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## PART SEVENTEEN — BUILDING, LAND USE AND SUBDIVISION CODE

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### ARTICLE 1725 Improvements

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#### CROSS REFERENCES

Location Improvement Permit—see WV Code 8A-4-2(a)(14)

Design Standards—see Part 13 Appendix A - Historic Standards & Guidelines

#### 1725.01 Purpose.

- (a) It is the purpose of this section to specify the nature of Improvements which shall be required in conjunction with the subdividing and Development of land; to identify the methods which will assure the Corporation of Harpers Ferry and the public that said required Improvements will be constructed; and further to prohibit the issuance of a Project Permit for construction within a recorded, platted Subdivision before the completion and Town acceptance of all required Off-site Improvements within the Subdivision.
- (b) Unless specifically excluded or excepted elsewhere in these Regulations, a Subdivider shall install and construct the following specified Off-site Improvements in conformance with the standards and specifications of these Regulations:
  - (1) Streets;
  - (2) Sanitary sewers, including manhole covers (in association with or on behalf of the applicable Public Service District or other approved sanitary sewer provider);
  - (3) Water mains;
  - (4) Fire hydrants;
  - (5) Storm sewers;
  - (6) Sidewalks; and
  - (7) Permanent markers. (See Section 1725.08)
- (c) Hereinafter in these Regulations, the phrase "required Off-site Improvements" shall refer to and mean these seven enumerated required Improvements.

#### 1725.02 Improvements to be logical extension or expansion.

The development plan for required Off-site Improvements shall be approved by the Town only after it has been found that a proposed Development, when considered in conjunction with the entire Subdivision and the areas surrounding to or Abutting to it, will contain Public Improvements and utilities which will be consistent and compatible in Structure, quality,

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#### 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Ord. 2015-02 (passed 01-29-2015, effective 02-16-2015) superseded all previous zoning and related ordinances to bring the Town into compliance with current WV Code.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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construction, performance and appearance and will constitute logical and orderly expansions of existing Public Improvements, as well as future Improvements to be installed within and without the boundaries of the Subdivision.

### **1725.03 Required plans and their approval.**

- (a) At the time of submission of the Final Plat to the Planning Commission and before the installation and construction of required Off-site Improvements within any Subdivision, plans and specifications therefore shall be prepared by a registered Professional Engineer and submitted to the Planning Commission or its designee. The Commission shall, if warranted after the inspection and review of submitted plans and specifications, submit to the Town Council a report that, in its opinion, the plans and specifications comply with all current standards and requirements applicable thereto. No installation or construction of any Public Utility or required Off-site Improvement shall be commenced without approved plans and specifications and approval of the Town Council.
- (b) Plans for Off-site Improvements shall be submitted as follows:
  - (1) Before the submission of the Final Plat to the Planning Commission, two sets of "check" prints of the plans and specifications for all proposed and required Off-site Improvements shall be filed with the Town through the Ordinance Compliance Officer or the Mayor's designee.
  - (2) Five sets of plans and specifications for all required Off-site Improvements shall be filed with the Town through the Ordinance Compliance Officer or the Mayor's designee for final approval at the time of request for consideration of the Final Plat by the Planning Commission.
- (c) Town approval of Off-site Improvement plans for any required Off-site Improvements or any part thereof shall be null and void two years from the date of approval unless said Off-site Improvements are under construction and will be completed within ninety days.
- (d) Plans for which approval has expired shall be resubmitted for review and current approval before any work is undertaken on the project.

### **1725.04 Accomplishment of Improvements; general procedure.**

- (a) The accomplishment of Improvements required herein shall be by developer construction and approval by the Town.
- (b) No Subdivider shall consummate the sale of property within the Subdivision by Lot and block reference to the Plat until such time as the Final Plat shall be accepted.
- (c) No Building permit shall be issued for any Lot before the construction of off-site improvements as are required by these Regulations and which have been accepted by the Town.

### **1725.05 Improvements constructed before filing; procedure.**

The procedure for approval of Off-site Improvements required herein before the filing of a Final Plat approved by the Town Council shall be as follows:

- (a) At the time of consideration of approval of the Final Plat by the Town Council, the Subdivider shall submit a written application to the Ordinance Compliance Officer or the Mayor's designee indicating in specific detail the required Off-site Improvements intended to be installed and constructed before filing of the Final Plat.
- (b) The Ordinance Compliance Officer or the Mayor's designee shall review the request and submit a written report to the Mayor noting specific problems, if any.
- (c) Subsequent to the decision of the Town Council that the Final Plat is in order and that

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the program for accomplishing the required Off-site Improvements is feasible and not contrary to the public interest, the Town Council may approve the installation and construction of any or all required Off-site Improvements by the Subdivider before the filing of the Final Plat and as a condition for approving the Final Plat.

- (d) In all cases where the Town Council approves a program of construction that requires construction of required Off-site Improvements before the filing of the Final Plat, the Final Plat, without benefit of required signatures of Town officials, shall be held in escrow for the Town by the Town Recorder. It shall not be released for any purpose until the approved program of construction is completed and all Off-site Improvements are accepted by action of the Town Council. Following acceptance of all required Improvements included in the construction program and the completion of all other commitments, if any, by the Subdivider, the Final Plat shall be executed by the Town and recorded at the Jefferson County Courthouse.
- (e) An approved program of construction under this method shall be completed within a period of one year. One year from the date of approval, the approval of any construction program which has not yet begun shall become null and void. One year from the date of approval, the approval of any construction program which is still in process shall be reviewed by the Town Council and they shall take action as deemed necessary.
- (f) Any approved program of construction may be amended; however, such amendment shall require approval of the Town Council.

### **1725.06 Completion and Town acceptance of public Improvements.**

- (a) At such time as the Subdivider has completed the installation and construction of all Public Utilities and Improvements required within the Subdivision, the Subdivider may seek acceptance for all such Improvements by the Town.
- (b) The procedure for consideration of acceptance of Public Improvements shall be as follows:
  - (1) The individual or legal entity responsible for causing a Public Improvement to be constructed shall make a written request through the Ordinance Compliance Officer or the Mayor's designee that such Public Improvements be accepted by the Town.
  - (2) One set of reproducible As-Built plans shall be submitted in conjunction with said written request.
  - (3) The registered professional Engineer of the project shall submit a written statement indicating that the Off-site Improvements have been constructed in accordance with the approved plans, that the As-Built plans are a true and accurate representation of said Off-site Improvements, and that the Engineer is satisfied with off-site improvements and the engineer recommends acceptance by the Town.
  - (4) The Ordinance Compliance Officer or the Mayor's designee shall submit a written report to the Mayor indicating the following:
    - A. That said Improvements either have or have not been constructed in compliance with approved plans and specifications and all requirements of the Town of Harpers Ferry.
    - B. That the As-Built plans either provide or do not provide a true and accurate representation of the Public Improvements.
  - (5) Upon the Mayor's receipt of the report, such report shall be submitted to the Town Council for their acceptance of the Improvements.
  - (6) If the Town Council finds the Public Improvements and all associated

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requirements to be in compliance with these Regulations, the Improvements shall be accepted for maintenance.

### **1725.07 Project Permits.**

No Project Permit shall be issued for any Lot before the construction of Off-site Improvements as required by these Regulations, nor shall a Project Permit be issued for any Structure on any Tract of land which has not been, when required, subdivided or platted in accordance with these Regulations.

### **1725.08 Permanent markers.**

Subdivision and specific points therein shall be marked as follows:

- (a) Concrete monuments as approved by the Town shall be placed at all corners and changes in direction of the boundary of the Subdivision. Where boundaries are comprised of curves, the point of curvature (P.C.), point of intersection (P.I.), and point of tangency (P.T.) shall be monuments. All monuments shall be placed flush with the ground and have at least two reference points established with tie distances.
- (b) Iron pins at least three quarters inch in diameter and at least eighteen inches in length shall be placed on all block corners, P.C.'s, P.I.'s and P.T.'s along the dedicated Street Right-of-Way.
- (c) Iron pins at least one half inch in diameter and at least twelve inches in length shall be placed at all Lot corners.
- (d) All required monuments and iron pins shall be in place before acceptance of Street Improvements.

### **1725.09 Sanitary sewers.**

- (a) All Subdivisions shall install or cause to be installed sanitary sewer lines in accord with these Regulations and the Public Service District rules and requirements for new sanitary sewer lines and shall submit an approved certificate from the State Health Department.
- (b) No Project Permit shall be issued for any Structure to be located on a Lot within a platted Subdivision filed of record until the required sanitary sewer Improvements for that Lot have been installed in accordance with these Regulations and the Subdivider shall submit evidence of approval at the time of Project Permit application.

### **1725.10 Streets.**

The Subdivider of any Subdivision shall lay out, grade, and otherwise improve all Streets that are designated on the approved Plat in compliance with the following provisions:

- (a) Streets shall be laid out, graded and otherwise improved according to standard specifications prepared by the Ordinance Compliance Officer or the Mayor's designee and approved by the Town Council, and shall be subject to inspection and approval requirements as contained in said standard specifications.
- (b) Street Right-of-Way and pavement widths and required cross sections shall comply with said standard specifications prepared by the Ordinance Compliance Officer or the Mayor's designee.

### **1725.11 Water lines and fire hydrants.**

In all Subdivisions, the Subdivider shall install water lines and fire hydrants in compliance with standard specifications prepared by the Ordinance Compliance Officer or the Mayor's designee in consultation with the Harpers Ferry Water Department and approved by the Town Council, and they shall be subject to inspection and approval requirements as

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contained in said standard specifications.

### **1725.12 Storm Drainage.**

Storm Drainage facilities shall be provided and constructed as determined necessary by the Ordinance Compliance Officer or the Mayor's designee and approved by the Town Council.