.

The Planning Commission also may reduce or otherwise vary the requirements of these regulations whenever it encounters the situations described below. In granting such variances, the Planning Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the varied regulations. Any variances granted by the Planning Commission shall be noted in its official minutes along with the reasons which justified the granting of the variance.

A. Hardships

The Planning Commission may reduce or otherwise vary the requirements of these regulations when a definite hardship would occur as a result of strict enforcement of these regulations.

B. Conditions Required

Where the Planning Commission finds extraordinary hardships or particular difficulties may result from the strict compliance with these regulations, they may, after written application by the developer, grant variations to the regulations, subject to specified conditions, so that substantial justice may be done and the public interest secured, provided that such variations shall not have the effect of nullifying the intent and purposes of these regulations or the Comprehensive Plan.



C. Evidence of Hardship Required

The Planning Commission shall not grant variations to these regulations unless they shall make findings based upon the evidence presented to them in each specific case that:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.
2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property.
3. The purpose of the variation is not based, exclusively upon a desire for financial gain.
4. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

Section 1393.03 Large Scale Development and Design Innovations

The Planning Commission shall make a thorough analysis of developments for which this section might be applicable and shall satisfy itself that the public interest will continue to be served in the granting of variances from the strict application of the provisions of these regulations.

Prior to the approval of preliminary and final plans, the Planning Commission may require evidence of covenants, deed restrictions and contracts to assure that developments as proposed will materialize.

A. Developments

The standards and requirements of these regulations may be modified in the case of large-scale developments when the Planning Commission finds that a plan and program for a new village, complete community, shopping center, industrial park, or neighborhood unit provides adequate public open spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.

B. Design Innovation

From time to time developments may be conceived and designed to provide unusually good amenities and at the same time not conform strictly to the provisions of these regulations. The Planning Commission may waive the requirements of these regulations in the approving of developments involving thoroughly studied design innovations. The developments allowable under this provision are those which might call for the preservation of land for recreational, scenic, historical, and/or park purposes, and for the maintenance of the drainage capacity of watercourses in such a manner as to yield wholesome living environments for future occupants.

Section 1393.04 Amendments

The Planning Commission may from time to time recommend revisions or modifications or amendments to these regulations by appropriate action taken at a regularly scheduled meeting after the required notice and holding of a public hearing.

Section 1393.05 Fees

A. Review Fees

At the time of the filing of a final-plan for review, the developer shall pay to the Planning Commission for checking and verifying the preliminary and final plans a fee of One Hundred Dollars (\$100.00).

B. Resubmission Fees

In the event that the Planning Commission disapproves, or the developer changes certain portions or sections of the final plan, the resubmission fee may be waived in whole or in part by the Planning Commission.

Section 1393.06 Enforcement and Penalties

A. Enforcement

The following procedures are provided for the enforcement of development regulations.

1. Improvement Location Permit

No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure is an existing public or

private street or highway, or unless such street appears on a recorded plan approved by the Planning Commission.

2. Improvement in Streets

No public municipal street utility or improvement shall be constructed by the Department of Public Works in any street or highway until it has become a public street or highway or has been offered for public dedication and appears on a recorded plan approved by the Planning Commission, unless a public easement satisfactory to the City Engineer is obtained for such utility or improvement.

Subject to the discretion of the Department of Public Works a sub-surface utility or improvement operated from revenue by the City, or by a public service district may be constructed in a private street, provided a public easement satisfactory to the City Engineer is obtained for such utility or improvement.

3. Injunction

The Planning Commission, or any designated enforcement official, may institute a suit for injunction in the County Circuit Court to restrain an individual or a governmental unit from violating the provisions of this Ordinance. The Planning Commission, or any designated enforcement official, may institute a suit for a mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this Ordinance.

4. Penalty

A person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00).

Section 1393.07 Sale of Land Within Developments

No owner or agent of the owner of any land located within a development shall transfer or sell any land by reference to, exhibition of, or by the use of a plan of the development before such plan has been approved and recorded in the manner prescribed in these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

Section 1393.08      Separability

Should any section, subsection, paragraph, or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations, it being the intention of the Planning Commission to adopt each and every provision of these regulations separately.