

ARTICLE 1305
Definitions

1305.01 Definitions.

CROSS REFERENCES

Statutory definitions - see W. Va. Code 8-24-3

General definitions – see ADM. 101.02

1305.01 DEFINITIONS.

For the purpose of the Zoning Ordinance, certain terms and words are herein defined. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the words “used for” include the meaning “designed for”; the word “building” includes the word “structure.” “Shall” is mandatory.

- (a) “Accessory building” means a subordinate building, or a portion of main building, the use of which is incidental to that of the main or principal building.
- (b) “Accessory use” means a use which is incidental to the main or principal use of the premises.
- (c) “Alley” means any roadway or public way dedicated to public use and twenty feet or less in width.
- (d) “Basement” means a story, wholly or partially underground which, unless used for living purposes, shall not be included as a story for the purpose of height measurements.
- (e) “Board” means the Board of Zoning Appeals, established under the Zoning Ordinance.
- (f) “Building” means a structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without openings through such walls, each portion of such a building shall be considered a separate structure.
- (g) “Business” means engaging in the purchase, sale, barter, exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

- (h) “Certificate of Occupancy” means a statement, signed by the Zoning Inspector, setting forth either that a building complies with the Zoning Ordinance or that a building or parcel of land may lawfully be employed for specific uses, or both.
- (i) “Curb Level” means the elevation of the top of the curb or the established curb grade opposite the center of the building or portion thereof under consideration.
- (j) “Development Group.” See Planned Development Group.
- (k) “District” means a section of the City/Town for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and size of yards and open spaces are herein established.
- (l) “Dwellings”
- (1) “One-Family Dwelling” means a separate, detached building designed for and occupied exclusively as a residence for one family.
 - (2) “Two-Family Dwelling” means separate, detached building designed for and occupied exclusively as a residence for two families.
 - (3) “Multi-Family Dwellings” means a dwelling designed or occupied other than as a One-Family Dwelling or a Two-Family Dwelling. The term “Multi-Family Dwelling” shall be understood to include apartment houses, and all other family dwellings of similar character where apartments or suites are occupied and used as separate and complete housekeeping units; but not to include hotels or apartment hotels.
- (m) “Family” means an individual; or two or more persons related by blood or marriage living together; or a small group of individuals, not related by blood or marriage, but living together as a single housekeeping unit.
- (n) “Fence” means any structure of wood, metal, masonry, plastic, or other synthetic material designed, used, erected and affixed to the real estate for the purpose of enclosing or separating any portion of the real estate from adjoining land whether or not such fence is located on the boundary line of the property to which it appertains.
(Passed 9-28-04)
- (o) “Garage, private” means a garage for housing automobiles only, with a capacity for not more than two motor vehicles, not more than three tons capacity. A garage exceeding a two-vehicle capacity, intended primarily for housing of cars belonging to occupants of the premises, shall be considered a private garage.
- (p) “Garage, public” means a building where automobiles are stored for a fee, and where minor repairs are done. A public garage may contain filling station facilities for the cars stored therein, and may contain a room or rooms for displaying cars for sale.
- (q) “Height of buildings” means the vertical distance measured from the curb level to the highest point of the roof adjacent to the street wall for flat roofs; to the deck line for mansard roofs, and to the mean height between eaves and ridge for gabled, hipped, or gambrel roofs.

- (r) “Hotel” means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding or lodging house.
- (s) “Kennel” means any lot or premises on which four or more dogs, at least four months of age, are kept.
- (t) “Lot” means a parcel of land which is or may be occupied by a building and accessory buildings, including the open spaces required under the Zoning Ordinance.
- (u) “Lot, corner” means a lot abutting two or more streets at their intersection.
- (v) “Lot, depth of” means the mean horizontal distance between the front lot line and rear lot line.
- (w) “Lot, interior” means a lot, the side lines of which do not abut on a street.
- (x) “Lot, through” means an interior lot having frontage on two streets.
- (y) “Mixed occupancy” means occupancy of a building or land for more than one use.
- (z) “Motel” means a building or group of buildings in which lodging is provided and offered to the public traveling by motor vehicle.
- (aa) “Nonconforming use” means a use of a building or land not in conformity with the regulations of the district in which it is situated.
- (bb) “Parking lot” means a parcel of land devoted to unenclosed parking space for five or more vehicles for compensation or otherwise.
- (cc) “Planned Development Group” means a development, either residential, commercial or industrial, in districts where permitted, subject to approval of the Planning Commission, wherein the tract of land proposed to be developed is not subdivided into the customary streets or lots, or where the existing or contemplated street and lot layout can be adapted to such development or make it impracticable to apply the street requirements of the Zoning Ordinance.
- (dd) “Signboard” means any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.
- (ee) “Special uses” means the uses specified herein, under the provisions set forth herein, subject to review and authorization by the Board of Zoning Appeals.
- (ff) “Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it then the space between such floor and ceiling next above it.

(gg) "Story, half" means a story under a gabled, hipped, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three and one-half feet above the finished floor of such story.

(hh) "Street" means any roadway or public way dedicated to public use, except an alley.

(ii) "Structural alteration" means any change in or addition to the supporting members of a building such as bearing walls, columns, beams or girders.

(jj) "Structure" means anything constructed or erected, the use of which demands its permanent location on the land; or anything attached to something having a permanent location on the land.

(kk) "Trailer" means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping and eating quarters or for the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance of tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on roads or streets, customarily propelled or drawn by motor power other than its own.

(ll) "Mobile home" means a manufactured, re-locatable living unit designed and intended for year-round occupancy.

(mm) "Mobile home lot" means a parcel of land designated for the placement of a single mobile home and for the exclusive use of its occupants and guests.

(nn) "Mobile home stand" means that part of a mobile home lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

(oo) "Mobile home park" means any site, area, tract or parcel of land upon which two or more mobile homes used or occupied for dwelling purposes are parked either free of charge or for monetary or other consideration and shall include any roadway, building, structure, installation, enclosure, or vehicle used or intended for use as a part of the facilities of such mobile home park.

(pp) "Yard" means an open space, as may be required by the Zoning Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building and unobstructed from the ground upward except as herein permitted.

(qq) "Yard, front" means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Zoning Ordinance.

(rr) "Yard, rear" means an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Zoning Ordinance.

(ss) "Yard, side" means an open space extending from the front yard to the rear yard between a building and the nearest side yard lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Zoning Ordinance.

(tt) "Zoning Inspector" means the person designated as such, under the Zoning Ordinance.

(Passed 2-14-78)

(uu) "Manufactured building" (modular) means a building of closed construction and which is made or assembled in manufacturing facilities on or off the building site for installation, or assembly and installation on the building site, other than mobile homes or recreational vehicles. (NEC 545-3) It may be used for residential, commercial, industrial or educational purposes. A manufactured building is not permanently mounted on a chassis. (EDITOR'S NOTE: See Section 1325.05 for Mobile Homes.)

(Passed 11-8-94)

(vv) "Gambling Establishment" means a business establishment which houses machines licensed by the State of West Virginia.

(Passed 9-14-05)