
PART SEVENTEEN — BUILDING, LAND USE AND SUBDIVISION CODE

ARTICLE 1722 General Provisions

- 1722.01 Title.**
- 1722.02 Policy and Purpose.**
- 1722.03 Authority.**
- 1722.04 Jurisdiction.**

CROSS REFERENCES

Comprehensive plan—see WV Code 8A-3-1 *et seq.*
Jurisdiction and control—see WV Code 8A-4-1

1722.01 Title.

These regulations shall officially be known, cited and referred to as the Subdivision Regulations of the Corporation of Harpers Ferry, West Virginia, (hereinafter "these Regulations"). For the purposes of this article and the Planning and Zoning Ordinance, the term Subdivision shall conform to Chapter 8A of the Code of West Virginia where a major Subdivision requires Development and Improvement of infrastructure and a minor Subdivision (See Section 1727.02) generally entails only changes in Lot and / or boundary lines. The initial subdivision of the Town is shown on the 1869 S. Howell Brown sale map, posted in the Town Hall and in the office of the County Clerk of Jefferson County. Adjustments between or among those original Lots are regulated via Article 1727.

1722.02 Policy and Purpose.

- (a) It is declared to be the policy of the Corporation of Harpers Ferry to consider the Subdivision of land and the subsequent Development of the subdivided Plat as subject to control of the Corporation of Harpers Ferry pursuant to the Comprehensive Plan for the orderly, planned, efficient and economical development of the Town.
- (b) In accordance with the Comprehensive Plan adopted in June 2007 and amended by Council from time to time, the overall residential density for the Town shall not exceed a housing density greater than one residential Structure per original Lot as shown on the S. Howell Brown sale map of 1869.
- (c) Land to be subdivided shall be of a character that it can be used safely for Building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and other public improvements such as parks, recreational facilities and transportation facilities as provided for in these Regulations.
- (d) These Regulations are adopted for the following purposes:
 - (1) To protect and provide for the public health, safety and welfare of the Town.
 - (2) To guide the future growth and Development of the Town in accordance with the official community plan.
 - (3) To provide for adequate light, air and privacy, and to secure from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.
 - (4) To protect and conserve the value of land throughout the Town and the value of Buildings and improvements upon the land, and to minimize the conflicts among

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).

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- the uses of land and Buildings.
- (5) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, recreation and other public requirements and facilities.
 - (6) To ensure that public facilities and services are available concurrent with Development and will have a sufficient capacity to serve the proposed Subdivision and that the cost of Improvements that benefit the Tract of land being developed will be borne by the owners or developers of the Tract as provided in these Regulations.
 - (7) To preserve the natural beauty and topography of the Town and to ensure appropriate Development with regard to these natural features.
- (e) These Regulations require that all lands located within the Town be platted in conformance with these provisions except as provided in Article 1727: Variations and Exceptions.

1722.03 Authority.

The Subdivision Regulations have been adopted pursuant to Chapter 8A, Article 5, Planning and Zoning, of the West Virginia Code.

1722.04 Jurisdiction.

These Regulations shall apply to the following forms of Subdivision and/or the Development of land within the corporate limits of the Town:

- (a) The dividing of land into two or more tracts, Lots, sites or Parcels, any part of which, when subdivided, shall contain less than five acres in area.
- (b) The redividing of previously platted land into tracts, Lots, sites, or Parcels, any part of which, when subdivided, shall contain less than five acres in area.
- (c) The Development of land in a manner not in strict compliance with the Plat filed of record.
- (d) The dedicating, vacating, or reserving of any public or private Easement, public or private Street or alley regardless of the area involved, including those for use by public and private utility companies.