

ARTICLE 1315
Districts Established; Regulations

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CROSS REFERENCES

Zoning districts generally – see W. Va. Code 8A-7-1 *et seq.*
Variances W. Va. Code 8A-7-11
Conditional Use W. Va. Code 8A-1-2(d)

1315.01 DISTRICTS.

For the purpose of carrying out the provisions of this Part Thirteen – Planning and Zoning Code, the incorporated area of the Municipality is hereby divided into zoning districts as set forth herein as delineated on the certified zoning map consistent with the governing body’s comprehensive plan. The districts are as follows:

- (a) Business and Commercial. Such districts shall be designated as "B" Districts and shall consist of:
 - (1) The historic business and commercial area of the Town lying generally along Potomac Street, High Street, Washington Street, and Marmion Way designated as "B-1" and composed of the following properties only:
 - A. Those lots situated within the Wager Reservation numbered 18 through 34 lying between Swaynes Alley (Hog Alley), Potomac Street, Wager Alley and High Street;
 - B. Those lots numbered AA-1 through AA-4 situated in Block AA and lying between Potomac Street and Washington Street to the West of Wager Alley;
 - C. One-half of each of those lots situated within the Wager Reservation numbered 35 through 39, being that portion of the lots facing High Street or Marmion Way, and;
 - D. That portion of the triangular parcel of land bounded by Washington Street, Wager Alley and Church Street lying immediately to the west of Wager Alley and facing on Washington Street known as the Riley House.
 - (2) Additional commercial areas of the Town comprised of structures built for and presently used for commercial purposes and designated as follows:
 - A. "B-2" consisting of lot 1 in Block CC;
 - B. "B-3" consisting of that portion of the parcel of land known as Seminary Lot which comprises the building and grounds of the Hilltop Hotel, and one-half of Lot 10 in Block BB and one-half of Lot 1 in Block E, being that portion of such lots facing on Ridge Street;
 - C. "B-4" consisting of Lot 2 and 3 in Block J plus that portion of land acquired from the Lutheran Church in Block J by the Morgan Lodge, and;
 - D. "B-5" consisting of Lots 5 and 6 and Block J.
- (b) Residential

- (1) All of the incorporated areas of the Municipality not otherwise designated are hereby declared to be included in the Residential District and is designated as "R" District.
- (2) The districts as shown on the large, color-coded John Kusner map of Harpers Ferry, West Virginia dated March 1, 1976, which map is based upon the S. Howell Brown Map approved November 16, 1869, and hereby established in same manner as they have been described above: and 1976 John Kusner Map is made a part of this article replacing the prior map attached to and made part of the Principal Ordinance in 1973.
- (3) Except as hereinafter provided, no building, structure, or land within the incorporated area of the Municipality shall hereafter be used, and no building or part thereof or other structure shall be used, leased, rented, erected, constructed moved, altered or maintained except in conformity within the regulations prescribed for the district in which such building, structure, or land is located. (Ord. 77-1. Passed 8-8-77.)

1315.02 AGRICULTURAL

Land in any district may be used for agricultural purposes. No zoning certificates shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located, but such buildings shall conform to the regulations contained in the Zoning Ordinance. For the purpose of this Zoning Ordinance, "agriculture" includes agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry; provided, however, that the animals and poultry husbandry must be carried out within an enclosed area of not less than two acres.

1315.03 CLASSIFICATION OF USES.

For the purpose of this Zoning Ordinance, a lot shall be defined as a parcel of land which has been designated as a lot on the aforementioned John Kusner Map of Harpers Ferry, West Virginia dated March 1, 1976. ~~An 'accessory structure' shall be defined as a structure of no more than one story, which is no larger than necessary to accommodate two cars, and shall not be used to lodge people. An accessory structure shall be defined as a subordinate building located on the same lot as a single family dwelling unit the use of which is incidental but customarily associated with a single family dwelling unit and serving all ordinary household uses. The subordinate status of an accessory structure requires that it not function as a full-time living area or separate residence.~~ The use of this land, buildings and premises for the purpose of this Zoning Ordinance shall be regulated as follows.

(a) "R" District (Residential). The following uses and no others shall be deemed Class "R" uses and permitted in all "R" Districts:

(1) Permitted uses.

A. Not more than one single family dwelling unit, including any permitted authorized accessory structure(s), shall be permitted per lot structure comprising one single family dwelling unit shall be developed per lot, plus one permitted accessory structure, thereto, but excluding tents, cabins and trailers or mobile homes, except that not more than one trailer or mobile home may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than one year; provided, that if an existing lot is later subdivided after the effective date of this section, this section shall continue to apply to such lot without regard to such subdivisions and for purposes of applying this section, the permitted use allowed herein shall apply to the entire existing lot as though such lot was never subdivided.

B. Bed and Breakfasts and Tourist Homes maintained by any person in such person's his single family dwelling unit used by the person him as the person's his private residence, or in one or more accessory structures on the same lot as the person's single family dwelling unit, and ~~accepting occupying~~ not more than ~~four guests~~threefour guest bedrooms for paying guests lodging in total at any one time on the lot. ~~and provided not more than two parking spaces on public streets are used at any one time;~~ (Amended and passed 5-10-99).

C. Any office or customary home occupation providing a service can be maintained by any person in a single family dwelling unit used by the person him as the person's his private residence, or in one or more accessory structures on the same lot as the person's single family dwelling unit, providing such use does not involve any extension or modification of the single family dwelling unit or accessory structure(s) and providing such use does not involve any outward evidence of such use other than one sign that otherwise complies with the provisions of the Ordinance in force entitled "Signs, Billboards and Advertising."

