

Hardy County Improvement Location Permit Ordinance

This ordinance, entitled “Hardy County Improvement Location Permit Ordinance”, adopted by the county commission of Hardy County, West Virginia, on April 26th, 1992.

Revised and Amended May25, 2007.

WHEREAS, West Virginia Code Chapter 11, Article 3, Section 3a requires that any person, corporation, association or other owner of real property, subject to the payment of property tax, who shall improve said real property as set forth in the said code section, shall apply for an Improvement Location Permit in writing to the County Planner within thirty (30) days prior the commencement of the improvement of said property; and

WHEREAS, West Virginia Code Chapter 7, Article 1, Section 3v(c) empowers the county commission of each county to require and issue building permits for all proposed construction or other improvements located in Hardy County; and

WHEREAS, in accordance with West Virginia Code Chapter 16, Article 1, Section 9, no person, firm, corporation, institution or association, whether public or private, county or municipal, shall install or establish any system or method of drainage, water supply, sewage or excreta disposal, or solid waste disposal, without first obtaining a written permit to install or establish such system or method from the State Director of Health or his authorized representative; and

WHEREAS, in accordance with WEST Virginia Code Chapter 7, Article 1, Section 3, a County Commission has certain powers and authorities including the administration of the internal fiscal affairs of the county; and

WHEREAS, in accordance with West Virginia Code Chapter 17, Article 4, Sections 47, 48, and 49, certain requirements must be met before access can be gained to and from a state highway from real estate; and

WHEREAS, this ordinance is being enacted, adopted, and revised, for the purpose of ensuring that all applicable provisions of the West Virginia Code, including the forgoing, are met before any real estate is improved as described hereinabove; and

WHEREAS, this ordinance is being enacted, adopted, and revised, in accordance with all the applicable provisions of the West Virginia Code including the foregoing.

It is hereby ORDERED and ADOPTED that any person, corporation, association or other owner of real property, subject to the payment of property tax, who shall hereafter erect any building or structure, or shall add, enlarge, move, alter, convert, extend or raise any building or structure in the unincorporated areas of Hardy County, West Virginia, shall first obtain and Improvement Location Permit from the Hardy County Planner’s Office. Applications for Improvement Location Permits can be obtained at the Hardy County Planner’s Office. The Fees for and Improvement Location Permit shall be as follows:

HARDY COUNTY

IMPROVEMENT LOCATION PERMIT FEE SCHEDULE

NEW CONSTRUCTION

<u>Agricultural Building</u> (Over 1000 Square Feet)	\$125.00
(Under 1000 Square Feet)	\$75.00
<u>Commercial Structures</u>	\$275.00
Extensions	\$50.00 per year
<u>Commercial Residential</u>	\$150.00
Extensions	\$50.00 per year
<u>Industrial Structures</u>	\$500.00
<u>Single Family Unit</u>	\$100.00
Extensions	Two, No Fees
<u>Mobile Home, Including Doublewides</u>	\$50.00
Extensions	Two, No Fees
<u>Residential Outbuildings</u>	\$50.00 from 100Sq. Ft.
- If outbuilding is either under 100 Sq. Ft. or under \$1,000 then no fee.	
Extensions	Two, No Fees
<u>Carport or Garage</u>	\$50.00
Extensions	\$15.00 per year
<u>Swimming Pool (above or below ground)</u>	\$75.00
Extensions	\$25.00 per year
<u>Tennis Court</u>	\$75.00
Extensions	\$25.00 per year
<u>Deck or Porch (over \$1,500)</u>	\$25.00
Extensions	Two, No Fees
<u>Parking Lot</u>	\$175.00
Extensions	\$25.00 per year
<u>Multi Family Unit</u>	\$125.00 per unit

Extensions	\$50.00 per year
<u>Condominium or Townhouse</u> Extensions	\$125.00/Unit \$50.00 per year
<u>Seasonal or Secondary Home</u> Extensions	\$125.00 \$100.00 per year
<u>Hunting Cabin</u> Extensions	\$50.00 Two, No Fees

Additions

<u>Industrial</u>	\$250.00
<u>Commercial</u>	\$75.00
<u>Residential, Single Unit</u> Extensions	\$25.00 Two, No Fees
<u>Vacation or Secondary Home</u>	\$75.00
<u>Agricultural</u>	\$50.00

Definitions

Improvement Location Permit: A certificate that must be obtained from the Hardy County Planning Office by the property owner or contractor before any building, structure or improvement to a building or structure can be erected or repaired.

Permit Placard: A sign posted on a property issued by the Hardy County Planning Office which entails the holder of the placard to construct what is listed on the Improvement Location Permit. The placard will have the permit number written on it. It must be posted in a conspicuous place until the job is completed and passed as satisfactory by the Planning Office staff.

Sketch Plan: A drawing showing the Plan layout and location of the proposed new construction or addition on a parcel of land. A sketch plan, in regards to the Improvement Location Ordinance, includes offsets from the property lines as proscribed by the Hardy County Zoning Ordinance.

Agricultural building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. Such structure shall not include habitable or occupiable spaces, spaces in which agricultural products are processed, treated or packaged; nor shall an agricultural building be a place of occupancy by the general public.

Commercial Structure: A building with more than 50 percent of its floor space used for commercial activities.

Industrial Structures: A building directly used in manufacturing or technically productive enterprises. Industrial buildings are not generally or typically accessible to other than workers. Industrial buildings include buildings used directly in the production of power, the manufacture of products, the mining of raw materials, and the storage of textiles, petroleum products, wood and paper products, chemicals, plastics, and metals.

Single family Unit: A general term originally used to distinguish a house designed for use by one family from an apartment house. More recently, used to distinguish a house with no common area from a planned development or condominium.

Mobile Home (including doublewides): A modular home is considered to be a mobile home for purposes of the GST/HST new housing rebate. A modular home is a factory-built house or building intended for residential occupancy that comprises "modules" with three walls and a roof or ceiling. It has to be equipped with complete plumbing, electrical, and heating facilities, and designed to be moved to a site for installation on a foundation and to be connected to service facilities, and used as a place of residence.

Residential Outbuilding: A pre fabricated or frame built structure used for storage or home based light industry. The purpose is for private use of a single family unit.

Carport: A roofed, open-sided storage place for a car.

Garage: A building or part of a building where motor vehicles are parked or housed, usually temporarily.

Swimming Pool: A watertight basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing. It can be above or below ground.

Tennis Court: A tennis court is where a game of tennis is played. It is a firm rectangular surface with a low net standing across the center.

Parking Lot: This use shall include public or private open areas other than a street or public right-of-way, used for the temporary storage (parking) of operable passenger automobiles and commercial vehicles, and available either for compensation, for free, or as an accommodation for clients, employees, visitors, guests, residents or customers.

Multi-Family Unit: A building which features two or more family dwellings within the same structure.

Condominium: A form of property ownership in which the homeowner holds title to an individual dwelling unit, an undivided interest in common areas of a multi-unit project, and sometimes the exclusive use of certain limited common areas.

Townhouse: An architectural type of construction; a row house on a small lot that has exterior limits common to other similar units; title to the unit and its lot is vested in the individual owner with a fractional interest in common areas, if any, or, a row of houses connected by common side walls.

Seasonal or Secondary Home: A residence the owners only occasionally or seasonally, primarily for recreational purposes. Also a home owned in addition to a person's primary residence.

Hunting Cabin: A small (rustic) shelter for the purpose of hunting. The structure is not meant to be a permanent residence.

Addition: A portion of a building added to the original structure.

County Planning Office: Office of the County Planner.

Unincorporated: In law, a region of land is unincorporated if it is not a part of any municipality. To "incorporate" in this context means to form a municipal corporation, i.e., a city or town. Unincorporated, in turn, implies no city and hence no city, town, village, or other municipal government.

Fee Schedule: A listing of the maximum fee which an applicant will pay for services based on the ordinance requirements.

The process for obtaining an Improvement Location Permit shall be as follows:
-From Hardy County Zoning Ordinance, Section 3 and 4, pages 58 to 61.

GENERAL PROVISIONS

- A. No commission, board, agency, officer, or employee of Hardy County shall issue, grant, approve, or accept any permit, license, certificate, notification, or any other authorizations for any construction, or 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. 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 County Planner.

Improvement Location Permit 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 County Planner.
- B. The County Planner'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 non-residential, 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 County Planner:
 - 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 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 right-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 storm water 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, typical of all swales, and a design of drop inlets.
 3. If applicable, design of storm water detention system and drainage calculations that bear the name, address, and a 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 WV NPDES General Permit for Storm Water Associates with Industrial (Construction) Activity, if applicable.
 9. Any other such information concerning the lot or neighboring lots as may be required by the County Planner to determine conformance with, and provide for the enforcement of, this Ordinance.
 10. Where the County Planner determines that any of these items (a) through (h) above is unnecessary, the requirements may be waived.
- D. Three copies (an original and two copies) of a Sketch Plan shall be required for all other applications for Improvement Location Permits and Notifications.
- E. No site plan shall be accepted unless it is complete and is verified as to the the correctness of information given by the signature of the applicant attesting thereto.
- F. The County Planner may require that the lot and location of the building thereon shall be staked out on the ground before construction of a dwelling unit or primary structure is begun. The County Planner, where deemed appropriate, may require the same for accessory structures or minor additions. In any case, it shall be the owner's responsibility to make sure that a structure placed on his property according to his approved site plan or sketch plan and as required by any applicable county ordinance.
- G. Site plans and sketch plans approved by the County Planner authorize only the use, arrangement, and construction set forth in such approved site plans. The approval of a site plan or sketch plans shall not be construed to be approval of any violation of the provisions of this Ordinance. The issuance of an Improvement Location Permit based upon site plans and sketch plans given approval by the County Planner, shall not prevent the County Planner from thereafter requiring the correction of errors in said site plans and sketch plans or from preventing operations from being carried on thereunder in violation with this Ordinance.
- H. One copy of the site plan or sketch plan submitted for a permit as required in the subsection above for the County Planner shall be returned to the applicant after the County Planner has marked such copy as either approved or disapproved as the provisions of this Ordinance and attested to same by his signature on such copy. The original, similarly marked, shall be retained by the County Planner.

The requirements of this ordinance may be enforced by injunction action in the Circuit Court of Hardy County.

This Ordinance shall take effect on May 29, 2007.

Roger Champ
President, Hardy County Commission

William "J.R." Keplinger, Commissioner

Stanley B. Moyer, Jr., Commissioner