

Grant County West Virginia

Subdivision Ordinance

**Effective Date July 1, 2003
Updated September 26, 2013
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Article 1: Title and Effective Date

This Ordinance shall be known as the Grant County Subdivision Ordinance and its original effective date was July 1, 2003. This is the first major revision that shall have a new effective date of September 26, 2013

Article 2: Authority and Purpose

This Ordinance is adopted by the authority granted by West Virginia Code Chapter 8A, Article 4 and 5, and its purposes are as follows:

- a. To protect and provide for the public health, safety, and general welfare of the county.
- b. To manage community growth by promoting the orderly and efficient subdivision of land.
- c. To safeguard lives and property from loss by fire, flood and erosion.
- d. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- e. To coordinate existing streets, roads, and utilities with new streets, roads, and utilities.
- f. To establish minimum requirements for the design, construction and maintenance of subdivision projects and to assure the development of uniform subdivision platting requirements and procedures that will result in accurate land surveys and clear land titles.
- g. To prevent the pollution of air, streams, soil and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and natural beauty of the community.

Article 3: Interpretations and Definitions

INTERPRETATIONS

- A. For the purpose of this Ordinance the following interpretations shall apply:
1. Words used in the present tense include the future tense.
 2. Words used in the singular include the plural.
 3. The word “shall” or “will” is mandatory.
 4. The word “should” is advisory.
 5. The word “building” or “structure” is construed as if followed by the phrase “or part thereof.”
 6. The word “Ordinance” refers to the Grant County Subdivision Ordinance.
 7. Grant County or “County” refers to Grant County, West Virginia.
 8. “Planning Commission” refers to the Grant County Planning Commission.
 9. “County Commission” refers to the Grant County Commission.

DEFINITIONS

- A. For the purpose of this Ordinance, the following definitions shall apply:

Agent - Any person, other than the subdivider, who, acting for the subdivider, submits to the Planning Commission plats for the purpose of obtaining approval thereof.

Applicant - Any person who submits to the Planning Commission subdivision plats for the purpose of obtaining approval thereof.

Application, formal - An application is formal at such time as the Planning Commission is assured that all plats, plans and attendant documents are in proper form, content, and number required in accordance with these regulations. An application shall be considered a formal application unless the applicant is advised in writing within seven (7) days of any submission that such documents are not in proper form, content, or number.

Base Flood- A term used in the National Flood Insurance Program to indicate the minimum size

flood to be used by a community as a basis for its floodplain management regulations; presently required by regulation to be that flood which has a one-percent chance of being equaled or exceeded in any given year. Also known as a 100-year flood or one-percent flood.

Base Floodplain - That portion of the floodplain that would be inundated by a one-percent chance (100-year) flood. The floodplain is defined by the Base Floodplain Elevation identified on FIRM maps.

Contiguous - Adjoining tracts or parcels of real estate.

Conveyance - Transfer of real estate by Deed, Installment Sales Contract or the renting or leasing of real estate with the option to purchase.

Covenant - An agreement, restriction, or condition placed on a parcel of land which remains attached to the land and which entitles successive land owners to its benefits or to its obligations, as the case may be.

Deed - A written instrument, signed and delivered, by which a person transfers title to land.

Department of Health - The West Virginia State Department of Health or its designee, the Grant County Health Department.

Developer - An individual, partnership, or corporation (or agent thereof) that undertakes the responsibility for any or all of the activities covered by these regulations, particularly the drawing up of a subdivision or land development plat showing the layout of the land and the improvements involved thereon. Inasmuch as the subdivision or land development plat is merely the necessary means to the end of assuring a satisfactory development, the term "developer" includes the term "subdivider," even though the personnel involved in successive stages of the project may vary.

Easement - A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained by a person other than the owner of the land parcel.

Engineer - Any person licensed to practice engineering in the State of West Virginia.

Grade - The slope of a road, street, or other public way expressed as a percentage. A seven (7) percent slope means a vertical drop of seven (7) feet for every one hundred (100) feet of horizontal measurement.

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

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

Planning Commission - The Grant County West Virginia, Planning Commission and referred to herein as the “Grant County Planning Commission”.

Planning Commission Staff - All employees or agents of the Planning Commission whether part-time, full-time, contractual or other.

Plat - A scaled, graphic drawing of a land subdivision project prepared according to the provisions of this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

Plat, Final - The final map, drawing, or chart, and supplementary information, based upon the approved preliminary plat, in which the developer’s plan is submitted to the Planning Commission for approval and which, if approved, shall be recorded in the Office of the Clerk of the County Court in accordance with Chapter 39, Article 1, Section 13, Code of West Virginia, 1931, as amended.

Plat, Preliminary - An informal map, drawing, or chart indicating existing features of a parcel or tract of land and its surroundings and the general layout of the proposed subdivision or land development unit for discussion purposes only and not to be presented for approval.

Public Highway (Road) - Any highway or road in Grant County which is part of the Federal or West Virginia public highway system and which is so identified and numbered on the most recent General Highway Map published by the West Virginia Division of Highways.

Right-of-Way - A right which grants passage across or through a property. A right-of-way is also the (usually dimensioned) path along which the right of passage is granted. The Right of Way shall as a minimum contain the road, shoulders, ditches, culverts and up to 10 feet of the cuts and fills.

Road - A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.

Sectional Home (formerly known as a Mobile Home)- A portable dwelling unit designed and built to be towed on its own chassis, either single or double section, comprised of frame and wheels, connected to utilities, and designed with or without permanent foundation for year-round living. A unit may contain parts that may be combined, folded, collapsed or telescoped when being towed and expanded later to provide additional home capacity or size. Any such vehicle or structure shall be deemed to be a sectional home whether or not the wheels have been removed there from and whether or not resting upon a temporary or permanent foundation. This

is not to include modular homes or other types of factory-built homes not chassis mounted.

Sectional Home Lot - A parcel of land within a sectional home park or sectional home development designated for the placement of a single or double sectional home and for the exclusive use of its occupants and guests.

Sectional Home Park - Any site, lot or parcel intended for the location or accommodation for two (2) or more single or double section homes for living quarters and including all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.

Sectional Home Development - A contiguous parcel of land subdivided into individual lots, each lot individually owned and intended or utilized as the site for placement of a single or double sectional home and its facilities.

Septic System - An individual sewer system with a daily design flow not to exceed one thousand (1,000) gallons per day with subsurface discharge or not to exceed six hundred (600) gallons per day design flow with surface discharge. The system is owned by and maintenance is performed by a single entity. Subject to all requirements by West Virginia Division of Health Legislative Rules Title 64, Series 9.

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

Shoulder - A smooth graded, stabilized strip of land along the sides of a road. Shoulders permit vehicles to leave a road during emergencies; contribute to carry water away from a road to prevent erosion; and assist to provide safe visibility.

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

Subdivide - To divide a tract of land into lots before developing or improving the tract.

Subdivider - Any owner commencing to effect the subdivision of land under the provisions of this Ordinance.

Subdivision - The partition or division of land into two (2) or more lots, tracts, parcels or units for the purpose, whether immediate or future, of conveyance, building construction or land use. Subdivision applies to all forms of development, including residential, commercial & industrial.

Surveyor - Any person licensed to practice land surveying in the State of West Virginia.

Travelway - That area of road surface normally dedicated to vehicular traffic.

Turnaround - A circular area at the end of a dead-end road where vehicles are able to conveniently turn around without leaving the road.

Utility - Shall be defined as including the electricity, telephone, cable television, public or central water and/or sewer, gas, etc.

Variance - A departure from the provisions of this Ordinance granted by the Planning Commission.

Working Days - Monday through Friday, not including holidays on which the office of the Clerk of the County Commission of Grant County, West Virginia, is closed.

Article 4: Exemptions

A. Exemptions

The following shall be exempt from the provisions of this Ordinance, subject to the subparagraphs following each item:

1. The first three (3) parcels of less than eight (8) acres each, subdivided from a tract of land.

Subject to the following:

- 1.1. This exemption may be repeated after a six (6) year waiting period. Time period starting from recordation of the first out conveyance.
- 1.2. All parcels shall have a feasible deeded right-of-way that meets the requirements of Article 11 paragraph I of this ordinance.
- 1.3. All further subdivision of the parent tract residue within the six (6) year waiting period is subject to the provisions of this Ordinance.
- 1.4. A WV DOH entrance permit shall be obtained to serve all parcels, if required.

2. The formation of parcels of land which are eight (8) acres each or larger in size.

Subject to the following:

- 2.1. No such parcel shall be further subdivided to a parcel of less than eight (8) acres.
- 2.2. All parcels shall have a feasible deeded right-of-way that meets the requirements of Article 11 paragraph I of this ordinance.
- 2.3. A WV DOH entrance permit shall be obtained to serve all parcels, if required.

3. The formation of parcels of any size, provided such lot is transferred by deed to a parent, child, spouse, in-law, sister, brother, grandparent, grandchild, uncle, aunt, niece, nephew, adopted child, or a stepchild of the landowner. The deed shall identify the relationship between grantor and grantee. The grantee may receive any number of such lot(s) within Grant County and if any two (2) or more such lots are reconveyed by the grantee within a six (6) year period, to anyone other than a family member (as defined above), then said lots shall comply with the provisions of this ordinance. All parcels shall have a feasible deeded right-of-way that meets the requirements of Article 11 paragraph I of this ordinance.

Subject to the following:

- 3.1. Any unresolved issues of family relationships will be reviewed and the matter decided upon by the Commission and/or County Planner.

3.2. The intent of the division cannot be to circumvent the Ordinance, if the Planning Commission or its Staff believes the Owners are attempting to do so, the property shall be subject to the provisions of the Ordinance.

4. One-time division of land among joint land owners, heirs or by court order of partition.

Subject to the following:

4.1. The intent of the division cannot be to circumvent the Ordinance, if the Planning Commission or its Staff believes the Owners are attempting to do so, the property shall be subject to the provisions of the Ordinance.

4.2. All parcels shall have a feasible deeded right-of-way that meets the requirements of Article 11 paragraph I of this ordinance.

4.3. A WV DOH entrance permit shall be obtained to serve all parcels, if applicable.

5. Transfer of parcels of land to achieve boundary line settlement.

6. The formation of cemetery lots.

7. Subdivisions or individual lots of which plats or deeds were recorded with the Clerk of the County Commission prior to the effective date of this Ordinance provided such plats or deeds are of sufficient clarity and the survey has been certified by a Surveyor, to permit the clear conveyance of the lots by direct reference, without modification or addition.

8. When two (2) or more contiguous parcels of land are merged for the sole purpose of enlarging an existing lot, tract, or parcel, and the grantee agrees to merge the parcel being acquired with a parcel he presently owns.

Subject to the following:

8.1. The parcel merged shall not be counted as an out-sale against the grantor under Article 4: Exemptions, Section A, Item No. 1

8.2. The remaining portion of the parent tract does not violate any existing Grant County land use ordinance.

8.3. The following merger statement must appear on the plat representing the addition:
“The property hereon described shall be merged into one property with the adjoining _____ acre parcel which is recorded in Deed Book at Page _____, reference Tax Map _____, Parcel _____, for the exclusive purpose of increasing the area of said parcel. The merged properties shall not be used or sold individually unless the prevailing county laws are complied with.”

9. Utility lots or areas created for the purpose of facilitating metering or transmission of a legal utility such as gas, power, water and sewage, telephone or rail transportation. The deed and plat shall contain the following statement: “The property herein described shall not be used for residential or commercial development purposes unless all prevailing County laws are complied with.”

B. Exemption Requirements for Roads, Septic, Water, Power and Undefined Subdivisions

The following applies to all Exemptions:

1. All lots less than five (5) acres require WV Health Department Subdivision approval.
2. All subdivided lots and parcels formed; regardless of size, are subject to strict compliance with WV Health Department water, wastewater and public health and safety regulations. Any efforts to avoid such compliance shall nullify the Exempt status of the parcel and make the parcel of land subject to all requirements of the Ordinance.
3. All transfers that fall under the aforesaid exemptions shall be stamped as “EXEMPT”, by the Planning Commission or its designated Staff. This does not exempt the individuals involved from any other county or state requirements.
4. Any undefined subdivision Exemption requests or issues, shall be considered subject to this Ordinance and Planning Commission subdivision approval shall be obtained.
5. Roads shall be constructed to meet the requirements of Article 13 of the Ordinance if lots are sold to the general public. The intention to sell lots to the general public shall be declared on the preliminary plat and the application.
6. All exempt subdivision lots shall have an approved septic site and 10,000 SF reserve area if lots are sold to the general public. The intention to sell lots to the general public shall be declared on the preliminary plat and the application.
7. If public water and power are not provided to exempt subdivision lots, then a statement of such shall be added to the final plat and the application.

C. Exemption Procedures

1. Applications for exemption shall be available in the Office of the County Planner and shall be filed in the Office of the County Planner. Exempt subdivision application and approval procedures shall follow the process of Article 6, paragraphs A through C. If the property is not to be sold to the general public, then the provisions for a property owners association do not apply. The Owner must declare on the application that lots will be sold to the general public.
2. Based on the informal conference and a completed application, the County Planner shall render a decision for preliminary approval on said applications within ten (10) working days after same are filed. The preliminary approval shall be in writing. If the County Planner does not give preliminary approval of the exempt subdivision, the developer shall be provided within ten (10) working days of such decision, a written notice of the decision which lists the reasons therefore. The developer may request a hearing before the Planning Commission to appeal the County Planner’s decision. The request shall be in writing and filed with the County Planner. The Planning Commission hearing shall be held within ten (10) working days of the receipt of such written request. The appeal provisions of Article 16 apply to exempt subdivisions.
3. No construction shall begin prior to the County Planner’s preliminary written approval and compliance with all county and state permits. The developer shall be required to obtain all

permits and approval from appropriate governmental agencies pertaining to all construction, including but not limited to roads, ditches, ponds, buildings, water lines, sewer lines, utilities and in general any earthwork or excavation related activity. The developer must submit two (2) copies of the approved WV DEP Storm Water Pollution Prevention Plan, (erosion & sediment control plan) prepared in accordance with standards and specifications set forth by state and federal laws prior to starting construction.

4. Bonding for construction shall be allowed for construction prior to final plat approval in accordance with Article 11.
5. Final approval of the plat and exempt subdivision shall be in accordance with Article 6 paragraphs E through G.

Article 5: Governed by Ordinance

The provisions of this Ordinance shall apply to and govern the subdivision and conveyance of all real estate within un-incorporated areas of Grant County, unless exempted; and all Developers must comply with the terms of this Ordinance prior to conveying any subdivided real estate.

Article 6: Application & Approval Procedure

The following Sections A thru G, define the Application and Approval Procedure necessary to obtain a Subdivision Permit from the Grant Count Planning Commission.

A. Informal Conference

Prior to formal application, a developer shall request an informal meeting with the Planning Commission or County Planner for the purpose of the Commission or Planner giving guidance as to how to obtain approval for the subdivision under this Ordinance. The developer shall bring to this meeting a preliminary plat of the subdivision and information regarding soil types, intended method of sewage disposal, approximate number and size of lots, approximate location and size of streets and approximate access roads, land to be held in common, provisions for utilities, existing and proposed drainage of surface water and proposed method of road maintenance.

B. Application

After said Informal Conference, the developer shall make an application for a permit to establish a real estate subdivision in Grant County, West Virginia. The application shall include, but not be limited to, the following information:

1. The name, address and telephone number of the developer.
2. The name of the proposed subdivision.
3. General description of current and prior development history.
4. The name, address & phone number of each attorney, land surveyor, professional

engineer and/or authorized agent, to be involved in the subdivision.

5. Total area of subdivision, proposed number of lots or parcels and area of each lot.

C. Filing of Application and Accompanying Material

The Application shall be filed in the Office of the County Planner and the following material must be filed with the application:

1. A Preliminary Plat as described in Article 7 of this Ordinance.
2. A letter from the subdivision owner, if different from the developer, authorizing the developer to act as his agent with full authority.
3. Copies of existing and proposed deed restrictions or protective covenants.
4. Proposed Articles and By-Laws for the property owner's association.
5. A proposed plan for control of erosion and sediment during and after construction. The plan shall comply with the current WV DEP Construction Storm Water Regulations.

D. Public Hearing

Within ten (10) working days after the application and accompanying material are filed, the County Planner shall review same and consult with the developer about any apparent deficiencies.

The County Planner shall then schedule a date for a hearing on the application to be held at a meeting of the Planning Commission, not to be more than thirty (30) working days after the

official filing of the application and accompanying material, and shall publish a public notice of this hearing for two (2) consecutive weeks immediately prior thereto in a newspaper of general circulation in Grant County. In addition, a sign furnished by the subdivider and approved by the Planning Commission, noting the date, time, and location of the Preliminary Plat Public Hearing to establish a subdivision, will be placed upon the parcel or tract of land to be subdivided by the Developer at least 30 days prior to the public hearing. The sign shall be placed near the entrance to the subdivision, facing the public road. This notice shall describe the proposed subdivision in a way adequate to identify it to the public, shall describe the purpose of the hearing, and shall invite the public to participate in the hearing at a place and time set forth in the notice.

The Developer and any representatives or witnesses on his behalf may speak at this hearing, as may members of the public. A majority of the members of the Planning Commission shall constitute a quorum and shall be required for any action. The Planning Commission shall then vote, a majority of said quorum required for a vote of approval. The decision to conditionally approve or to disapprove an application shall be based on whether or not the proposed subdivision meets the technical requirements or standards set forth in this Ordinance.

The Planning Commission, in making any decision upon an application, shall be guided by the general purposes set forth in Article 2 of this Ordinance.

No construction shall begin prior to the Planning Commission's preliminary written approval and compliance with all county and state permits.

If the Planning Commission does not approve an application, the developer shall be provided within ten (10) working days of such decision, a written notice of the decision which lists the reasons for the decision.

If a developer intends to amend a Preliminary Plat after approval at the Preliminary Plat public hearing, a written request for approval of the amendment shall be filed in the Office of the County Planner. The Planning Commission shall have ten (10) working days after this submission of said written request to act on same. No construction shall commence on the proposed change until written approval is granted by the Planning Commission.

E. Final Plat Approval

After preliminary approval at the aforesaid hearing, it shall be the responsibility of the developer to provide to the County Planner the following documents & information:

1. A Final Plat as described in Article 7 of this Ordinance;
2. Organizational papers for a Property Owners Association, as more fully described in Article 11 of this Ordinance, and copies of any existing and proposed deed restrictions or protective covenants;
3. Copy of access permit from the Division of Highways, if applicable;
4. If the subdivision is not serviced by a public sewage system or an approved central collection and treatment system, a copy of the Grant County Health Department Subdivision septic system pre-approval for each proposed lot in the subdivision shall be obtained & submitted. Should central sewage collection & treatment be available or proposed, then one copy of the approved state permits and plans must be included with the application. The specific requirements are in Article 11 of this Ordinance.
5. A certification prepared by a licensed land surveyor or civil engineer certifying that roads are designed or built not to exceed the maximum grade required in regard to each classification of subdivision and that all ditches, culverts, and other storm water and erosion control measures are designed or built to meet DEP Storm Water Management requirements.
6. If an alternate water system is required for a lot or lots within a given subdivision, this fact and a statement that the developer makes no claims as to the availability of water shall be so stated and shown on the Final Plat.
7. A statement attesting that each lot has been identified on the site with a placard bearing the respective section and/or lot number. Said placard shall be of a

permanent material and attached to a permanent post.

8. All applicable Federal, State and County permits.

F. County Inspection of Subdivision

The County Planner shall schedule a project inspection with the developer, to perform a personal inspection of the subdivision, to first hand determine whether or not all construction, including roads, lot signs, storm water drainage, erosion control and other requirements, have been completed as required hereunder. The planner shall verify in writing whether or not such construction has been performed.

G. Approval of Subdivision

Preliminary approval or disapproval of the development was determined at the Preliminary Plat public hearing. The purpose of the Final Plat review and project inspection is to determine if the necessary development documentation and construction work has been done properly, and that adequate provisions have been made to insure completion of remaining development work.

If, in the opinion of the County Planner, all conditions herein have been met and all construction work has been properly preformed, Final Approval will be granted, a permit issued, Final Plat recorded and lots may be sold.

If Final Approval is granted, the Planning Commission shall place a stamp upon the Final Plat of the subdivision and this stamp shall contain the following information:

1. Title of subdivision;
2. Permit to establish a real estate subdivision in Grant County, West Virginia;
3. Date of issuance;
4. Signature of the Chairperson of the Grant County Planning Commission or its designated Agent.

The Final Plat after it has received final approval and signature in accordance with this provision shall be recorded in the Grant County Clerk's Office Map Books within sixty (60) days and a copy thereof shall be contemporaneously delivered to the Office of the Grant County Assessor.

If the County Planner does not give Final Approval of the subdivision, the developer shall be provided within ten (10) working days of such decision, a written notice of the decision which lists the reasons therefore. Should Final Approval not be given, the developer may request a hearing before the Planning Commission, which request shall be in writing and filed with the County Planner. This hearing shall be held within ten (10) working days of the receipt of such written request.

Article 7: Plat Requirements

A. The Preliminary Plat

The Preliminary Plat shall be submitted for review at the Pre-Application Conference; it must be on white paper and shall show in simple form the proposed layout of lots, parking areas, roads, building areas and other features in relation to each other and to the tract boundary. The Preliminary Plat may be drafted free hand or computer generated, and shall be at a scale acceptable to the Planning Commission.

Additional the Preliminary Plat shall be overlaid on the appropriate U.S.G. S. Topographic Quadrangle map, for purposes of illustrating the project location relative to streams, rivers, roads, general topography of the subdivision area and the overall proximity to other known features.

The Preliminary Plat shall be accompanied by a Project Location Map utilizing a state county highway map, a general soils description as derived from the SCS Soils Survey Manual, and a tentative list of restrictive covenants and conditions or a tentative statement of project rules and regulations.

B. Final Plat

1. The Final Plat must be prepared by a West Virginia registered professional engineer or a West Virginia licensed land surveyor using metes and bounds descriptions.
2. Three (3) copies of the Final Plat shall be submitted and the Final Plat shall be on durable paper and the size of same shall be no less than 11"x17" and no larger than 30"x36", with the intent to best illustrate the subdivision at a large enough scale to clearly and accurately show all required detail and information. Scale used is subject to approval by the County Planner. When more than one sheet is required to properly define the subdivision, a title sheet with drawing contents and an overall subdivision layout indexed to each sheet shall be provided.

Typical plat scale may be 50 to 200 feet per inch for lots averaging 2.0 acres or less; 200 feet per inch for lots averaging 2.0 to 5.0 acres; 300 feet per inch for lots averaging 5.0 to 15.0 acres; and 400 feet per inch for lots averaging 15.0 acres or larger.

3. The Final Plat shall contain the following information:
 - A. An insert vicinity map showing the location of the property in relation to state roads, geographical features, county districts, and other land held by the applicant in the area;
 - B. The name of the subdivision;
 - C. The names and addresses of the owners and developers of the subdivision;
 - D. The exact layout for the subdivision, including, but not limited to:

- (1) Roads, streets and alleys or intersections and widths, including widths along the line of any intersecting streets; street names (names presently used in the County can not be reused and require pre-approval by 911 regulations), boundary & lot line bearings & distances and all other data & references necessary to fully annotate the final plat.
 - (2) All easements or rights-of-way, when provided for or to be owned by public utilities, with the limitation of the easement right definitely stated on the plat;
 - (3) Location of 10,000 square foot septic reserve area.
 - (4) If an alternate septic system is required for a lot or lots within a given subdivision, this shall be stated and shown on the Final Plat;
- E. Lots numbered in numerical order, and blocks and sections lettered in alphabetical order or numbered in numerical order throughout the entire subdivision;
- F. Area for each lot;
- G. Accurate outline and survey of any area to be reserved or dedicated for common use by the residents of the subdivision, or for the general public use with the purposes indicated thereon;
- H. A re-plat of an existing subdivision shall include the name of the existing subdivision and the place where it is recorded in the County Deed Books or Map Books. In the case of a re-plat of a subdivision of record, the Planning Commission may require that dotted, dashed or colored lines be used to show features or locations to be abandoned and solid lines to show the currently proposed features or locations;
- I. Space for subdivision approval permit stamp;
- J. Any area within the subdivision designated by the Federal Emergency Management Agency as base floodplain areas, shall be shown; with the flood elevation if available, for each lot. If elevations are not available for each lot, show the extent of the 100-year flood plain within the property to be developed and on immediate adjoining property.

Article 8: Forms and Fees

The Planning Commission shall have the authority to devise such printed forms as will reasonably assist in the implementation of this Ordinance.

Reasonable fees for examining plat, conduction project inspection and other required material shall be proposed by the Planning Commission and approved by the Grant County Commission.

The amount of the fees will approximate, as closely as possible, the costs of performing the review work and the inspections.

The base fee is payable upon submission of the application and is non-refundable. If the developer wishes to submit the subdivision in sections or a phased development, either for preliminary or final approval, the base fee shall be applicable for each section or phase. Final Plat approval is not official until the per lot fee and other costs are paid.

Article 9: Time Limits

A. Planning Commission Time Limits

The Preliminary Plat, public hearing and approval or disapproval of same shall be held within forty-five working (45) days following the filing of the application and all required accompanying material and payment of required fees. If said hearing and decision are not within said forty-five (45) working day period, then the Preliminary Plat shall be considered to be approved.

The County Planner shall approve or disapprove a Final Plat with ten (10) working days following the submission of said plat and all required accompanying materials, and payment of required fees. If said decision is not made within said ten (10) working days, then the Final Plat shall be considered to be approved.

The above deadline shall not apply if the Planning Commission or County Planner has notified the developer in writing of specific items which must be submitted or completed before further action will be taken.

Regarding any time limits contained in this Ordinance, the Chairman of the Planning Commission, for good cause, can deviate, change, alter, amend, extend or waive any of the said time limits.

B. Developer Time Limits

If the Planning Commission or County Planner decide that the developer has not submitted all required data in proper form and can not proceed with the approval process, it shall request this additional material from the developer. If the developer fails to respond within thirty (30) calendar days, then the application shall be considered withdrawn.

The developer shall have one year from the time of approval of the Preliminary Plat to complete all work and submit a satisfactory Final Plat, unless a greater time period is requested in the application, or at a later date, and is approved by the Planning Commission. The application for the permit to establish a real estate subdivision shall be considered withdrawn and the entire process must be repeated if the developer fails to meet the specified time of completion.

Any of the above time periods binding upon either the Planning Commission or the developer

may be waived by mutual consent for good cause.

Article 10: Phased Subdivision Development

If a subdivision is planned as a phased development, the Planning Commission may approve such division in phases or by sections, upon the completion of said phases, which would permit the sale of lots from such completed phases. This option is discretionary with the Planning Commission and shall depend on the particular circumstances of the subdivision.

Article 11: General Provisions

A. Deed Covenants

As a condition for issuance of a permit, the Planning Commission shall require a developer to impose on each lot within the subdivision by deed, such restrictive covenants as are reasonably calculated to protect both lot owners and the owners of adjoining property from economic loss resulting from the use of land within the subdivision, or to protect public health and safety. Covenants shall provide for their enforcement through legal action by any person adversely affected by a violation thereof, or by the subdivision's Property Owners Association. Covenants shall state that no changes can be made without the approval of two-thirds (2/3) of the lot owners in the subdivision.

B. Individual Phase Approval of Subdivision

Review and approval of any phase or section of a subdivision does not constitute an intention or responsibility on the part of the Planning Commission to approve future sections of the subdivision. This provision shall apply regardless of improvements, expenditures, or efforts a developer may make (at his own risk) in anticipation of future approval by the Planning Commission.

C. Private Contracts or Agreements

Unless specified otherwise, approval of a subdivision by the Planning Commission bears no relation to any private easement, covenant, agreement, restriction, or condition accompanying said subdivision, nor is the responsibility of enforcing such private easement, covenant, agreement, restriction, or condition assumed by the County Commission or the Planning Commission.

D. Sources of Information

In order to permit a complete review and evaluation of subdivision proposals, the Planning Commission may request information from any individual or agency. Such requests may be made through correspondence, by telephone, or at meetings conducted for that purpose. All information received shall become a part of the official record for the subdivision under consideration.

E. Access to Public Highway

The developer shall be responsible to provide each lot within the proposed subdivision access by deeded right-of-way and road that meets the standards for rights-of-way and roads hereunder. If feasible, the developer may be required to provide more than one access to a public highway for the subdivision.

Any proposed subdivision that is not adjacent to a public highway shall be connected to a public highway by a deeded right-of-way and a road that meets the standards required for rights-of-way and roads within the proposed subdivision. Subdivision road entrances onto public roads must be acceptable to the Planning Commission and to the West Virginia Division of Highways, as to location, number of entrances, storm water drainage provisions, traffic safety and general design

F. Base Flood Plain Areas

If a subdivision lot lies within a base flood plain area designated on the official Firm Maps prepared by the Federal Emergency Management Agency, copies of which are available in the County Planner's office and which it is the duty of a developer to examine, the developer shall provide each prospective purchaser of such a lot, before any commitment to purchase is made, a written statement saying the following:

“All or some of this real estate lies within an officially designated flood zone. The legal ramifications of this are significant and use of this land may be limited. Details may be obtained from the Grant County Planning Commission. Reference shall also be made to the Grant County Flood Plain Ordinance.”

An identical provision shall appear or be referenced in every deed by which any such lot is conveyed, either by the developer or by a future owner.

G. Inspections

All subdivisions reviewed under this Ordinance are subject to announced or unannounced inspections, by any persons acting on behalf of the Planning Commission, from the time of original application until the final permit has been issued and all work is satisfactorily completed.

Such inspections may be for the purpose of determining project feasibility, reviewing compliance with this Ordinance, determining the progress of construction, examining the construction of parks, roads, driveways, storm drainage, water and/or sewage systems, and for other reasonable purposes.

H. Property Owners Association

Each subdivision must have an association composed of its property owners, with mandatory membership and lien provision, the stated purposes of which shall be to maintain the roads and other mutually beneficial facilities within the subdivision, to enforce the restrictive covenants for the lots within the subdivision by lot owners and their guests, provide for requirements to collect trash and to otherwise act for the common welfare of all the landowners within the subdivision.

I. Road & Utility Rights-of-Way

The width of a previously existing & deeded road R.O.W. that will be utilized to support a subdivision shall not be less than thirty (30) feet in total width and must have been on record at the County Clerk's Office prior to July 1, 2005. All newly proposed subdivision road R.O.W.s must be at least forty (40) feet wide for combination and hillside subdivisions and fifty (50) feet wide for high density housing, single family, sectional home and industrial subdivisions. Additionally, a minimum of fifteen (15) feet wide utility rights-of-way must be provided adjacent to all lot lines and adjacent to road rights-of-ways within the boundary of the subdivision. Unspecified width or prescribed R.O.Ws shall not be considered to meet the requirements for acceptable R.O.Ws. A R.O.W that specifies a road width that meets or exceeds the road and shoulder requirements of Article 13 of this Ordinance shall be considered to meet the requirements of the ordinance for acceptable R.O.W.

K. Septic System Requirements

If the subdivision is not serviced by a public sewage system or an approved central collection and treatment system, a copy of the Grant County Health Department Subdivision septic system pre-approval for each proposed lot in the subdivision shall be obtained & submitted. This subdivision pre-approval shall guarantee one suitable area to establish a residence, well and septic system, with reserve area within the boundaries of the lot. The size of the septic system shall meet the standards determined by the County Health Department. To be approved, all such lots shall contain a minimum on-site and reserve area of not less than 10,000 square feet, which shall be set aside for the installation of required septic tank, soil absorption system and future expansion or replacement area, if needed for failing drain field. Each proposed lot shall be evaluated with a six (6) foot observation pit and percolation test, in accordance with State Health Department regulations. Should central sewage collection & treatment be available or proposed, then one copy of the approved state permits and plans must be included with the application.

L. Bonding Process

The owner/developer shall submit a written request for a performance bond approval from the Grant County Commission for subdivision construction prior to final subdivision approval in order to pre-sale lots. The Planning Commission shall retain an independent engineering firm, of their choice, at the cost of the owner/developer to study the development and provide a cost estimate for the completion of the project to meet the Grant County Subdivision Ordinance. Based on the estimate, the owner/developer shall present a bond to the Planning Commission. The County Planner shall inspect and approve the construction to ensure compliance with this Ordinance and shall provide a letter releasing the bond after final inspection of the work. The County Planner may release sections of the construction to match sectional or phased developments.

K. Severability

If any provision of this Ordinance be held invalid or void, all remaining provisions shall continue to have full force and effect.

Article 12: Subdivision Types and Standards

On the application for approval, a developer must choose one of the seven (7) types of subdivisions set forth below. The subdivision types and minimum standards are as follows:

A. High Density Housing

High Density Housing subdivisions are expected to have most of the facilities commonly found in towns. Single family dwellings, town or row houses, apartments or condominiums, or mixtures thereof may be included in such subdivisions.

The following standards shall apply to subdivisions in this category:

1. Lot Size: Minimum lot size shall be 1/4 acre per family unit except for town houses, apartments or condominiums, excluding road rights-of-way;
2. Roads: Roads must be designed and constructed, such that they could be taken over by the Division of Highways without further upgrading. All roads must provide all weather access by public transportation, school buses, emergency vehicles, service trucks, and passenger cars. Reference shall be made to Article 13, General Standards for Roads. Additionally, all High-Density Subdivision roads and parking areas shall be constructed with a 3" minimum thick paved surface. At a minimum, the paved section shall be a single compacted lift of WV DOH Base-2 Asphalt mix.
3. Water and Sewage: Public or WV Health Departed approved central water and sewage systems are required. Six-foot fence is required around sewage lagoons and treatment plants. Fire hydrants must be provided if sufficient water pressure and volume is available.
4. General: No building shall be closer than fifty (50) feet to the center line of the road fronting the lot. No single housing unit or other structure shall be within fifteen (15) feet of any other property or lot line or within fifty (50) feet of the parent tract exterior boundary.
5. Bonding: The Developer of a High-Density Subdivision shall provide a project performance and payment bond of a mutually agreed sum in the name of the Grant County Commission or an alternative method of security approved by the Planning Commission.

B. Single Family Housing

Single family housing subdivisions will include permanent residences, vacation or recreational housing, manufactured homes and modular homes.

The following standards shall apply to subdivisions in this category:

1. Lot Size: Minimum lot size will be 1/4 acre excluding road rights-of-way, if the lots are to be serviced by public or an approved central water and sewage system.

If the subdivision is not to be served by public water, and a well or spring is to be utilized, or an approved central sewage system, the minimum lot size shall be 2.0 acres, excluding road rights-of-way. As set forth in Article 6, E., No. 4, before approval, the developer must obtain a subdivision (septic system) pre-approval for each proposed lot from the Grant County Health Department, when such subdivision is not serviced by public water and sewage or an approved central system. If public water is available, but not public or approved central sewage system, one (1) acre lots are the minimum size lots allowed, provided acceptable septic system reserve area is available.

2. Roads: All roads must be accessible year-round by public transportation, school buses, emergency vehicles, service trucks and passenger cars. Roads shall be constructed to meet accepted standards as required to be “taken over” by the WV DOH. Reference is also made to Article 13, General Standards for Roads.
3. Water and Sewage: The Planning Commission encourages central or public service systems, but individual wells and septic tanks are acceptable; however, West Virginia Department of Health requirements must be met. Fencing is required for all sewage lagoons. Reference shall also be made to Article 15, Accessibility to Public Utilities, Water and Sewage.
4. Set Backs: The set backs listed in Article 12, Section A, Item No. 4, apply to Single Family Housing Units.

C. Sectional Home Subdivisions

Any designated tract of land which has been or is to be subdivided into two (2) or more separate parcels of real estate on which more than one single or Double Sectional home is located, shall constitute a Sectional Home Subdivision. Sectional home subdivisions, where lots are rented or offered for sale, shall comply with the following standards:

1. Lot Size: The minimum lot size must be 10,000 square feet per sectional home excluding road rights-of-way. If the subdivision is not to be served by public or an approved central water and sewage system, then the minimum lot size shall be 2.0 acres per sectional home. As set forth in Article 6, E., No. 4, before approval, the developer must obtain a subdivision (septic system) pre-approval for each proposed lot from the Grant County Health Department, when such subdivision is not serviced by public water and sewage or an approved central system. If public water is available but not public or approved central sewage system, one (1) acre lots are the minimum size allowed provided acceptable septic system reserve area is available.
2. Roads: All roads must be accessible to school buses, fire trucks, service trucks, emergency vehicles, and passenger cars, and must be designed so that they could be taken over by the Division of Highways without further upgrading. Reference shall be made to Article 13, General Standards for Roads. Roads shall be constructed to meet accepted standards as required to be “taken over” by the WV DOH.

3. Water and Sewage: The Planning Commission encourages central or public service systems, but individual wells and septic systems are acceptable, however, West Virginia Department of Health requirements must be met. Fencing is required for all sewage lagoons and treatment plants. Reference shall also be made to Article 15, Accessibility to Public Utilities, Water and Sewage.
4. Special Provisions: At least two (2) parking spaces shall be provided on each lot.
5. Set Backs: The set backs listed in Article 12, Section A, Item No. 4, apply to Sectional Home Subdivisions.

D. Industrial and/or Business Parks

This type of subdivision shall provide for industrial, manufacturing and business facilities. The following standards will apply to subdivisions in this category:

1. Roads: All roads must be designed and constructed as heavy duty and capable of supporting tractor trailer trucks. Roads shall have an asphalt surface. Roads must comply with West Virginia Division of Highway Standards.
2. Water and Sewage: Public or approved central water and sewage systems are required.
3. Special Provisions: Adequate buffer zones and fencing may be required.

E. Combination Developments

A single subdivision may combine several different types of land use. For subdivisions of this type, the developer must:

1. Clearly delineate on each plat submitted to the Planning Commission, and shown to any prospective purchaser, which areas of this subdivision are to fall in each particular category of the development.
2. Lot Size: Minimum lot size will be 1/4 acre excluding road rights-of-way if the lots are to be serviced by public or an approved central water and sewage system. If the subdivision is not to be serviced by public or an approved central water and sewage system, the minimum lot size shall be 2.0 acres, excluding road rights-of-way. As set forth in Article 6, E., No. 4, before approval, the developer must obtain a subdivision (septic system) pre-approval for each proposed lot from the Grant County Health Department, when such subdivision is not serviced by public water and sewage or an approved central system.
3. Roads: All roads must be accessible year-round by public transportation, school buses, emergency vehicles, service trucks and passenger vehicles. Reference is also made to Article 13, General Standards for Roads.

4. Water and Sewage: The Planning Commission encourages central or public service system, but individual wells and septic systems are acceptable, however, West Virginia Department of Health requirements must be met. Fencing is required for all sewage lagoons and treatment plants. Reference shall also be made to Article 15, Accessibility to Public Utilities, Water and Sewage.
5. Special provisions of construction of the entire subdivision, including all roads, parking and facilities in general connecting one type of land used with another, must provide a harmonious blend and flow between the various areas.

F. Hillside Subdivision

This article applies to all lands with slopes of generally 20 percent or more, which are sensitive areas and are frequently not able to tolerate subdivision developments as it is practiced on less sloping terrain. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features such as views can best be preserved if subdivision development is allowed to be flexible and creative. In general, the integrity and durability of a hillside is inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

The Planning Commission review of hillside subdivision proposals shall be guided by the following recommendations and considerations:

1. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.
2. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas left in a natural condition. In no case shall lot size be less than two (2) acres, excluding rights-of-way.
3. Consider narrower roads (possibly one-way roads with convenient pull-offs), so that earthwork may be minimized. Deviation from the road standards set forth in Article 13 must obtain prior Planning Commission approval.
4. Design and construct roads that are parallel to contour lines; preferably design and construct roads on ridges and in valleys to minimize cuts and fill.
5. Consider lot layouts which minimize on-site and individual lot grading and earthwork for access, parking and building construction.
6. Design, engineer and construct entrances to individual lots before lots are sold.
7. Select building sites, driveways and areas for the construction of septic system drain fields before lots are sold.

Article 13: General Standards for Roads

Minimum Road Design and Construction Requirements:

1. Subdivision roads shall be coordinated with existing or proposed public roads. Subdivision road entrances and lot road entrances that border existing public roads must be approved by the West Virginia Division of Highways, as to location, number of entrances, storm drainage provisions, traffic safety and general design.
2. Subdivision road design shall have a reasonable relationship to tract topography in order to minimize earthwork and erosion, insure reasonable grades and produce useable lots. Rectilinear road patterns are discouraged.
3. Subdivision road design should minimize through traffic.
4. All roads shall have at least a sixteen (16) foot wide travelway surface; exclusive of parking areas, plus two (2) foot minimum width shoulders on each side. All roads shall be built within the minimum required road R.O.W. width.
5. A minimum road side ditch depth of one (1) foot, with a 2:1 slope in from the shoulder and a 1:1 slope up on the rights-of-way side is required for all subdivision roads.
6. Swale and ditch inverts shall be constructed so as to minimize erosion. All ditches shall be either seeded & mulched, seeded & jute mat lined, continuous grass sod placed, rip-raped, or turf reinforcement matting placed in finished ditch lines, to provide continued protection from storm water runoff.
7. All subdivision roads shall be sloped laterally towards the cut side or sloped from a centerline crown, at a ratio of 1/4 inch vertical to 1 foot horizontal.
8. An access permit from the Division of Highways shall be required for all subdivision roads that directly access public roads or highways.
9. Road grades shall not be greater than 12%. Within 50 feet of the point where a subdivision road intersects with a public road or highway, the grade shall not be greater than 5%. A variance may be requested from the Planning Commission to address unique site conditions however, approval is not to be assumed and may not be granted.
10. Driveway entrance culverts from subdivision roads shall be sized to correspond with ten-year ditch flows. No culvert shall be less than fifteen (15) inches in diameter and shall not be less than twenty (20) feet in length.
11. All subdivision roads including the main entrance road shall be clearly identified by permanent road signs. Each road sign shall be made of all-weather material of not less than 6 inches by 19 inches in size and shall be secured or hung from a sign post at a height of 7-10 feet above finished road level. A subdivision

identification sign at the main entrance shall identify the name of the subdivision. The subdivision sign shall not be less than 2 feet x 3 feet in size and made of all-weather material.

12. Roads shall be constructed on a compacted subgrade free of organic matter. The compacted subgrade shall consist of shale, rock and soil, and shall be a minimum of 8 inches in depth. The road surface shall be a minimum 2 inch cap of 3/4" or 1-1/2" crusher run stone. If an asphalt road surface is required by the Ordinance, the asphalt shall be placed over the stone.
13. All stumps, downed trees and other debris which has been displaced and accumulated as a result of road, ditch and other construction, shall be properly disposed of by the Developer, through such approved means as burning, burying or suitably removing from the property.

Article 14: Subdivision Accessibility to Public Utilities

A. Public Water and/or Sewage

If access to public water and/or sewage is available and the developer elects to utilize these services, the developer must obtain necessary approvals and install all pipe lines and appurtenances as required, through the development to provide each lot with public water and/or sewage, at developer's expense, prior to the approval and conveyance of such lots, as required by the servicing Public Service District Regulations.

B. Electricity and Telephone Service

It is the responsibility of the subdivision developer to provide electricity and telephone service drops for each lot in the subdivision. If cable television is available, and the developer desires to provide service, it is the responsibility of the subdivision developer to provide cable television service readily available to each lot.

Article 15: Violation and Enforcement

A. Violation

- A. It shall be a violation of this Ordinance for an Owner owning or controlling any land subject to the provisions of this Ordinance to sell, offer for sale, lease, transfer, contract to sell or in any manner agree to sell any lot, tract or parcel of land without having first fully and completely complied with this Ordinance.
- B. It shall be a violation of this Ordinance for an Owner owning or controlling any land subject to the provisions of this Ordinance to begin construction of any phase or aspect of a subdivision including, but not limited to, the building of roads, the installation of utilities, construction of homes, sewer facilities, drainage facilities, or other improvements without preliminary approval of the Planning Commission and/or County Planner. Exempted from this provision are any preliminary testing, invasive site inspections and assessments necessary to determine the

feasibility of a project.

- C. It shall be a violation of this Ordinance to receive and record in the Grant County Clerk's Office any plat, deed or other instrument which forms new tracts of land not previously on record unless certified by the Planning Commission either as a subdivision or as an eligible exemption from this ordinance.
- D. It shall be a violation of this Ordinance for any Owner to sell, attempt to sell, or describe a lot or parcel of real estate subject to this Ordinance in the instrument of transfer or other legal document used in the process of selling or transferring with the intent to evade, avoid or circumvent this Ordinance.
- E. It shall be a violation of this Ordinance for any Owner to violate or fail to comply with any Article or sub-part of this Ordinance.

B. Penalty

- A. Any Owner who violates any provision of this Ordinance shall be subject to a civil penalty of \$100.00 for each violation. Each day that a violation continues unabated shall constitute a separate violation and an additional \$100.00 per day civil penalty.

All civil penalties assessed under this provision must be paid in full to the Planning Commission before a subdivision will be granted final approval.

In the event that the Owner fails or refuses to pay assessed civil penalties imposed under this provision, the Planning Commission is authorized to institute legal proceedings in the Grant County Magistrate Court or the Grant County Circuit Court to collect same.

- B. In addition to imposing the above penalties or without imposing any penalties, the Planning Commission, through its Chairperson or other designated officer, is authorized to seek a temporary restraining order and/or a permanent injunction in the Circuit Court of Grant County to restrain or prohibit an Owner from violating the provisions of this Ordinance.

In the event that the Planning Commission substantially prevails under this provision, the Owner shall be charged, assessed and obligated to pay to the Planning Commission all costs, fees, expert witness fees, attorney fees and all other costs and expenses of litigation incurred by the Planning Commission in the prosecution of such actions.

Article 16: Amendment, Variance & Appeal

A. Amendment

All amendments to this Ordinance shall be adopted by the Grant County Commission according to the procedures set forth in Section 8-24-18 through 8-24-22 of the West Virginia Code.

B. Variance

Any request for a variance from the provisions of this Ordinance shall be made in written form and shall be submitted to the Planning Commission by the Developer.

The Planning Commission may grant a variance to this Ordinance when evidence is presented showing that such a variance will not materially affect the implementation or general intent of this Ordinance. The application for a variance shall be submitted with the application for the proposed subdivision, including payment of applicable fees.

Where the Planning Commission finds that undue hardship may result from strict compliance with these regulations, it may issue a variance to the regulations so that substantial justice may be done and the public interest secured, provided that such variance will not have the effect of nullifying the intent and purpose of the goals and policies of Grant County. The Planning Commission shall determine extraordinary hardship only if it finds the following facts in regard to the proposed subdivision.

- A. That the land is of such shape and size, or is affected by such topographical conditions, or is subject to such title limitations of record that it is impossible or impractical for the developed to comply with all of the regulations of this Ordinance.
- B. That the granting of the variance not be detrimental to the public or injurious to other property in the vicinity of the subject property.

C. Appeal

Any developer aggrieved by a decision of the Planning Commission or Planner pertaining to disapproval of a subdivision or request for variance may request that this decision be reviewed by the County Commission at its next regularly scheduled meeting. This request must be in writing to the Planner and must specify the reasons why the developer is requesting such review. The Planner shall place the developer's request on the agenda of the next regularly scheduled County Commission meeting and shall notify the developer of the time and date that the request will be reviewed by the County Commission. The developer and any representative on its behalf may appear at the County Commission meeting and address the County Commission. The County Commission shall have fourteen (14) working days from the date of such meeting to grant or deny the developer's request and such decision and the reasons therefore shall be in writing to the developer or its representative.

Appeals regarding any decision made by the Planning Commission or County Commission in the administration of this Ordinance to the Circuit Court of Grant County shall be by certiorary procedure as set forth in West Virginia Code Chapter 8, Article 24, Section 38.

Article 17: Validity, Conflict with other Laws

A. Validity

If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

B. Conflict with Other Laws

Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

Article 18: Fee Schedule

Plat of Rights-of-Way or Easement.	\$ 50.00
Exempt Plat.	\$20.00
Copies	\$.50 per Page
Subdivision Regulations	\$ 10.00
Subdivision Exemption Application.	\$20.00
Public Hearing Fee	\$ 25.00
Subdivision Preliminary Plat. (per each Phased plat submitted)	\$175.00
Preliminary Plat Engineer Review Fee	\$ 25.00 per Lot
Minor Subdivision Plats	\$ 75.00
Reissue of Plat or Plat Correction/Amendment.	\$ 35.00
Site Inspection Fee per Visit	\$125.00 per Visit
Variance Application	\$ 100.00