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- A. For subdivisions of two (2) to twelve (12) lots, lots must be platted so as to divide ownership of roads among the lots based on lot frontage or size, and cross-easements must be provided for access by all lot owners and residents. An agreement must be established for shared maintenance of all roads, sidewalks/bikeways, commonly-owned land, and stormwater drainage or stormwater management facilities within the subdivision. Participation in the agreement must be mandatory for all property owners.
- B. For subdivisions of thirteen (13) lots or greater, and for residential and commercial condominium-type developments, a Homeowners' Association (HOA) or Commercial Owners' Association (COA) must be established to address maintenance of all roads, sidewalks/bikeways, commonly-owned land, and stormwater drainage or stormwater management facilities within the subdivision. The developer must dedicate all such common lands and improvements to the Association once all improvements are completed, and membership in the Association must be mandatory for all property owners within the subdivision or land development.
- C. For residential condominium developments, a Common Interest Ownership Agreement must be established to provide for the maintenance of commonly-owned land, including, but not limited to the private road system within the subdivision. This Common Interest Ownership Agreement must be developed in accordance with the Uniform Common Interest Ownership Act of West Virginia, West Virginia Code Chapter 36B.

## Article 16. Utilities

All subdivisions must grant easements to local utilities, as required in Article 5 of this Ordinance. During the planning process, the developer must consider needed easements for presently identified utilities and potential future utilities that may affect the subdivision. Utilities must not infringe upon the floodplain unless absolutely necessary to provide service as determined by the County Engineer, and in all cases, utilities must comply with the Floodplain Ordinance. Bond release must not be granted until utilities have been installed to serve each lot and easement agreements with all applicable utility entities have been filed with the Planning Office and recorded in the County Clerk's office.

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<sup>3</sup> Drafting note: We have deleted the Traffic article because its only requirement was a DOH entrance permit, which is provided for elsewhere in the Ordinance.















