



## 1003 Administrative and Enforcement

### I. Responsibility for Administration and Enforcement

- A. It shall be the duty of the Zoning Enforcement Officer to administer the provisions of this Ordinance, except as otherwise expressly provided in this Ordinance.
1. It shall be the duty of the Zoning Enforcement Officer to:
- Perform reviews of permit applications and notifications as necessary to determine compliance with the provisions of this Ordinance.
  - Interpret and recommend exceptions to district rules and regulations in the classes of cases or particular situations as may be specified in this ordinance in accordance with Chapter 8, Article 24, Section 55 of the West Virginia Code amended.
  - Interpret and recommend special uses to the terms of this ordinance upon which the Zoning Enforcement Officer is required to act under the ordinance in accordance with Chapter 8, Article 24, Section 55 of the West Virginia Code as amended.
  - Interpret and recommend, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest.
  - Collect fees from applicants for *Notifications* and *Improvement Location Permits*.
  - Keep and preserve all *Notifications* and applications for *Improvement Location Permits*, and all requests for rezoning, exceptions, special permits, and variances from this zoning ordinance; to keep and preserve all building plans, development plans, plats, maps, and other documents submitted to the Zoning Enforcement Officer in the course of his duties.
  - Conduct investigations as necessary to determine compliance with or violation of this Ordinance.
  - Participate in the abatement of violations of this Ordinance and aid in the prosecution of such violations.
  - Maintain, in current status, the official planning district and zoning maps.
  - Provide information on planning and zoning upon request by citizens and public agencies.
  - Perform such additional tasks and duties as may be prescribed by the Fayette County Commission and by any other agent designated by the County Commission and regulations adopted by the Fayette County Board of Zoning Appeals.
- B. The Zoning Enforcement Officer shall also enforce this ordinance. The Zoning Enforcement Officer shall be a resident of Fayette County.
1. The Zoning Enforcement Officer shall be authorized and empowered to do the following:
- Review all plans of construction, plats, and development plans for the lands and buildings affected by this zoning ordinance.
  - Issue *Improvement Location Permits* to persons or other entities making applications for the same if the applications demonstrate that such construction and buildings will be in compliance with these ordinances.





- c). Inspect completed projects to determine whether or not the buildings, development projects, lands, and new businesses, or uses as undertaken upon such lands and/or in such buildings, are in compliance with the provisions of this zoning ordinance.
- d). The Zoning Enforcement Officer shall be appointed and employed by the Fayette County Commission. He may be removed for malfeasance and misfeasance. He also may be removed for a showing a pattern of willful, arbitrary, and capricious actions in the performance of his duties.

## **II. General Provisions**

- A. No commission, board, agency, officer, or employee of the County shall issue, grant, approve, or accept any permit, license, certificate, notification, or any other authorization for any construction, reconstruction, alteration, enlargement or relocation of any building or structure, or for any use of land or building, that would not be in compliance with the provisions of this Ordinance.
- B. In administering the provisions of this Ordinance, the standard rule of rounding numbers to the nearest whole shall apply. When the unit of measurement results in a fraction less than one-half (0.5), the fraction shall be disregarded. Fractions of one-half or more, or 0.5 or over, shall require an addition to the next whole number.

## **III. Zoning Review**

- A. *No Improvement Location Permit or Notification* pertaining to the construction, enlargement, moving, and reconstruction of a structure or change of use shall be issued unless approval of the application has been granted by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall approve applications and accept notifications only in conformance with the provisions of this Ordinance except when he receives a written order from the Planning Commission, Board of Zoning Appeals, or a court of law in the form of an administrative review, special exception, variance, or judgement as provided in this Ordinance.
- B. The Zoning Enforcement Officer's report on an application is intended to be submitted to the applicant by the end of approximately fourteen (14) calendar days following the day on which a completed application is received.
- C. All applications for permits for nonresidential, multi-family housing, or single family attached housing and subdivisions of more than three lots shall be accompanied by the following:
  - 1. A site plan (1 original and 2 copies), drawn to scale, that includes the following (if applicable) for the use of the Zoning Enforcement Officer:
    - a). The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a licensed land surveyor or registered professional engineer licensed by the State of West Virginia. Said survey to be provided by the applicant;
    - b). The exact sizes and locations on the lot of existing structures, if any;





- c). The location, square footage, and dimensions of the proposed structure or alteration;
  - d). The location of the lot with respect to adjacent rights-of-way;
  - e). The existing and proposed uses of the structure and land;
  - f). The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate;
  - g). The location and dimensions of off-street parking and means of ingress and egress for such space;
  - h). Height of the structure;
  - i). Setbacks;
  - j). Buffer yards and screening, if applicable;
  - k). Location of garbage collection and screening;
  - l). Location of signs;
  - m). Street typical for internal roadways;
  - n). Location and size of drainage structures;
  - o). Location of stormwater detention system (if applicable);
  - p). Utility lines and easements; and
  - q). Signature of applicant.
2. Drainage plan and drainage calculations that bear the name, address, signature, and seal of a registered professional engineer, with floodplain zones clearly denoted, typicals of all swails, and a design of drop inlets.
  3. If applicable, design of stormwater detention system and drainage calculations that bear the name, address, and seal of a registered professional engineer and that meet the requirements and the design standards of the United States Natural Resource Conservation Service.
  4. Location of parking.
  5. Location, size, and type of landscaping.
  6. Location, size, description of signs.
  7. Approved WV Division of Highways Access Permit, if applicable.
  8. Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable.
  9. Any other such information concerning the lot or neighboring lots as may be required by the Zoning Enforcement Officer to determine conformance with, and provide for the enforcement of, this Ordinance. Where deemed necessary, the Zoning Enforcement Officer may require that in the case of accessory structures or minor additions, all dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be in an actual survey by a registered land surveyor or professional engineer licensed by the State of West Virginia, said survey to be provided by the applicant.