

PART SEVENTEEN — BUILDING, LAND USE AND SUBDIVISION CODE

ARTICLE 1726 Plat Preparation and Approval Procedure

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CROSS REFERENCES

Approval required—see WV Code 8A-5-6

Application—see WV Code 8A-5-7

Approval—see WV Code 8A-5-8 *et seq.*

1726.01 Preliminary Plat; general.

The Subdivider shall prepare a Preliminary Plat for presentation to the Planning Commission. It shall conform to the minimum requirements of these Regulations and shall include the land in question and any other Abutting land partially or fully owned or under option to the applicant, notwithstanding that all of said land may never be platted.

1726.02 Preliminary Plat; procedures to file applications.

In order to be included on the agenda for the Planning Commission, an application shall be in compliance with all the following:

- (a) Five copies of the Preliminary Plat shall be submitted to the office of the Mayor not less than twenty-one calendar days before the next Planning Commission meeting.
- (b) When submitted, material must be in complete and final form as required by these Regulations. Plats failing to meet these requirements by the filing deadline shall not be placed on the Planning Commission agenda.

1726.03 Preliminary Plat; contents.

- (a) The Preliminary Plat shall be drawn at a scale of not more than fifty feet to the inch, except where impractical, and shall show:
 - (1) The scale, north arrow and date.
 - (2) The proposed name of the Subdivision.
 - (3) The name and address of the owner of record, the Subdivider, and the registered Land surveyor preparing the Plat.
 - (4) A key map showing the location of the proposed Subdivision referencing existing or proposed major Streets and governmental boundaries, if any.
 - (5) The name and location of adjoining Subdivisions and owners of record of

HISTORY:

Ord. 2015-02 (passed 01-29-2015, effective 02-16-2015) superseded all previous zoning and related ordinances to bring the Town into compliance with current WV Code. Ord. 2015-02 was further refined by Ord. 2015-07 (passed 07-13-2015).

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- adjoining properties where unplatted.
- (6) The land contours with vertical intervals of two feet referenced to a United States Geological Survey or Coast and Geodetic Survey bench mark or monument.
- (7) The location of dedicated and private Streets at the point where they adjoin or are Abutting the proposed Subdivision.
- (8) The location of all existing Easements of record, sanitary and storm sewers, water mains, culverts, power lines and other surface or subsurface structures within the Tract or Abutting thereto, and the proposed location, layout, type and approximate size of the following structures and utilities:
 - A. Water mains,
 - B. Sanitary sewer mains and sub mains,
 - C. Storm Drainage facilities,
 - D. Street and sidewalk improvements,
 - E. Electric lines, and
 - F. Cable television and telephone lines.
- (9) The location of all Drainage channels, if any, and the proposed method of disposing of all Runoff from the proposed Subdivision, as approved by the Department of Natural Resources.
- (10) The length of the boundaries of the Tract, measured to the nearest foot, and the proposed location and width of Streets, easements and outer limits of Street Rights-of-Way, and approximate Lot dimensions.
- (11) The existing zoning of the Tract and of the property Abutting thereto.
- (b) Any Voluntary Proffers, as described in Article 1709 of these Ordinances, that are to be offered by the Subdivider must be included within the contents of the Preliminary Plat. (Ord. 2017-08, passed 12-11-2017.)

1726.04 Preliminary Plat; Planning Commission action.

- (a) The Planning Commission shall approve or disapprove of the Preliminary Plat.
- (b) If the Preliminary Plat is disapproved, the reasons for such action shall be stated in the official minutes of the Planning Commission meetings, and a copy transmitted to the applicant, and such disapproval shall reference those portions of these Regulations, the Planning and Zoning Ordinance, or policies of the Corporation of Harpers Ferry with which the Plat does not conform.

1726.05 Preliminary Plat; Town Council action.

- (a) After its consideration, the Planning Commission shall forward a copy of the Preliminary Plat to the Town Council together with a report of any conditions of approval or reasons for disapproval.
- (b) The Town Council within 30 days of receipt of the report and Plat from the Planning Commission shall concur with the actions of the Planning Commission or shall return the Preliminary Plat to the Planning Commission for reconsideration stating the reasons for such request for reconsideration.
- (c) Approval of the Preliminary Plat shall not in all cases entitle the Subdivider to approval of the Final Plat. After Preliminary Plat approval, if any conditions arise which would cause the Preliminary Plat to become unsatisfactory relative to the health, safety and welfare of the community, the Planning Commission shall recommend that the Final Plat be disapproved.

1726.06 Preliminary Plat; duration of approval.

- (a) Approval of a Preliminary Plat by the Town Council shall be valid for a period of two

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years from the date of approval provided that the Final Plat is substantially in compliance with the Preliminary Plat and provided that no change in land use or Street configuration is proposed.

- (b) After a period of two years from the date of approval of the Preliminary Plat, the Planning Commission may review the approved Preliminary Plat to consider changed conditions or circumstances.

1726.07 Preliminary Plat; changes from approved Plat.

If any instance where a Final Plat includes a change in relationship between the uses of land, a rerouting of a collector Street or a request for a change in a specific element of the Preliminary Plat, then the Preliminary Plat shall be reevaluated by the Planning Commission and Town Council.

1726.08 The final Plat; general.

The Subdivider shall prepare a Final Plat for presentation to the Planning Commission. It shall conform with the minimum requirements of these Regulations and with the Preliminary Plat approved by the Town Council.

1726.09 Final Plat; procedures for filing application.

In order to be included on the agenda of the Planning Commission, an application shall be in compliance with all of the following:

- (a) A Final Plat, neatly drawn on mylar and ten dark line copies shall be submitted to the office of the Mayor not less than twenty-one days before the next Planning Commission meeting.
- (b) At the same time, there shall be submitted five sets of the proposed plans and specifications in final form for all required Off-site Improvements.
- (c) In the case of a Plat proposing the reserving or dedication of land to be used in common by owners of the Lots within the Subdivision, there shall be submitted by the Subdivider evidence acceptable to the Town Council that all necessary steps have been taken for:
 - (1) The establishment of a property owner association for adequately maintaining the common property; and
 - (2) Disposition of the common property in the event of dissolution of the association.
- (d) The Final Plat shall conform to the Preliminary Plat as approved by the Planning Commission, and shall not include the rerouting of a collector Street, change in the relationship between uses of land or a change of specific elements of the Preliminary Plat. Plats failing to meet these requirements or other requirements of these Regulations shall not be placed on the Planning Commission agenda.

1726.10 Final Plat; contents.

- (a) The Final Plat shall be drawn on a scale of 100 feet to the inch from an accurate survey and on sheets whose dimension do not exceed 22 inches by 32 inches on a standard 24 by 36 inch sheet. However, in the instance of platting a small area, the scale of the drawing may be changed such that one inch will equal less than 100 feet in order to allow larger representation of the Tract. On the first sheet of every Plat there shall be a key map showing the location of the Subdivision referenced to established survey points.
- (b) The Final Plat shall show:
 - (1) The location and description of all permanent survey monuments in or near the

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- Tract, to at least one of which the Subdivision shall be referenced.
- (2) The length of all required lines dimensioned in feet and fractions thereof, and the values of all required true angles and bearings dimensioned in degrees and minutes.
 - (3) The boundary lines of the lands being subdivided fully dimensioned by length and bearings, and the location of boundary lines of adjoining lands, with adjacent Subdivisions fully identified by official names and the legal description of the land being platted.
 - (4) The lines of all proposed Streets fully dimensioned by lengths and bearings or angles.
 - (5) The widths, and names where appropriate, of all proposed Streets, and all proposed Easements and all Easements of record, which shall be properly located and identified.
 - (6) The lines of all proposed Lots fully dimensioned by lengths and bearings or angles, except that where a Lot line meets a Street line at right angles, the angle or bearing value may be omitted.
 - (7) The outline of any property which is offered for dedication by the public, or private use fully dimensioned by lengths and bearings, with the area marked "public" or "private" as the case may be.
 - (8) The location of all Build-To Lines, outer limits of Street Rights-of-Way, Easements and Easements of record being dedicated for public services or utilities.
 - (9) The location of any land that has been determined to be prone to flooding or periodic inundation.
 - (10) The radii, arcs, points of tangency, points of intersections, and central angles for all curvilinear Streets.
 - (11) The following shall be made and shown on the submitted original mylar:
 - A. Owner's certificate and dedications, executed and acknowledged.
 - B. Certificate of survey, executed, and with Land surveyor's seal.
 - C. Certificate of bonded abstractor, executed.
 - D. Certificate for release of mortgage for any portion dedicated to the public, executed and acknowledged.
 - E. County Treasurer's certificate, executed, certifying that all outstanding taxes on property proposed for sale have been paid.
 - F. Reference to any separate instruments, including restrictive covenants or Easements filed in the Office of the County Clerk which directly affect the land being subdivided.
 - G. Certificate of Planning Commission approval.
 - H. Certificate of Town Council acceptance of public Streets, Easements and public lands dedications.
 - I. All signatures affixed in black ink.
 - (12) A title which shall include:
 - A. Name of the Subdivision;
 - B. Name of the Town, County and State.

1726.11 Final Plat; Planning Commission action, appeals.

- (a) The Planning Commission shall approve or disapprove the Final Plat. Approval shall be shown on the Plat with the date of approval and over the signature of the Commission President.
- (b) If the Final Plat be disapproved, the reasons for such action shall be stated in writing

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and made a part of the official Planning Commission minutes.

- (c) If the plan be disapproved by the Planning Commission, the applicant may request reconsideration or take the Plat to the Town Council for consideration, where by a majority vote it may be approved for filing. However, no Plat shall be approved that does not comply with these Regulations for land Subdivision.

1726.12 Final Plat; Town Council action.

- (a) Before recording the Final Plat, it shall be submitted to the Town Council for approval or disapproval.
- (b) Approval of the Town Council shall be shown over the signature of the Mayor and attested by the Town Recorder.
- (c) The disapproval of any such Plat shall be deemed a refusal of the proposed dedications shown thereon, and the reasons for any disapproval shall be submitted in writing to the Subdivider.

1726.13 Final Plat; recording.

The owner or the owner's Engineer shall submit the original mylar of any Plat and the recording fee for filing of the Plat to the Ordinance Compliance Officer or the Mayor's designee at the time approval of the Town Council is requested. All required signatures shall be properly affixed. The Town will retain possession of the original mylar, securing Planning Commission and Town Council signatures upon approval. The Ordinance Compliance Officer or the Mayor's designee will make sepias and prints for record keeping purposes, and will record the Plat at the owner's expense within ten days after approval of the Final Plat, or in the instance where Off-site Improvements are constructed before the official filing of the Final Plat, within ten days after acceptance of the said Improvements by the Town Council.

On approval of the final plat, the developer shall file the signed plat with Clerk of Jefferson County within 90 days of such approval, or within the mutually agreed upon extension of time, but no more than 180 days from the date of approval. In the event that confirmation of filing is not received by the Town Clerk of Harpers Ferry within the appropriate time, the application shall be considered withdrawn and any previous approval or modification shall be considered lapsed.