

ARTICLE II

DEFINITIONS

(Amended 3 April 2023)

Section 201. INTERPRETATIONS OF COMMONLY USED TERMS AND WORDS

- 201.1** Words used in the present tense shall include the future tense.
- 201.2** Words used in the singular number shall include the plural, and words used in the plural shall include the singular, unless the natural construction of the wording indicates otherwise.
- 201.3** The word person includes a firm, association, corporation, trust company, as well as an individual.
- 201.4** The words used for shall include the meaning designed for.
- 201.5** The word structure shall include the word building.
- 201.6** The word lot shall include the words plot, parcel, or tract.
- 201.7** The word shall is always mandatory and not merely directory.

Section 202. DEFINITIONS OF SPECIFIC TERMS AND WORDS

- 202.1** **ACCESSORY USE.** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- 202.2** **ALLEY.** A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- 202.3** **ALTERATION.** The word alteration shall include the following:
- a. Any addition to the height or depth of a building or structure;
 - b. Any change in the location of any of the exterior walls of a building or structure;
 - c. Any increase in the interior accommodations of a building or structure.

202.4 APARTMENT. A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family.

202.5 APARTMENT HOUSE. A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, including apartment hotels, apartment houses, and group housing projects.

202.6 APPRAISED VALUE. The market value which has been last determined by the county in which the property is for ad valorem tax purposes.

202.7 BILLBOARD. Outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity service or other activity, conducted, sold, or offered elsewhere than on the premises on which said structure or display is located.

202.8 BONA FIDE FARM. All land of ten (10) acres or more under the same ownership and forming a continuous plot on which agricultural operations are conducted-includes woodland and timberland, cultivation of crops, and the husbandry of livestock.

202.8.1 BOUTIQUE HOTEL. Small stylish hotel with less than thirty (30) rooms. *(added 25 November 2019)*

202.9 BUFFER STRIP. An unused strip of land at least six (6) feet in width composed of deciduous and/or evergreen trees spaced not more than four (4) feet apart and not less than one (1) row of dense evergreen shrubs spaced not less than five (5) feet apart and five (5) feet or more in height after one (1) growing season, and maintained in a healthy, growing condition by the property owner. No building or part of a building, no driveway or parking area shall occupy any part of the buffer strip.

202.10 BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials. The connection of two (2) or more buildings by means of an open porch, breezeway, passageway, or carport or other such open structure, with or without a roof, shall be deemed to make them one building. This term does not apply to camping trailers, motorized homes, pick-up coaches, travel trailers, or to self-contained travel trailers.

202.11 BUILDING, ACCESSORY. A use or structure customarily incidental and sub-ordinate to the main or principal building and located on the same lot therewith.

- 202.12 BUILDING HEIGHT.** The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, gambrel and pitch roofs.
- 202.13 BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which said building is situated.
- 202.14 BUILDING SETBACK LINE.** A line establishing the minimum allowable distance between the main or front wall of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line (or the assumed right-of-way line) when measured perpendicularly thereto.
- 202.15 CERTIFICATE OF ZONING COMPLIANCE.** A statement, signed by the Ordinance Administrator, stating that the plans for a building, structure or use of land complies with the zoning ordinance of West Jefferson.
- 202.16 CONDOMINIUM.** A dwelling unit owned as a single-family home within a multiple-unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms such as attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units and elevators.
- 202.17 SPECIAL USE.** A development that would not be generally appropriate without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in a zoning ordinance by the Board of Adjustment as a special use if specific provisions for such are made in this zoning ordinance. *(amended 1 March 2021)*
- 202.18 DAY CARE FACILITY.** Any day care center or childcare arrangement that provides day care for more than five (5) children unrelated to the operator and for which a payment fee, or grant, is received, excluding foster homes, public or private schools which provide a course of grade school instruction to children of public school age, summer day or residence camps, or Bible schools.

- 202.19 DWELLING UNIT.** A building or portion thereof, providing complete permanent living facilities for one (1) family. The term dwelling shall not be deemed to include a motel, hotel, tourist home, structure designed for transient residence, or mobile home.
- 202.21 DWELLING, SINGLE-FAMILY.** A detached building designed for and occupied exclusively by one (1) family.
- 202.22 DWELLING, TWO-FAMILY.** A building arranged or designed to be occupied by two (2) families living independently of each other.
- 202.23 DWELLING, MULTI-FAMILY.** A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, townhomes, and group housing projects. (*amended 02 May 2022*)
- 202.24 EASEMENT.** A grant by a property owner of a strip of land for specified purpose and use by the public, a corporation, or individuals.
- 202.24.1 EVENT VENUE.** A place where parties, corporate events, receptions, and family events are held. (*added 25 November 2019*)
- 202.25 FAMILY.** Any number of persons related by blood, adoption, or marriage, and living together in one dwelling unit as a single housekeeping entity; term includes domestic servants.
- 202.25.1 Flea Market.** A market where antiques, used household or office goods, used household or office equipment, books, used furniture, and/or curios are sold. (*amended 1 August 2011*)
- 202.26 HOME OCCUPATION, INCIDENTAL.** Any profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises, provided that no merchandise or commodity is sold or offered for sale on the premises and that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and provided further that not over twenty-five (25) percent of the total actual floor area of any structure is used for home occupation or professional purposes and that all parking generated by the conduct of such home occupation be off the street and other than in a required front yard.

- 202.27 HOTEL (MOTEL).** A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests and having or not having one or more dining rooms, restaurants, or cafes where meals or lunches are served to such transient or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.
- 202.28 LOT.** A parcel of land in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings including the open space required under this ordinance. For the purpose of this ordinance, the word a lot shall mean any number of contiguous lots or portions thereof upon which one (1) principal building and its accessory buildings are located or are intended to be located.
- 202.29 LOT, CORNER.** A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five degrees (45°) or less than one hundred and thirty-five degrees (135°) with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.
- 202.30 LOT, DEPTH.** The depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the mid-point of the front lot line to the mid-point of the opposite main rear line of the lot.
- 202.31 LOT, INTERIOR.** A lot other than a corner lot.
- 202.32 LOT, THROUGH.** An interior lot having frontage on two streets.
- 202.33 LOT OF RECORD.** A lot which is part of a subdivision, a plat of when has been recorded in the office of the Register of Deeds of Ashe County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.
- 202.34 LOT WIDTH.** The distance between side lot lines measured at the building setback line.

202.35 MANUFACTURED (MOBILE) HOME: A structure designed for living or sleeping purposes, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

(a) **Class A Manufactured (Mobile) Home (multi-section/double-wide).** A Mobile Home that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and is a multi-section/double-wide unit.

(b) **Class B Manufactured (Mobile) Home (single-wide).** A Mobile Home that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and is a single-wide unit.

~~(c) **Class C Manufactured (Mobile) Home (built before 1976).** Any Mobile Home that does not meet the definition of a Class A or Class B Mobile Home. (removed 1 March 2021)~~

202.36 MOBILE HOME PARK. Land used or intended to be used, leased or rented for occupancy by mobile homes to be used for living or commercial quarters of any kind, designed and operated in accordance with applicable provisions of this ordinance. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

202.37 MOBILE HOME SPACE. Any parcel of ground within a mobile home park, designated for the exclusive use of one (1) mobile home.

202.38 NON-CONFORMING USE OR STRUCTURE. Any use of a building or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated into this ordinance.

202.39 OBSTRUCTION. Any structure, fence, shrub, bush, tree, flower, plant motor vehicle or any other object that obscures, impairs, or prevents view or sight through, over or across the horizontal or vertical distance area as herein defined.

202.40 OPEN STORAGE. Unroofed storage area, whether fenced or not.

- 202.41 OPERATING PERMIT.** A permit issued by this zoning administrator to a mobile home park owner or operator upon the completing of a mobile home park which conforms to the requirements of this ordinance.
- 202.42 PARKING SPACE.** A storage space of not less than ten (10) feet by sixteen (16) feet for one (1) automobile, plus the necessary access space. It shall be always located outside the dedicated street right-of-way whenever possible as determined by the Town.
- 202.43 PLANNED UNIT DEVELOPMENT (PUD).** A land development project planned as an entity by means of a unitary site plan which permits flexibility in building site, mixtures in building types and land uses, usable open space, and the preservation of significant natural features.
- 202.44 PLANNING BOARD.** The Planning Board of the Town of West Jefferson.
- 202.45 PUBLIC WATER SUPPLY.** Any water supply furnishing potable water to ten (10) or more residences or businesses or combination of businesses or residences. Approval by the Division of Health Services, Department of Human Resources is required.
- 202.46 PUBLIC SEWAGE DISPOSAL SYSTEM.** A system serving two (2) or more dwelling units and approved by the Ashe County Division of the District Health Department and the North Carolina Department of Water and Air Resources.
- 202.47 RECYCLABLE MATERIAL.** Construction or demolition materials, aluminum, drink boxes, corrugated cardboard, glass bottles and jars, magazines, ferrous and nonferrous scrap metals, motor oil, newspaper, office paper, scrap paper, plastic bottles, soda bottles, steel and tin cans, telephone books, yard waste, cooking grease, clean wood waste, rubble, food waste exclusively source separated for composting, and other materials specified by the Board of Alderman.
- 202.48 RETAIL BUSINESS.** Establishments selling commodities in small quantities to the consumer.
- 202.49 RETAIL SERVICES.** Establishments providing tangible needs for immediate use.
- 202.50 SALVAGE.** Any scrap, waste, recyclable material, unregistered vehicles, inoperable vehicles, tires, vehicle parts, equipment, paper, metal, glass, building materials, household appliances, machinery or parts thereof, or other material that is to be or intended to be reclaimed or saved from destruction.

- 202.51 SALVAGE YARD.** The use of any lot or tract for the outdoor storage of salvage materials. This definition shall include auto or other vehicle or machinery wrecking or dismantling activities. This definition shall not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property. The presence on any lot, parcel, or tract of land of three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, including implements of husbandry not a part of a farming operation, shall constitute prima facie evidence of a salvage yard. This shall not include motor vehicles licensed for the current year.
- 202.52 SELF-CONTAINED TRAVEL TRAILER.** A travel trailer which may operate independently of connections to electricity, water, and sewer for a limited period of time having its own battery or LP gas system or both, to operate lights, refrigerator, stove and heater, and having a water tank with a pressure system, and having a holding tank with a toilet.
- 202.53 SERVICE STATION.** A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body working, overhauling, and painting.
- 202.54 SETBACK LINES.** The lines on the front, rear, and sides of a lot which delineate the area within a structure may be built and maintained, according to the district regulations.
- 202.54.1 SHORT TERM RENTALS.** A privately owned and furnished **residential** unit rented out for a short-term period that ranges between 1 and 30 days
- 202.55 SIGN.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known, and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product.
- 202.56 SIGN AREA.** The entire face of a sign and all wall work incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs, shall be included as part of the sign area. In computing sign area, only one (1) side of a double face sign structure shall be considered.

- 202.57 SIGN, FREE-STANDING.** Any sign which is attached to or mounted upon the ground by means of one or more upright posts, pillars, or braces placed upon the ground, and which is not attached to any building (excludes billboards, poster panels, and outdoor advertising signs).
- 202.58 SIGN, LOCAL INTEREST.** A sign of a temporary nature used to advertise or announce a particular event of normally local concern.
- 202.59 SIGN, OFF-SITE.** An advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.
- 202.60 SIGN, ON-SITE.** A Sign relating in subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
- 202.61 SIGN, PERMANENT.** Signs erected, located, or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.
- 202.62 SIGN, PROJECTING.** A sign projecting from the exterior wall of a building or suspended from and supported by the underside of a horizontal service, such as a canopy.
- 202.63 STREET.** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
- 202.64 STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground.
- 202.64.1 Twin Home.** A twin home is a dwelling type consisting of 2 attached single-family dwelling units, each occupying its own conventional lot and conveyed by deed in fee simple, connected along a common party wall with no interior circulation between the 2 dwelling units. *(amended 6 February 2012)*
- 202.65 VARIANCE.** A modification of the existing zoning ordinance by the Town of West Jefferson Board of Adjustment when strict enforcement of this ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
- 202.66 YARD.** An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upwards, except where encroachments and accessory buildings are expressly permitted.

- 202.67 YARD, FRONT.** An open, unoccupied space extending the full width of the lot, and situated between the right-of-way of the street and the front line of the building projected to the sides of the lot.
- 202.68 YARD, REAR.** An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.
- 202.70 YARD, SIDE.** An open, unoccupied space situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
- 202.71 YARD SALE.** The sale of household goods, furniture, antiques, books and/or curios, which takes place at the residence of the owner of such items. *(amended 1 August 2011)*
- 202.72 MURAL.** A painting or other work of art executed directly on a wall that in no way identifies a product or business. *(added 3 May 2022)*
- 202.73 TOWNHOME.** A multi-story house which is attached to one or more similar houses by shared fire wall. *(added 2 May 2022)*
- 202.74 BAR.** An establishment that is primarily engaged in the business of selling alcoholic beverages for consumption on premise. A bar shall not include a brewery, winery, or distillery. *(added 3 April 2023)*
- 202.75 NIGHTCLUB.** An establishment for nighttime entertainment, typically serving drinks – including alcoholic beverages and offering music, dancing, etc. *(added 3 April 2023)*
- 202.76 PRIVATE CLUB.** An establishment that qualifies under section 501(c) of the IR Code, as amend, 26 U.S.C. GS 501 (c), and that has been in operation for a minimum of 12 month prior to application for an ABC permit. *(added 3 April 2023)*