
PART THIRTEEN — PROJECT AND ZONING CODE

ARTICLE 1304 Site Development Standards

1304.01 Purpose.

1304.02 Setbacks, Footprint, coverage, Structure orientation and height limit.

1304.03 Off-Street Parking.

1304.01 Purpose.

This purpose of this Article is to establish general design and other standards for Projects.

1304.02 Setbacks, Footprint, coverage, Structure orientation and height limit.

(a) Fences and retaining walls. Fences and retaining walls are not subject to setback requirements in Section 1304.02(b), but must be placed or erected upon a Lot as follows:

- (1) The property owner / contractor is responsible for locating the property survey pins and marking the property line alongside the proposed fence location; this may be done with a string line tied to stakes set adjacent to the located survey pins. The survey pins must remain exposed until the posthole inspection has been completed.
- (2) All fences and retaining walls must be constructed according to the standards and guidelines described in *Appendix A: Historic District Standards and Guidelines* of this Part.
- (3) Fences and retaining walls bordering Town rights-of-way may be installed up to, but not over, the property line. Fences and retaining walls bordering other private property may be installed up to, but not closer than, two inches from the property line.

(b) Setbacks for Buildings, Structures, and Other Improvements. Structures and other improvements shall be placed or erected upon a lot as follows:

- (1) The Front Setback from an abutting street, as measured from the property line abutting the street, shall be:
 - A. Consistent with the setbacks of a majority of other Structures on the block and across the street;
 - B. On a transitional property between distinctive areas of Setback, such as between Structures that are historic structures and those which are not, the Setback should defer to that of the Historic Structures; and
 - C. In all other cases, the minimum Front Setback shall be 15 feet.
- (2) Rear Setback, as measured from the property line, shall be:
 - A. Consistent with the setbacks of a majority of other Structures on the block and across the street;
 - B. On a transitional property between distinctive areas of Setback, such as between Structures that are Historic Structures and those which are not, Rear Setback should defer to that of the Historic Structures; and
 - C. In all other cases, the minimum Rear Setback shall be 15 feet.
- (3) Side Setback as measured from the property line, shall be:
 - A. Consistent with the setbacks of a majority of other Structures on the block and across the street;

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) and Ord. 2017-01 (passed 02-25-2017).

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- B. On a transitional property between distinctive areas of Setback, such as between Structures that are historic structures and those Structures which are not, Side Setback should defer to that of the historic structure; and
 - C. In all other cases, the Side Setback shall be a minimum of 10 feet.
- (c) Applicability of Standards for Setbacks. The term Setback and the variations thereof (Side Setback, Rear Setback, etc.), as defined by this Zoning Ordinance, are generally used in the context of and apply to Lot Lines. However, as recognized in Section 1303.05(b) of Article 1303, certain Projects may encompass more than one Lot. Therefore, notwithstanding any provision of this Zoning Ordinance to the contrary and if practical and reasonable under the circumstances, the Proper Authority may apply the standards for Setbacks, as set forth in Section 1304.02(a) of this Article, to the Site, or a portion of the Site, of a Project that encompasses more than one Lot.
- (d) Structure Footprint and coverage.
- (1) Provided that the total Coverage of all Structures is within the Buildable Area and does not exceed 50% of the size of such Lot or is determined to be consistent with coverage of a majority of Historic Structures on the block and across the street, the maximum Structure Footprint for a Single Family Dwelling, shall be as follows:
 - A. A main Dwelling Unit may not have a Structure Footprint exceeding 1,600 square feet plus up to 500 square feet for a single Story attached Private Garage.
 - B. The total Structure Footprint of all Accessory Structures may not exceed 250 square feet unless these include a detached single Story Private Garage where in such cases a total of 550 square feet is allowed.
 - C. The total coverage of all parking and Driveway areas on the Lot may not exceed 1,000 square feet.
 - (2) Greater coverage within the Buildable Area may be permitted for a Single Family Dwelling if the Lot is determined to be consistent with coverage of a majority of structures on the block and across the street so long as the total coverage does not exceed 60% of the Lot coverage within the Buildable Area and the following criteria are satisfied:
 - A. A main Dwelling Unit does not have a Structure Footprint exceeding 2,300 square feet, which is in addition to the permitted 500 square feet for a single Story attached Private Garage.
 - B. The total Structure Footprint of all Accessory Structures does not exceed 350 square feet unless these include a detached single Story Private Garage where in such case a total of 750 square feet is allowed.
 - C. The total coverage of all parking and Driveway areas on the Lot does not exceed 1,400 square feet.
- (e) Height limit. Except as otherwise specified in this Zoning Ordinance, the maximum Structure Height shall be 35 feet or within 10 percent of the average Structure Height of Abutting Structures that are clearly visible from the street or public way directly in front of the Structure in question. ^[1304.02]

1304.03 Off-Street Parking.

Single Family Dwelling Units, where feasible and in accordance with historic preservation goals, shall provide two Off-Street Parking spaces located on the Buildable Area of the Lot.

FOOTNOTES:

1304.02 Ord. 2022-01 (passed 03-24-2022) created provisions for the regulation of fences and retaining walls. See also § 1303.04, Appendix A, and Appendix B.

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ARTICLE 1310 Establishment of Zoning Districts and Zoning Map

1310.01 Zoning Districts.

1310.02 Zoning Map.

CROSS REFERENCES

Zoning districts generally—see WV Code 8A-7-1 *et seq.*

1310.01 Zoning Districts.

- (a) Base zoning. For the purpose of carrying out the provisions of this Zoning Ordinance, the incorporated area of the Town is hereby divided into two underlying (or base) zoning classifications as set forth in this Zoning Ordinance, and as marked on the official Zoning Map certified by Town Council and consistent with the Comprehensive Plan. The Rights-of-Way, both used and unused, are publicly owned and carry the least intensive zoning of the Abutting properties along each Block.
- (b) Historical significance of Town. In 1979, the Town was nominated and then designated as a historic district on the National Register of Historic Places as the Harpers Ferry Historic District. This designation recognizes those resources that contribute to the cultural, social, economic, political and architectural history of the Town. In harmony with the Comprehensive Plan, the Town recognizes that the preservation of historic character and architecture is primary to the safeguarding of the cultural, social, religious and economic heritage of the Town. The Town recognizes the importance of preserving historic structures and land throughout the Town in order to:
- (1) Protect the heritage of the historic sites by preserving the cultural, social, economic, political, architectural or archaeological history;
 - (2) Foster urban and civic beauty;
 - (3) Promote the preservation and the use of historic district for the education, welfare, and pleasure of the residents of the Town and the region; and
 - (4) Strengthen the local economy.

1310.02 Zoning Map.

The zoning classification for all lots is established on a map entitled “The Zoning Map of the Corporation of Harpers Ferry” certified by Town Council, dated and on display at the office of the Town. The Zoning Map, including all explanatory matter thereon, is made a part of this Zoning Ordinance.

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) and Ord. 2017-01 (passed 02-25-2017).