

ARTICLE V

ESTABLISHMENT OF DISTRICTS AND MAP

Section 500 USE DISTRICTS

In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to regulate and determine the areas of open spaces surrounding buildings; to classify, regulate, and contain the location of trades and industries; to maintain the predominantly agricultural characteristic of the extraterritorial area; and to control the location of buildings designed for specified industrial, business, residential and other uses, the Town of West Jefferson is hereby divided into the following use Districts:

- R-A Residential Agricultural District
- R-15 Low Density Residential District
- R-7 Medium Density Residential District
- C-S Community Shopping District
- H-C Highway Commercial District
- M-1 Industrial District
- C-D Conditional District
- N-S Neighborhood Service District
- M-H Mobile Home District

Section 501 INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries or districts as shown on the official Zoning Map, the following rules shall apply:

501.1 DELINEATION. District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center line of streets, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.

501.2 OFFICIAL ZONING MAP. A zoning map entitled the Official Zoning Map of the Town of West Jefferson, Ashe County, North Carolina clearly setting forth all approved use districts and their respective boundaries is hereby made a part of this ordinance and shall be maintained in the office of the zoning administrator of the Town of West Jefferson. This map shall be available for inspection by interested persons during normal business hours of the zoning administrator. It shall be the duty of the zoning administrator of the Town of West Jefferson to maintain the said map and post any changes thereto as they may be made.

Section 502 GENERAL RULES.

Within each district, the following rules shall apply:

502.1 INTENT OF ZONING DISTRICTS. Each district is hereby established as an exclusive zoning district and only those uses listed as permitted are allowed. If a particular use of the land is not listed in a certain district, that use shall be prohibited for that district.

502.2 OPEN SPACE REQUIREMENTS. No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building or structure.

502.3 REDUCTION OF LOT AND YARD AREAS PROHIBITED. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

502.4 ONLY ONE PRINCIPAL BUILDING PERMITTED ON ONE LOT. No lot shall be occupied by more than one principal building or use.

502.5 CONFLICT WITH OTHER LAWS. Wherever the regulations made under authority of this ordinance require a greater width or size of yards, or courts, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than that required in any other statute or local ordinance or regulation, the provisions of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yard or courts or require a lower height of building or a less number of stories or require a greater percentage of lots to be left unoccupied, or impose other standards than are by the regulations made under authority of this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

502.6 FUTURE CONSTRUCTION. Except as herein provided, no building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all the regulations established by this ordinance for the district in which the building or land is located.

502.7 STREET ACCESS. Every lot to be built upon shall abut a public street or other public way. Every lot upon which a mobile home is located, except when within a mobile home park, shall abut a public street or other public way.

502.8 OBSTRUCTION. It shall be unlawful for any person, firm, or corporation to allow an obstruction in the horizontal or vertical sight distance area. The owner or tenant of any land on which obstruction exists in violation of this ordinance shall remove same after notification by the zoning administrator. This provision shall apply in all residential zones and to all residential corner lots located in any district at which the traffic is not controlled by a traffic control light.

502.9 DIVISION OF LOT OR TRACT. Where a district boundary line divides a lot or tract in a single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term least restricted shall refer to zoning restrictions, not lot or tract sizes.

Section 503 R-A RESIDENTIAL AGRICULTURE DISTRICT

The regulations of this district are designed to maintain the open characteristics and agricultural nature of the land. All realty, all buildings, and all structures whatsoever being used or to be used for agriculture, farming, livestock, or poultry operations, so long as the operation is conducted on a bona fide farm, and all forestry land shall be exempt from each and every provision of this ordinance. Agricultural or fur bearing animals shall not be interpreted to include land used for the raising of fur bearing animals for their fur, riding academies, living or boarding stables, or dog kennels.

503.1 PERMITTED USES. The following uses are permitted in this District.

- (1) Bona fide farms and their customary appurtenances.
- (2) Churches.
- (3) Dwellings, single-family, with accessory buildings and/or accessory uses (incidental to any permitted use, including some occupations subject to conditions).
- (4) Dwellings, two-family, in conformity with Ashe County Health regulations, with accessory buildings and/or accessory uses (incidental to any permitted use, including some occupations subject to conditions).
- (5) Manufactured (Mobile) Homes; that meet the screening requirements of Section **511.42.1** and the dimensional requirements of Section **503.3** are required.
- (6) Fuel storage, if complying with applicable codes.
- (7) Home occupations, such as dressmaking, catering, baking, hair-dressing, designing, and the practice of law, medicine, and dentistry shall be

permitted as accessory uses in a residence or accessory building thereof, provided that such occupation shall be engaged in only by the residents of the premises, and that no display or products shall be visible from the streets, and that no objectionable effects shall be created or produced.

503.2 CONDITIONAL USES. The following list of conditional uses shall only be permitted by obtaining a conditional use permit from the West Jefferson Board of Adjustment. Each conditional use must meet the requirements of Article VIII.

- 1) Ambulance service.
- 2) Animal medical care, including kennels.
- 3) Antique shops, with display objects in usable condition only.
- 4) Auction sales.
- 5) Automobile parts and accessory sales.
- 6) Automobile repair and/or body work permitted only for autos in process of repair; fencing that meets the requirements of Section **508.4** is required.
- 7) Automobile sales, new and used.
- 8) Automobile service station operations, providing five (5) foot screening for all vehicles not in operation.
- 9) Automobile washing establishments.
- 10) Bakery production and wholesale sales.
- 11) Baking, on premises, retail.
- 12) Bank, savings and loan.
- 13) Barbering and hairdressing services.
- 14) Bicycle sales and repair.
- 15) Blacksmith.
- 16) Boarding house.
- 17) Boats and accessories, retail sales and service.
- 18) Books and printed matter, distribution.

- 19) Bottling.
- 20) Builders supply.
- 21) Cabinet making.
- 22) Carpet and rug cleaning.
- 23) Clinic services, medical and dental.
- 24) Clubs, lodges, country clubs, armories, meeting halls, and community centers (must have adequate parking).
- 25) Contractor, general.
- 26) Construction trades.
- 27) Dairy products, retail sales.
- 28) Dairy products, sales and processing.
- 29) Day care center and kindergarten.
- 30) Dry cleaning and laundry, commercial or self-service.
- 31) Eating and drinking establishments.
- 32) Fairground activities, including carnivals and circuses.
- 33) Farm machinery sales and service.
- 34) Farm supplies, excluding farm machinery.
- 35) Fire stations.
- 36) Flower shop.
- 37) Food sales.
- 38) Food freezer operations.
- 39) Funeral homes.
- 40) Hardware, paint, and garden supplies.

- 41) Home for the elderly.
- 42) Home furnishings and appliance sales.
- 43) Home occupations.
- 44) Landscaping & horticultural supplies and equipment, sales and service; landscaping, screening and buffering that meets the requirements of Section 1001 & 1004.4 is required. (*amended 3-6-2017*)
- 45) Hospital and sanitarium.
- 46) Industrial operations.
- 47) Industrial sales.
- 48) Laboratory, medical or dental.
- 49) Laboratory, research.
- 50) Library.
- 51) Locksmith, gunsmith.
- 52) Motel, hotel, or motor court.
- 53) Monument sales.
- 54) Monument works.
- 55) Newsstand.
- 56) Nursery, plant.
- 57) Nursing home.
- 58) Office of doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or similar profession.
- 59) Photography, commercial.
- 60) Private recreation club or swim club.
- 61) Public recreation, operated on a nonprofit basis.
- 62) Public utility station or substation.

- 63) Public utility works, shops, or storage yards (not junk yards).
- 64) Radio operations.
- 65) Riding academy.
- 66) Secondhand shop.
- 67) School, business and commercial.
- 68) School, private elementary or secondary.
- 69) Storage, warehouse (not junk yards or salvage yards). (*amended 6 July 2015*)
- 70) Tailoring and dressmaking.
- 71) Teaching of art, music, dance or other fine arts.
- 72) Telephone exchange operations.
- 73) Temporary construction building.
- 74) Theater productions.
- 75) Tobacco sales warehousing.
- 76) Upholstering or furniture refinishing.
- 77) Wastewater treatment plants.
- 78) Wholesaling operation, with merchandise stored entirely within a building.

503.3 DIMENSIONAL REQUIREMENTS

503.31 Minimum Lot Size.

- a. Lots served by a septic tank system and located on a watershed of a Class I or II reservoir or on the watershed of a portion of a Class A-II stream extended from a Class I reservoir to a downstream intake to a water purification plant shall contain at least forty thousand (40,000) square feet of area suitable for a septic tank system location and operation. The location and extent of these watersheds is determined by the Division of Health Services, Department of Human Resources.

- b. Minimum required lot area for all other lots in this district is 20,000 square feet.

503.32 Minimum Lot Width. Minimum lot width shall be one hundred (100) feet.

503.33 Minimum Front Yard. Minimum front yard setback shall be forty (40) feet.

503.34 Minimum Side Yard. Minimum side yard shall be fifteen (15) feet; provided, however, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots.

503.35 Minimum Rear Yard. Not less than twenty (20) percent of the mean depth of the lot, provided that the rear yard need not exceed thirty (30) feet. Accessory buildings may be built in the rear yards.

503.36 Height of Buildings. No building shall exceed thirty-five (35) feet in height or two (2) stories unless the depth of front and width of side yards required herein shall be increased one foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet or two (2) stories.

503.4 OFF-STREET PARKING. Off-street parking shall be provided as required by this ordinance.

Section 504 R-15 LOW DENSITY RESIDENTIAL DISTRICT

This district is intended to be a quiet, low density residential neighborhood including limited home occupations and limited private and public community uses. It is expected that municipal water facilities will be available to each lot, providing a healthful environment although the residential development may be dependent upon septic tanks for sewage disposal.

504.1 PERMITTED USES. The following uses are permitted in this District.

- (1) Any form of horticulture.
- (2) Customary accessory uses and structures including private garages, swimming pools and other accessory structures provided the front and side yard requirements are met and that furthermore such uses and/or structures shall cover no more than thirty (30) percent of said side or rear yard.
- (3) Dwellings, Single-family.

- (4) Private parks, playgrounds, swimming pools, tennis courts, and fishing lakes.
- (5) Churches. (*amended 2 April 2012*)

504.2 CONDITIONAL USES. The following list of conditional uses shall only be permitted by obtaining a conditional use permit from the West Jefferson Board of Adjustment. Each conditional use must meet the requirements of Article VIII.

- (1) Public utility substations, utility towers, pumping stations, storage tanks, provided that each of the above uses or buildings
 - (a) is essential to the service of the community and
 - (b) shall be set back at least twenty (20) feet from all property lines and designed and landscaped in such a way as to blend in with the surrounding area.
- (2) Day care facilities and kindergarten, *Adult day care (1/6/05)*
- (3) Apartments
- (4) Duplexes (*Amended 6/2/94*)
- (5) Incidental home occupations in single family dwellings, provided that: (*amended 5 May 2014*)
 - (a) the home occupation is incident to single family residential use;
 - (b) the home occupation ceases when the property is sold (the conditional use permit does not transfer with the property); and
 - (c) no vehicles associated with the home occupation shall block any street or driveway.

504.3 DIMENSIONAL REQUIREMENTS. Within the R-15 Residential District as shown on the zoning map, the following dimensional requirements shall be met:

- 504.31 Minimum Lot Size.** Minimum required area for each use is fifteen thousand (15,000) square feet. When a lot or parcel of land has an area of less than the required minimum and was on record at the time of passage of this ordinance, said lot may be occupied by one family, provided, however, that the minimum side and front yard requirements herein set out are met.

- 504.32 Minimum Lot Width.** Minimum lot width shall be one hundred (100) feet.
- 504.33 Minimum Front Yard.** Minimum front yard setback shall be thirty (30) feet.
- 504.34 Minimum Side Yard.** Minimum side yard shall be ten (10) feet on each side of the main building (accessory structures and/or uses are not permitted within this area); provided, however, on corner lots the side lot adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such corner lots.
- 504.35 Building Height.** Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.
- 504.36 Minimum Rear Yard.** Minimum required rear yard shall be twenty (20) percent of the mean lot depth, provided that such rear yard not exceed thirty (30) feet.
- 504.37 Maximum Permissible Lot Coverage.** Maximum permissible lot coverage by the principal building, and all accessory buildings shall not exceed twenty (20) percent of the total lot area.
- 504.38 Accessory Uses/Structures.** Accessory uses/structures shall not be erected within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. Accessory uses/structures shall not be larger than 50% of the square footage of the principle structure or 800 square feet, whichever is less.
- 504.39 Off-Street Parking.** Off-street parking shall be provided as required by this ordinance.

Section 505 R-7 MEDIUM DENSITY RESIDENTIAL DISTRICT

This district is established as one in which the principal use of land is for single-family, two-family and multi-family residences. The regulations of this district are intended to provide areas in the community for those persons desiring small residences and multi-family structures in relatively high density neighborhoods. The regulations are intended to prohibit any use, which because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewerage facilities will be available to each lot in such districts.

505.1 PERMITTED USES. The following uses are permitted in this District.

- (1) Single family dwellings.
- (2) Two family dwellings.
- (3) Multi-family dwellings.
- (4) Any form of horticulture, including the sale of products at a retail stand on the property where produced.
- (5) Incidental home occupations.
- (6) Customary accessory uses and structures including private garages, swimming pools and other accessory structures provided the front and side yard requirements are met and that furthermore such uses and/or structures shall cover no more than thirty percent (30%) of said site or rear yard.
- (7) Backyard workshops for building tradesmen, and small appliances repair shops, but excluding open storage.
- (8) Farmers Market.
- (9) Libraries.
- (10) Public schools.
- (11) Public parks.
- (12) Twin Home. (*amended 6 February 2012*)
- (13) Churches. (*amended 2 April 2012*)

505.2 CONDITIONAL USES. The following list of conditional uses shall only be permitted by obtaining a conditional use permit from the West Jefferson Board of Adjustment. Each conditional use must meet the requirements of Article VIII.

- (1) Adult day care facilities.
- (2) Day care facilities and kindergarten.
- (3) Public utility substations, utility towers, pumping stations, storage tanks, provided that each of the above uses or buildings. (*amended 7 November 2011*)
 - (a) is essential to the service of the community;
 - (b) shall be set back at least twenty (20) feet from all property lines and designed; and
 - (c) landscaped in such a way as to blend in with the surrounding area and comply with Article X.
- (4) Public school maintenance facilities provided that the below conditions are complied with. (*amended 7 November 2011*)
 - (a) All building structures shall be set back at least twenty (20) feet from all property lines; and
 - (b) landscaped in such a way as to blend in with the surrounding area and comply with Article X.
 - (c) all structures must be constructed in compliance with Subsection 903.01

505.3 DIMENSIONAL REQUIREMENTS. Within the R-7 Residential District, as shown on the zoning map, the following dimensional requirements shall be complied with:

- 505.31** Seven thousand (7,000) square feet minimum required lot area for the first dwelling unit, five thousand (5,000) square feet additional lot area required for the second dwelling unit, and three thousand (3,000) square feet additional lot area per dwelling in excess of two (2) up to a maximum of ten (10) dwelling units per acre.

When a lot or parcel of land has an area of less than the above required minimum and was on record at the time of passage of this ordinance, said lot may be occupied by one family, provided, however, that the minimum side and front yard requirements herein set out are met.

- 505.32** Fifty (50) feet minimum required mean lot width for the first dwelling unit with ten (10) feet of additional mean lot width for the second dwelling. However, any lot of record at the time of passage of this ordinance having less than fifty (50) feet is permitted.
- 505.33** Twenty-five (25) feet minimum required building setback line.
- 505.34** Minimum required side yards for the principal building shall be at least ten (10) feet.
- 505.35** Minimum required rear yard shall be twenty (20) percent of the mean lot depth, provided that such rear yard need not exceed twenty-eight (28) feet.
- 505.36** Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed forty (40) percent of the total lot area.
- 505.37** No structure shall have a vertical height in excess of thirty-five (35) feet as measured from the highest point of the original natural grade of the land on which the building sits to the highest point of the structure. The highest point of the structure shall be the highest point:
- (a) of the peak of the highest roof; or
 - (b) of the finished roof surface in the case of flat roofs; or
 - (c) of railings, decking, or other such attachments which may be affixed to whichever of the above-described points is highest.

Chimneys, vents and TV antennas shall not be included in the measurement of the highest point of the structure.

The highest point of the original natural grade of the land shall be determined by the Zoning Administrator or his designee prior to the commencement of excavation or any other alteration of the original natural layout of the land on which the structure shall be built.

505.38 Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within five (5) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) feet from the principal building and five (5) feet from the rear yard line. Accessory uses/structures shall not be larger than 50% of the square footage of the principle structure or 800 SF whichever is less.

505.39 Off-street parking shall be provided as required by this ordinance.

Section 506 C-S COMMUNITY SHOPPING DISTRICT

The C-S Community Shopping District is established as the district in which centrally located retail trade and consumer service uses will expand as the community's and the region's population increase.

506.1 PERMITTED USES. The following uses are permitted in this District.

- (1) Automobile parts and supplies, new.
- (2) Automobile parking lots and structures.
- (3) Bakeries, retail.
- (4) Banks and other financial institutions, including loan and finance companies.
- (5) Business colleges, barber and beauty colleges, art schools, music and dance studios and similar uses, but excluding industrial trade schools.
- (6) Cable TV facilities.
- (7) Churches and their customary accessory uses, including cemeteries.
- (8) Dairy bars and ice cream manufacturing for retail sales on the premises only.
- (9) Drug stores, with or without fountains.

- (10) Dry cleaning and laundry pickup stations and dry cleaning plants having not more than two thousand (2,000) square feet.
- (11) Electric repair shops.
- (12) Fire and police stations.
- (13) Floral and gift shops.
- (14) Food Stores and meat markets, retail only, but excluding the killing or dressing of any flesh or fowl
- (15) Insurance office.
- (16) Jewelry repair shops and opticians.
- (17) Launderettes and Laundromats.
- (18) Law office.
- (19) Locksmiths and gunsmiths.
- (20) Medical and dental clinics and laboratories.
- (21) Newspaper offices and printing plants incidental to such offices.
- (22) Offices, business, professional and public.
- (23) Office supplies and equipment, sales and service.
- (24) Pawn shops.
- (25) Photographic studios.
- (26) Printing, publishing and reproduction establishments.
- (27) Private clubs.
- (28) Public works and utility facilities, but excluding service and storage yards.
- (29) Radio and TV repair shops.
- (30) Real estate offices.
- (31) Restaurants.

- (32) Retail establishments such as department, clothing, fabric, heating, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores, agriculture, but not excluding similar retail outlets.
- (33) Service Stations, provided that all gasoline pumps and other stationary equipment shall be located at least twelve (12) feet behind the property line, provided further that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided; fencing that meets the requirements of Section **508.4** is required.
- (34) Shoe repair and shine shop.
- (35) Stores selling beer and/or wine and/or cheese.
- (36) Tailor and dressmaking shops.
- (37) Telephone and telegraph offices.
- (38) Theaters, indoors.
- (39) Customary accessory uses and structures when located on the same block as the principal structure, excluding, however, open storage.
- (40) Motorcycle, lawnmower and power sales and services.
- (41) Mixed uses (buildings erected for both residential and business purposes).
(amended 4 February 2013)
- (42) Microbreweries *(amended 4 February 2013)*

506.2 CONDITIONAL USES. The following list of conditional uses shall only be permitted by obtaining a conditional use permit from the West Jefferson Board of Adjustment. Each conditional use must meet the requirements of Article VIII.

- 1) New Vehicle Sales & Service lots and Used Vehicle Sales lots.

506.3 DIMENSIONAL REQUIREMENTS. Within the C-S Community Shopping District as shown on the zoning map, the following dimensional requirements shall be complied with:

- 506.31 Required Yards.** No building shall be less than six (6) feet from the curb. No other yards are required except that where the rear of a lot abuts a residential district there shall be a fifteen (15) foot rear yard

and where a lot abuts the side yard not less than fifteen (15) feet in width. In all other cases where a side yard, not required, is provided, it shall be at least eight (8) feet in width.

- 506.32 Height Regulations.** In the C-S Community Shopping District, every building hereafter erected or structurally altered to exceed fifty (50) feet in height shall be set back from the front lot line on the ratio of one (1) foot for each two (2) feet rise above said fifty (50) feet, but in no case shall the required setback exceed ten (10) feet.
- 506.33 Off-Street Loading and Unloading.** Buildings constructed or converted to commercial use after the effective date of this ordinance which have access to a public alley shall provide off-street loading and unloading berths as required in Section 902 of this ordinance.
- 506.34 Off-Street Parking Requirement.** Off-street parking space shall be provided as required by this ordinance.

Section 507 H-C HIGHWAY COMMERCIAL DISTRICT

The H-C Highway Commercial District is established as a district in which the principal use of land is for the retailing of durable goods, the provision of commercial services to industrial areas, and the provision of services to tourists.

507.101 PERMITTED USES. The following uses are permitted in this District.

- 1) All uses permitted in the C-S Community Shopping District.
- 2) Animal hospitals, provided no pens or kennels are located closer than twenty (20) feet to any property line.
- 3) Apple packaging sheds.
- 4) Assembly halls, coliseums, armories, ballrooms and similar structures.
- 5) Automobile sales, new and used.
- 6) Automobile service stations.
- 7) Automobile washing establishments.
- 8) Bakeries and other establishments manufacturing or packaging food products for wholesale distribution.
- 9) Bed and Breakfast.

- 10) Bicycle sales and repair shops.
- 11) Billiard or pool halls.
- 12) Boat and trailer works and sales.
- 13) Bookkeeping services.
- 14) Building materials storage and sales yards; fencing that meets the requirements of Section **508.4** is required.
- 15) Cabinet, woodworking and upholstery shops.
- 16) Commercial recreational facilities.
- 17) Contractors offices and storage yards; fencing that meets the requirements of Section **508.4** is required.
- 18) Dairy products processing and distributing facilities, including dairy bars.
- 19) Day care center and kindergarten.
- 20) Drive-in restaurants.
- 21) Dry cleaning and laundering plants.
- 22) Electrical supplies and equipment, sales and repairs.
- 23) Fast food facilities.
- 24) Freezer lockers and ice plants.
- 25) Funeral homes and mortuaries.
- 26) Governmental services.
- 27) Grocery stores.
- 28) Hotels and Inns.
- 29) Industrial supplies and equipment, sales and service; fencing that meets the requirements of Section **508.4** is required.
- 30) Industrial trade schools and research laboratories.

- 31) Insurance sales offices.
- 32) Landscaping & horticultural supplies and equipment, sales and service; landscaping, screening and buffering that meets the requirements of Section **1001 & 1004.4** is required.
(*amended 3-6-2017*)
- 33) Law offices.
- 34) Machine and welding shops.
- 35) Monuments works and sales.
- 36) Motels and motor lodges.
- 37) Motorcycle, lawnmower and power saw sales and services.
- 38) Plumbing and heating supply houses; fencing that meets the requirements of Section **508.4** is required.
- 39) Propane gas appliance dealerships.
- 40) Radio and TV stations and towers.
- 41) Secondhand stores and swap shops.
- 42) Sheet metal, roofing, plumbing and heating and refrigeration shops, but excluding open storage unless it shall be fenced by a solid fence not less than six (6) feet in height; fencing that meets the requirements of Section **508.4** is required.
- 43) Sign painting and fabricating shops.
- 44) Stores selling beer and/or wine and/or cheese.
- 45) Wholesale and warehousing establishments.
- 46) Customary accessory uses and structures including open storage provided the area devoted to open storage is enclosed by a solid fence not less than six (6) feet in height; fencing that meets the requirements of Section **508.4** is required.
- 47) Mixed uses (buildings erected for both residential and business purposes). (*amended 4 February 2013*)

Section 507.2 CONDITIONAL USES. The following list of conditional uses shall only be permitted by obtaining a conditional use permit from the West Jefferson Board of Adjustment. Each conditional use must meet the requirements of Article VIII.

(1) Mini-warehouses.

(2) Tattoo & body piercing services (*amended 12 September 2016*)

Section 507.3 DIMENSIONAL REQUIREMENTS. Within H-C- Highway Commercial District as shown on the Zoning Map, the following dimensional requirements shall be met:

507.31 REQUIRED YARDS. No building shall be less than fifteen (15) feet from the curb. No other yards are required except that where the rear of a lot abuts a residential district. There shall be a fifteen (15) foot rear yard and where the side of a lot abuts the residential district, not less than fifteen (15) feet in width. In all other cases where a side yard, not required, is provided, it shall be at least ten (10) feet.

507.32 SETBACK REQUIREMENT. Every building hereafter erected or structurally altered to exceed fifty (50) feet in height shall be set back from the front lot line on the ratio of one (1) foot for each two (2) foot rise above said fifty (50) feet, but in no case shall the required setback exceed ten (10) feet.

507.33 OFF-STREET LOADING AND UNLOADING. Buildings constructed or converted to commercial use after the effective date of this ordinance which have access to a public alley shall provide off-street loading and unloading berths as required in Section 902 of this ordinance.

507.34 OFF-STREET PARKING REQUIREMENT. Off-Street Parking space shall be provided as required by this ordinance.

Section 508 M-1 INDUSTRIAL DISTRICT

The M-1 Industrial district is established for those areas of the community where the principal use of land is for industrial and warehousing uses. These uses, by their nature, may create some nuisance and are not properly associated with residential, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

508.1 PERMITTED USES. The following uses are permitted in this District.

- 1) Automobiles parking lots and structures.
- 2) Amusement, recreation, and sporting goods manufacturing.
- 3) Apparel and clothing manufacturing, including hosiery.
- 4) Bakeries and other establishments manufacturing prepared food products for wholesale distribution.
- 5) Bedding and carpet manufacturing.
- 6) Boat and trailer works and sales.
- 7) Bottling works.
- 8) Building materials and specialties manufacturing (lumber, molding, and fixtures), but not salvage yard or junk yard. (*amended 6 July 2015*)
- 9) Building materials storage and sales yards; but not salvage yard or junk yard; fencing that meets the requirements of Section **508.4** is required. (*amended 6 July 2015*)
- 10) Business machines manufacturing.
- 11) Cabinet, woodworking and upholstery shops.
- 12) Contractors offices and storage yards, but not salvage yard or junk yard; provided all open storage is fenced by a solid wood fence not less than eight (8) feet in height; fencing that meets the requirements of Section 508.4 is required. (*amended 6 July 2015*)
- 13) Dairy products processing and distributing facilities.
- 14) Drugs, medicines and cosmetics manufacturing.
- 15) Dry cleaning and laundry plants.

- 16) Electrical appliances and electronic equipment manufacturing.
- 17) Feed and seed stores, hatcheries and fertilizer sales.
- 18) Food stores, fruit stands and produce markets.
- 19) Flour and feed mills.
- 20) Furniture manufacturing.
- 21) Greenhouses and horticultural nurseries.
- 22) Landscaping & horticultural supplies and equipment, sales and service; landscaping, screening and buffering that meets the requirements of Section **1001 & 1004.4** is required. (*amended 3-6-2017*)
- 23) Hardware and housewares manufacturing.
- 24) Ice and cold storage plants and freezer lockers.
- 25) Industrial supplies and equipment, sales and service, provided all open storage is fenced by a solid wood fence not less than eight (8) feet in height; fencing that meets the requirements of Section **508.4** is required. (*amended 6 July 2015*)
- 26) Industrial trade schools and research laboratories.
- 27) Leather products, including luggage and shoe manufacturing.
- 28) Machine and welding shops.
- 29) Metal fabricating plants.
- 30) Monument works and sales.
- 31) Musical instruments manufacturing.
- 32) Offices pertaining to any permitted use.
- 33) Outdoor recreation uses, such as miniature and par 3 golf courses, go-cart tracts and riding stables.
- 34) Paper products manufacturing.
- 35) Plastic products manufacturing.
- 36) Rubber and glass products manufacturing.

- 37) Plumbing and heating supply houses, provided all open storage is fenced by a solid wood fence not less than eight (8) feet in height; fencing that meets the requirements of Section 508.4 is required. *(amended 6 July 2015)*
- 38) Precision instruments and jewelry manufacturing.
- 39) Printing, engraving and publishing establishments.
- 40) Propane gas storage facilities.
- 41) Public safety facilities such as fire and police stations and rescue squads.
- 42) Public works and public utility facilities, including service and storage yards, provided they are fenced by a solid fence not less than eight (8) feet in height; fencing that meets the requirements of Section 508.4 is required. *(amended 6 July 2015)*
- 43) Service stations, including major repair work, provided that all gasoline pumps shall be located at least twelve (12) feet behind the property line.
- 44) Sheet metal, roofing, plumbing, heating and refrigeration shops.
- 45) Sign painting and fabricating shops.
- 46) Textile and cordage manufacturing.
- 47) Wholesale and warehousing establishments, except for the storage of dangerous or offensive items such as uncured hides and explosives.
- 48) Customary accessory uses and structures, including open storage, provided the area devoted to open storage is enclosed by a solid wood fence at least eight (8) feet in height, but not salvage yards or junk yards; fencing that meets the requirements of Section 508.4 is required. *(amended 6 July 2015).*
- 49) Private recreation club or swim club. *(amended 6 January 2014)*
- 50) Churches and their facilities. *(amended 6 January 2014)*
- 51) Mixed uses (buildings erected for both residential and business purposes). *(amended 6 January 2014)*
- 52) Parks and their accessory uses, including multi-use paths. *(amended 6 January 2014)*

508.11 Salvage yards and Junk Yards are NOT a permitted use. To avoid any confusion as to whether a salvage yard or a junk yard is a permitted use in the M-1 zoning district, the Town of West Jefferson specifically states that salvage yards and junk yards are **NOT** a permitted use in the M-1 zoning

district. This Section 508.11 supercedes and takes precedence over any provision of this Ordinance which may be inconsistent with or contradictory to Section 508.11. *(amended 6 July 2015)*

508.2 CONDITIONAL USES. The following list of conditional uses shall only be permitted by obtaining a conditional use permit from the West Jefferson Board of Adjustment. Each conditional use must meet the requirements of Article VIII.

- (1) Sexually oriented businesses.
- (2) Salvage yards. See Sections 202.47, 202.50 and 202.51. Salvage yards must meet the requirements of Article X. *(amended 6 July 2015)*
- (3) Junk yards. Junk yards must meet the requirements of Article X. *(amended 6 July 2015)*

508.21 Amortization period. Any salvage yard or junk yard which is made a nonconforming use by the adoption of an amendment to Section 508 may continue as a nonconforming use for a period of three (3) years after the adoption of the amendment. After the end of the three year amortization period, such nonconforming use must cease and desist. *(amended 6 July 2015)*

(i) Public policy considerations. In exercising its legislative authority, the Board of Aldermen for the Town of West Jefferson has considered

- (a) the individual's right to pursue economic prosperity;
- (b) the economic benefits salvage yards and junk yards bring to the Town and surrounding community;
- (c) the environmental benefits of recycling;
- (d) the small geographic size of the Town of West Jefferson and the lack of large tracts of land where industrial facilities can operate without adversely affecting nearby properties;
- (e) the significant economic harm that the immediate termination of salvage yards and/or junk yards can have on the owners of such businesses;
- (f) the significant economic harm that salvage yards and junk yards can have on nearby properties;

- (g) the significant negative aesthetic impact that salvage yards and junk yards can have on nearby properties;
- (h) the likelihood that most or all of the inventory of a salvage yard or junk yard could be sold within a three year period;
- (i) the need to protect residential properties from the harmful effects from industrial and/or warehousing businesses operating nearby;
- (j) the health, safety and general welfare of the entire West Jefferson community. (*amended 6 July 2015*)

(ii) Public policy statement.

After careful consideration, Board of Aldermen for the Town of West Jefferson hereby finds:

- (a) it is unfair to the operators of salvage yards and junk yards to require the immediate termination of such businesses;
- (b) it is unfair to the owners of properties near salvage yards and junk yards to allow the indefinite continuance of such businesses without adequate screening and buffering to lessen the harmful impact such businesses have on nearby properties;
- (c) it is harmful to the economic prosperity of the Town of West Jefferson to allow the indefinite continuance of salvage yards and junk yards without adequate screening and buffering to lessen the harmful impact of such businesses;
- (d) a three year amortization period for salvage yards and junk yards is a fair compromise when the interests of all businesses, property owners and residents of West Jefferson are taken into consideration;
- (e) after the end of the three year amortization period, allowing salvage yards and junk yards to operate in the M-1 district with a conditional use permit is a fair compromise when the interests of all businesses, property owners and residents of West Jefferson are taken into consideration. (*amended 6 July 2015*)

- (iii) This Section 508.21 supercedes and takes precedence over any

provision of this Ordinance which may be inconsistent with or contradictory to Section 508.21. (*amended 6 July 2015*)

508.3 DIMENSIONAL REQUIREMENTS. Within the M-1 Industrial District as shown on the zoning map, the following dimensional requirements shall be complied with:

- 508.31** No building shall exceed fifty (50) feet in height unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of a building height in excess of fifty (50) feet.
- 508.32** Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 902 of this ordinance.
- 508.33** Off-street parking space shall be provided as required in Section 902 of this ordinance.
- 508.4** All parcels that abut a residentially zoned parcel, are required to provide a solid wall, solid wood fence, evergreen hedge, earth berm, or any combination thereof. The wall, solid wood fence, evergreen hedge, earth berm, or any combination shall at least be eight (8) feet in height.

Section 509 C-D Conditional District

There are circumstances in which a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of this Ordinance. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a conditional district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties.

The conditional district approval process is established to address those situations when a particular use may be acceptable but the general zoning district which would allow that use would not be acceptable. It allows the Board of Aldermen to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time. Uses which may be proposed and considered for a conditional district shall be restricted to those uses permitted in the underlying general zoning district. Approval of a petition for conditional district zoning shall result in the zoning classification being changed to the requested conditional district designation.

509.1 No conditional district shall be established until after the person proposing the district has submitted a petition for the reclassification of property with a site plan and the Planning Board has approved such petition. Every petition for the reclassification of property to a conditional district shall be accompanied by a site plan containing the requisite information and by specifying on a Zoning Permit that it is for a conditional rezoning. In the course of evaluating the proposed use, the Board of Aldermen may request additional information deemed appropriate to provide a complete analysis of the proposal.

- 509.2** The Board of Aldermen may approve the reclassification of property to a conditional district only upon determining that the proposed use will meet all standards, statutes, and requirements in these regulations that are applicable to the proposed use. In approving a petition for the reclassification of property to a conditional district, the Planning Board may recommend and the Board of Aldermen may attach reasonable and appropriate conditions to approval of the petition. No vote greater than a majority vote shall be required for the Board of Aldermen to approve such Zoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, signs, the timing of development, road and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the Board of Aldermen may find appropriate or that the petitioner may propose. Such conditions to approval of the petition may include dedication of any rights-of-way or easements for roads, water, sewer, or other public utilities necessary to serve the proposed development. Such conditions shall not include architectural review or controls. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Aldermen.
- 509.3** If a petition is approved under this Section, the district that is established, the approved petition, and all conditions which may have been attached to the approval are binding on the property as an amendment to this Ordinance and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district, the approved petition, and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district.
- 509.4** Following the approval of the petition for a conditional district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional district shall be identified by the same designation as the underlying general zoning district followed by the letter *C* [for example, R-7 C].
- 509.5** Except as provided in subsection **509.6**, changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures in the West Jefferson Zoning Ordinance.
- 509.6** Minor changes in the detail of the site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to

the approval may be approved by the Zoning Administrator without going through the amendment process or a public hearing. The Zoning Administrator, at his/her discretion, may forward any application for changes in detail to the Planning Board for its recommendation as an amendment to this site plan or to any conditions attached to the approval. After the Planning Board gives its recommendation; the application for changes will then be forwarded to the Board of Aldermen for their conducting of a public hearing and final vote.

- 509.7** After a certificate of occupancy has been issued for the development approved as a conditional district, the Zoning Administrator shall periodically inspect the use and maintenance of the subject property to ensure continued compliance with this Ordinance, the approved petition and site plan, and any conditions attached by the Board of Aldermen to approval of the petition.

Section 510 NEIGHBORHOOD SERVICE DISTRICT

The neighborhood service district (NS) is primarily intended to provide suitable locations for limited, neighborhood oriented, professional, commercial, and service activities in close proximity to major residential neighborhoods. The NS district is designed to allow a mix of residential, commercial, and professional uses in limited areas along major traffic arteries and at key intersections leading to residential neighborhoods in order to provide such services to the residents of that particular neighborhood. As such the type of uses allowed and the standards established for a development in this district should be compatible with the residential character of the areas and should neither add to traffic congestion, cause obnoxious noise, dust, odors, fire hazards, or lighting objectionable to surrounding residences nor visually detract from overall appearance of the neighborhood. The NS district should have water and sewer services or be expected to have such services available in the foreseeable future.

510.1 PERMITTED USES. The following uses are permitted in this District.

- (1) Accounting offices;
- (2) Attorney offices;
- (3) Beauty shops and hair salons;
- (4) Churches;
- (5) Day care centers;
- (6) Engineering services;
- (7) Home occupations;
- (8) Insurance offices;

- (9) Physician offices;
- (10) Real estate offices;
- (11) Single family residences, duplexes, and multi-family buildings with no more than 6 units;
- (12) Surveying offices.

510.2 CONDITIONAL USES. The following list of conditional uses shall only be permitted by obtaining a conditional use permit from the West Jefferson Board of Adjustment. Each conditional use must meet the requirements of Article VIII.

- (1) Banks.

510.3 DIMENSIONAL REQUIREMENTS. Within the NS District as shown on the zoning map, the following dimensional requirements shall be complied with:

510.31 Front Yard Setback. No building shall be less than 15 feet from the curb.

510.32 Side Yard Setback. Ten (10) feet.

510.33 Rear Yard Setback. Fifteen (15) feet.

510.4 PARKING. All property owners and tenants in this District shall provide on-site parking. No off-site parking is permitted.

510.5 SIGNS. All signs must comply with Section 1107 (a) and no sign's lighting shall disturb a neighboring residential property. (*amended 3 November 2014*)

Section 511 M-H MANUFACTURED (MOBILE) HOME DISTRICT

This district is established as one in which the principal use of land is for Manufactured (Mobile) Homes. The regulations of this district are intended to provide areas in the community for those persons desiring Manufactured (Mobile) Homes in relatively high density neighborhoods. These regulations are intended to regulate allowable Mobile Homes within the Town limits and within the extra territorial jurisdiction of the Town of West Jefferson, in order to promote the public health, safety and general welfare of the citizens of the Town and the Town's extra territorial jurisdiction. These regulations are also intended to prohibit any use, which because of its character, would interfere with the residential nature of this District.

511.1 PERMITTED USES. The following uses are permitted in this District.

(1) Manufactured (Mobile) Homes.

(2) Manufactured (Mobile) Home Park

511.2 CONDITIONAL USES. The following list of conditional uses shall only be permitted by obtaining a Conditional Use Permit from the West Jefferson Board of Adjustment. Each conditional use must meet the requirements of Article VIII.

511.3 DIMENSIONAL AND APPEARANCE REQUIREMENTS. Within the Manufactured (Mobile) Home District, as shown on the zoning map, the following requirements shall be complied with:

511.301 Minimum lot size shall be seven thousand (7,000) square feet, unless in a Manufactured (Mobile) Home park.

When a lot or parcel of land has an area of less than the above required minimum and was on record at the time of passage of this ordinance, said lot may be occupied by one Manufactured (Mobile) Home, provided, however, that the minimum side and front yard requirements herein set out are met.

511.302 Fifty (50) feet minimum required mean lot width. However, any lot of record at the time of passage of this ordinance having less than fifty (50) feet is permitted.

511.303 Twenty-five (25) feet minimum required building setback line.

511.304 Minimum required side yards for the principal building shall be at least ten (10) feet.

511.305 Minimum required rear yard shall be twenty (20) feet.

511.306 Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed forty (40) percent of the total lot area.

511.307 The exterior of the Mobile Home shall consist of one or more of the following materials, and shall be comparable in appearance and durability to the exterior siding commonly used in the standard residential construction of the surrounding neighborhood: Vinyl or metal siding (whose reflectivity does not exceed that of white paint); Cedar or other wood siding; Stucco siding, brick or stone siding.

- 511.308** If mechanisms used to transport the Manufactured (Mobile) Home (i.e. wheels, tongue, hitch) are visible from the property line, such items shall either be removed or completely screened so as not to be visible from the property line.
- 511.309** The entry to each Manufactured (Mobile) Home shall have adequate steps that comply with the NC Building Code. All Mobile Homes not connected to a Town utility system shall present proof to the Town of West Jefferson Zoning Administrator of utility (well, septic) approval by the Environmental Health Division of the Appalachian District Health Department.
- 511.310** When more than one-fourth of the area of the Mobile Home is installed so that the bottom of the main frame members are more than 3 feet above ground level, the Mobile Home stabilizing system shall be designed by a qualified Professional Engineer licensed by the State of North Carolina.
- 511.311** All on-site additions including any living spaces, garages, decks, steps, stoops and porches, shall, in addition to the requirements of the Town of West Jefferson Zoning Ordinance, be built in compliance with all applicable State of North Carolina building codes.
- 511.312** No more than one (1) Manufactured (Mobile) Home per lot is allowed. This provision does not apply to Manufactured (Mobile) Home parks.
- 511.313** Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within five (5) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) feet from the principal building and five (5) feet from the rear yard line. Accessory uses/structures shall not be larger than 50% of the square footage of the principle structure or eight hundred (800) square feet, whichever is less.
- 511.314** Off-street parking shall be provided as set forth in Section 901.5 of this ordinance.
- 511.315** All Manufactured (Mobile) Homes shall have an attached U.S. Department of Housing and Urban Development (HUD) label indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards, as amended and shall

not be more than ten (10) years old on the date of application for a building permit.

511.4 Buffering and Landscaping Requirements.

511.41 Manufactured (Mobile) Home Parks

All Manufactured (Mobile) Home parks, which are adjacent to another zoning district, shall provide a perimeter buffer that is a minimum of 32 feet in width, measured perpendicular to the required side and/or rear yard line. Such buffers shall consist of existing vegetation with supplemental vegetation added and an earthen berm shall be twenty (20) feet in width and shall be eight (8) feet in height and a mixture of the five basic types of plant types according to this ordinance that have been locally adapted. They include canopy trees, evergreen trees, deciduous understory trees, evergreen understory trees and shrubs. Any vegetation not found on the lot prior to the placement of the Manufactured (Mobile) Home is considered supplemental vegetation. Any supplemental vegetation which is planted shall be planted at least two feet from the bottom of the berm. The supplemental vegetation shall be at least two feet tall at the time of installation and reach the desired height of at least eight (8) feet within four years of planting. The earthen berm and existing vegetation/supplemental vegetation shall provide an opaque view from the adjacent district. *(amended 6 July 2015)*

511.41.1 Maintenance of the buffer and all vegetation will be the responsibility of the Manufactured (Mobile) Home park owner.

511.42 Manufactured (Mobile) Homes that are not located in a Manufactured (Mobile) Home park and are located adjacent to a non-manufactured home residence shall meet the following requirements:

511.42.1 All areas on the Manufactured (Mobile) Home lot, that are adjacent to another dwelling shall provide a wall, solid wood fence, evergreen hedge, earth berm, or any combination thereof within the required side yard of ten (10) feet or within the required rear yard of twenty (20) feet.

511.42.2 This provision does not apply to existing
Manufactured (Mobile) Homes or to Manufactured
(Mobile) Homes that are replaced due to damage.