

# **PART THIRTEEN—ZONING AND SUBDIVISION CODE**

## **Appendix B**

### **Standards for Project Activities**

*Including Construction, Reconstruction, Alteration, Enlargement,  
Demolition and Relocation*

#### **CROSS REFERENCES**

The following sections of Harpers Ferry Ordinances apply:

Sec. 1304 – Site Development Standards

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## HOW TO USE THE STANDARDS

These standards are required under Section 1304, Site Development Standards:

- (a) for all projects valued over \$100,000 other than those which are exempted in Section 1303.03(c);
- (b) unless a specific standard is waived by the appropriate authority; and
- (c) in whole or in part, as a condition of approval for projects where the total value is less than \$100,000 when required by the Ordinance Compliance Officer or the Board of Zoning Appeals.

In all instances, requests for and authorizations of conditions of approval shall be submitted in writing and reference the relevant sections of this document.

As a part of the application process for any Project for which a permit is required, the applicant will provide a basic schedule that represents all phases of the projected work. Depending on the complexity of the project, a Site Logistics Plan (see below) may also be required by the Ordinance Compliance Officer or the Board of Zoning Appeals.

During a Project, the Ordinance Compliance Officer or the Board of Zoning Appeals may determine that previously waived standards are needed and is authorized to apply them. Such requirements will be provided to the owner in writing together with a written explanation of the reasons for such a determination.

All Project-related decisions made by the Ordinance Compliance Officer or the Mayor's designee may be appealed to the Board of Zoning Appeals within 30 days of receipt of the written decision and will receive a decision within the 30 days following. All Project-related decisions made by the Board of Zoning Appeals may be appealed to the Circuit Court of Jefferson County within 30 days of receipt of the written decision.

## REQUIREMENTS OF THE SITE LOGISTICS PLAN

Based on the nature of the proposed project, the Ordinance Compliance Officer or Mayor's designee, Planning Commission or Board of Zoning Appeals may require any or all of the following in the site logistics plan.

The details and locations of:

- (1) office or temporary trailer locations;
- (2) temporary site utilities;
- (3) crane locations;
- (4) wash rack locations;

*Note that when a wash rack is required, the wash rack shall be designed by a professional engineer and shall include a hydrant to clean all vehicle and equipment tires prior to their leaving the site. Stone and or gravel placement details, designed by a professional engineer, shall be installed from the wash rack to the street exit.*

- (5) material and equipment storage areas;
- (6) debris collection and removal areas and a plan for regular disposal of debris;

- (7) concrete truck washout area(s);
- (8) gates, fences, sheeting and shoring areas;
- (9) temporary bathroom facilities;
- (10) a plan for dust control and concrete removal;
- (11) arrangements for parking for construction workers and/or arrangements for van or bus drop-off and collection.

*Note that for projects where the Ordinance Compliance Officer or the Board of Zoning Appeals determines that there is limited on-street parking for construction workers and for residents in the vicinity of the Project, evidence of public transportation and van or bus drop-off arrangements shall be provided and evidence of a parking agreement or lease agreement for off-site parking and/or loading facilities shall be required.*

## STANDARDS FOR THE MAINTENANCE OF THE PROJECT SITE

The property owner will ensure that:

- (a) the Project site is kept clean and free of trash;
- (b) the Project site is regularly treated to control dust;
- (c) lavatory facilities are clean and regularly maintained to keep odor away from residences and businesses in the Town;
- (d) open excavation trenches and exposed construction are secured to protect the general public on the streets and rights of way;
- (e) there is proper pedestrian signage around the Project site and clearly defined access to neighboring businesses and residences.

It is the property owner's responsibility to ensure that work, including staging of materials and equipment, is confined to the limits of land or area disturbance indicated on the site logistics plan and on the approved Permit Application.

Where safety issues indicate, the Ordinance Compliance Officer or the Board of Zoning Appeals may require that the property owner enclose the outer limits of the construction area with a quality construction fence. In those areas exposed to view by Town residents and the visiting public, a temporary stockade type fence may be required by the Ordinance Compliance Officer or the Board of Zoning Appeals.

In areas that are contiguous with public property, the property owner shall ensure that walkways and view sheds remain accessible to the general public to the greatest extent possible while assuring public safety in each construction phase.

Temporary construction fences are allowed pursuant to the following standards:

- (a) A temporary construction fence is to be installed on the front, side, and rear property lines, or as otherwise specified by the Ordinance Compliance Officer.
- (b) Permitted fence types include chain link fences or substitutes approved by the Ordinance Compliance Officer.
- (c) A maximum height of 12 feet and a minimum height of 6 feet is allowed for a temporary construction fence. An appropriate fence height is to be determined by the Ordinance Compliance Officer.

- (d) A permit for a temporary construction fence expires with the associated Zoning Compliance Permit or Conditional Use Permit as outlined in Ordinance Section 1303.07. The temporary construction fence must remain on the property until the completion of construction activities as directed by the Ordinance Compliance Officer or Proper Authority.

## PERMITTED HOURS FOR EXTERIOR WORK

- (a) Monday – Friday: 7 a.m. to 6 p.m.
- (b) Saturday: 9 a.m. to 6 p.m.
- (c) There will be no external work or noise on Sundays.
- (d) Workers will not arrive at the site before 7 a.m. Monday through Friday and before 9 a.m. on Saturdays.
- (e) No work will be done on those holidays when the Town offices are closed.

## STANDARDS FOR COMPLIANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS

The property owner shall provide, and amend as necessary, a plan and schedule for the storage, abatement, removal, and proper disposal of flammable, combustible, corrosive, explosive, or hazardous materials. The property owner shall provide documentation of compliance with all applicable local, state, and federal requirements governing these materials upon request by the Ordinance Compliance Officer or the Mayor’s designee, Planning Commission or Board of Zoning Appeals. The Ordinance Compliance Officer or Mayor’s designee, Planning Commission or Board of Zoning Appeals may require a detailed hazardous materials management plan prior to the removal and disposal of flammable, combustible, corrosive, explosive, or hazardous materials.

The property owner shall provide written documentation that relevant agencies have approved the work before any demolition, abatement or debris removal. Those agencies include but may not be limited to: The West Virginia Department of Environmental Protection Division of Air Quality, The U.S. Environmental Protection Agency, West Virginia Department of Environmental Protection Division of Water and Waste Management, and the West Virginia Bureau for Public Health. Proof of adherence to all State and Federal regulations regarding asbestos abatement must be provided, as applicable.

As a condition of Permit approval, the property owner shall provide documentation of compliance with the Storm Water Management Ordinance (Article 1713) and, for projects that are exempt from this Ordinance, the property owner shall provide evidence of compliance with Article 1713.01 D (3).

## STANDARDS FOR COMPLIANCE WITH LOCAL SAFETY REQUIREMENTS

### A. Safety Conditions Required for Permit Approval.

The items listed below may be required of the property owner as a condition for Permit approval for any Project for which a permit is required:

- (a) A construction traffic plan, approved in writing by the Police Chief and by the Ordinance Compliance Officer or the Board of Zoning Appeals, that minimizes the use of secondary residential streets. Daily use of secondary streets shall require a permit issued by the Ordinance Compliance Officer or the Board of Zoning Appeals.
- (b) A written or depictive life safety plan for the construction phase to include a location plan, approved in writing by the Police Chief and the fire department chief, and by the Ordinance Compliance Officer or the Board of Zoning Appeals that details:
  - (1) clear access for fire truck and emergency vehicles;
  - (2) the location(s) for any temporary fire riser stand pipes;
  - (3) the location(s) of any existing fire hydrants that will be disconnected during the construction phase.

## **B. Safety Conditions Required during the Construction Phase of the Project.**

All contractors and workers shall adhere to Part Three, Traffic Code of Harpers Ferry. The conditions listed below may be required of the property owner throughout the construction phase of the project as needed:

- (a) Trained flagmen who shall be present as needed to control construction traffic;
- (b) Warning signs and/or danger signs which shall be approved by the Ordinance Compliance Officer and posted by the property owner as warranted;
- (c) The use of secured covers on all dump trucks, demolition trucks, and vehicles hauling debris in order to limit spillage;
- (d) The daily cleaning of Town streets, using a sweeper truck as needed, to remove mud, debris, sediment or spillage that occurs off the project site;
- (e) Formal notification, made to the Ordinance Compliance Officer, for all requests for utility shut downs or interruptions; notification shall be made at least seven (7) days in advance of the shut downs or interruptions to allow adequate time to notify the police, fire and rescue, Town employees, and the Town residents who might be affected.
- (f) Formal notification to and approval by the Ordinance Compliance Officer at least seven (7) days in advance of any blasting on the project site. Notification is required in advance so that the police department, the fire and rescue department, Town officials and employees, and residents can be notified. If blasting will occur on more than one consecutive day, it shall occur during regular week-day work hours at a time agreed upon by the owner and his/her contractor(s), the Ordinance Compliance Officer, and the Mayor. Any and all blasting operations shall implement a system such as a seismograph to monitor existing residential structures in designated locations across the Town, as agreed upon by the Ordinance Compliance Officer, the property owner, and the contractor(s). The property owner shall provide the results of the monitoring to the Ordinance Compliance Officer on a daily basis.
- (g) Formal application to the Mayor for approval of the use of the Harpers Ferry Police Department for traffic management, security, or other circumstances. If unusual needs are persistent, payment for these services may be required of the owner.

## STANDARDS FOR THE PRESERVATION OF TREES

In compliance with the Comprehensive Plan as adopted in 2007 and amended by the Town Council from time to time, and with Part 11, Section 1104 and Part 13, Section 1304.04(c)(4) of the Town Ordinances:

- (a) During construction, the property owner shall protect all trees and the Critical Root Zones of all trees on any street or other publicly owned property contiguous with the site from land disturbance as a result of any excavation or construction of any Building or Structure. Trees shall be protected with a substantial fence, frame, or box that indicates the Critical Root Zone. All building materials, dirt, or other debris, liquid chemicals, equipment, and fill shall be kept outside this construction tree guard [See 1104.06 (b)]. The protective barriers shall remain in place at all times. Any proposed land disturbances within the Critical Root Zone of any public tree contiguous with the project site shall be submitted to the Planning Commission for approval.
- (b) Public trees that are damaged or killed as a result of inadequate protection from construction shall be replaced in kind and the proposed replacement trees shall be approved by the Tree Committee.
- (c) The property owner shall ensure that her/his contractor(s) and workers do not remove, cut, prune, transplant, or otherwise disturb any tree on any public property without first filing a written request and procuring written permission from the Harpers Ferry Tree Committee [See 1106.04 (c)].
- (d) The owner of property who applies for a Project Permit for new construction shall, as a condition of Project Permit approval, provide a plan for preservation of trees on town property that are contiguous with the project site to the Tree Committee for approval [See 1104.06 (a)].
- (e) When required [See 1304.04(d)(4)], the owner shall provide a tree plan for designated trees on the project site.

## TEMPORARY EMERGENCY WAIVERS

The Mayor or the Mayor's duly designated representative may grant a temporary waiver to these regulations in the event of concern for public health, safety, welfare, or the rights of the abutting property owners or residents provided that such a decision is for a fixed period of time and reported to both the Town Council and Planning Commission in writing as soon as practical.