

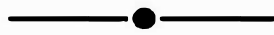
HB 4527

FILED

2008 MAR 31 PM 12: 25

OF THE STATE OF WEST VIRGINIA  
SECRETARY OF STATE

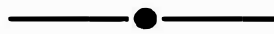
**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2008



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 4527**

(By Delegates Manchin, Caputo and Longstreth)



Passed March 8, 2008

In Effect Ninety Days from Passage

**E N R O L L E D**

**FILED**  
2008 MAR 31 PM 12:25

COMMITTEE SUBSTITUTE

FOR

SECRETARY OF STATE

**H. B. 4527**

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(BY DELEGATES MANCHIN, CAPUTO AND LONGSTRETH)

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[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §8A-4-1 and §8A-4-2 of the Code of West Virginia, 1931, as amended, all relating to subdivision and land development ordinances; and providing an option to counties and municipalities to regulate subdivisions and land development.

*Be it enacted by the Legislature of West Virginia:*

That §8A-4-1 and §8A-4-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 4. SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE.**

**§8A-4-1. Subdivision and land development ordinances  
authorized.**

- 1 (a) The governing body of a municipality or a county  
2 may regulate subdivisions and land development within its  
3 jurisdiction by:

4 (1) Adopting a comprehensive plan and enacting a  
5 subdivision and land development ordinance; or

6 (2) Establishing a planning commission, enacting a  
7 subdivision and land development ordinance, and adopting a  
8 comprehensive plan for the area included in the subdivision  
9 and land development ordinance within three years of the  
10 enactment of the subdivision and land development  
11 ordinance.

12 (b) A municipality may adopt, by reference, the  
13 subdivision and land development ordinance of the county in  
14 which it is located.

15 (c) With the prior approval of the county planning  
16 commission, a municipality may, by ordinance, designate the  
17 county planning commission as the planning commission for  
18 the municipality to review and approve subdivision or land  
19 development plans and plats.

**§8A-4-2. Contents of subdivision and land development ordinance.**

1 (a) A subdivision and land development ordinance shall  
2 include the following provisions:

3 (1) A minor subdivision or land development process,  
4 including criteria, requirements and a definition of minor  
5 subdivision;

6 (2) The authority of the planning commission and its staff  
7 to approve a minor subdivision or land development;

8 (3) A major subdivision or land development process,  
9 including criteria and requirements;

10 (4) The authority of the planning commission to approve  
11 a major subdivision or land development;

12 (5) The standards for setback requirements, lot sizes,  
13 streets, sidewalks, walkways, parking, easements, rights-of-  
14 way, drainage, utilities, infrastructure, curbs, gutters, street  
15 lights, fire hydrants, storm water management and water and  
16 wastewater facilities;

17 (6) Standards for flood-prone or subsidence areas;

18 (7) A review process for subdivision or land development  
19 plans and plats by the planning commission;

20 (8) An approval process for subdivision or land  
21 development plans and plats by the planning commission,  
22 including the authority to approve subdivision or land  
23 development plans and plats with conditions;

24 (9) A process to amend final approved subdivision or  
25 land development plans and plats;

26 (10) A requirement that before development of the land  
27 is commenced, subdivision and land development plans and  
28 plats must be approved by the applicable planning  
29 commission, in accordance with the comprehensive plan, if  
30 a comprehensive plan has been adopted;

31 (11) A requirement that after approval of the subdivision  
32 or land development plat by the planning commission and  
33 before the subdivision or development of the land is  
34 commenced, the subdivision and land development plat shall  
35 be recorded in the office of the clerk of the county  
36 commission where a majority of the land to be developed  
37 lies;

38 (12) A schedule of fees to be charged which are  
39 proportioned to the cost of checking and verifying proposed  
40 plats;

41 (13) The process for granting waivers from the minimum  
42 standards of the subdivision and land development ordinance;

43 (14) Improvement location permit process, including a  
44 requirement that a structure or development of land is  
45 prohibited without an improvement location permit;

46 (15) The acceptable methods of payment to cover the cost  
47 of the water and sewer service infrastructure, which can  
48 include, but are not limited to, bonds, impact fees, escrow  
49 fees and proffers;

50 (16) The process for cooperating and coordinating with  
51 other governmental agencies affected by the subdivision and  
52 land development and use; and

53 (17) Penalties for violating the subdivision and land  
54 development ordinance.

55 (b) A subdivision and land development ordinance may  
56 include the following provisions:

57 (1) Establishing a board of subdivision and land  
58 development appeals with the same powers, duties and  
59 appeals process as set out for the board of zoning appeals  
60 under the provisions of article eight of this chapter;

61 (2) Requirements for green space, common areas, public  
62 grounds, walking and cycling paths, recreational trails, parks,  
63 playgrounds and recreational areas;

64 (3) Encourage the use of renewable energy systems and  
65 energy-conserving building design;

66 (4) Vested property right, including requirements;

67 (5) Exemptions of certain types of land development  
68 from the subdivision and land development ordinance  
69 requirements, including, but not limited to, single-family  
70 residential structures and farm structures; and

71 (6) Any other provisions consistent with the  
72 comprehensive plan the governing body considers necessary.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

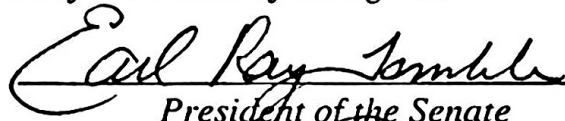
  
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Chairman House Committee

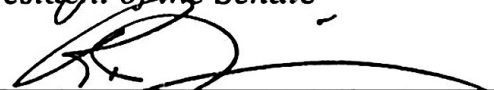
Originating in the House.

In effect ninety days from passage.


  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 28<sup>th</sup>  
day of March, 2008.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 26 2008

Time 3:05p