WEST VIRGINIA CODE: §8-42-1

§8-42-1. Definitions.

As used in this article:

(a) "Accessory dwelling unit" means a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements;

(b) "By right" means the ability to be approved without requiring:

(1) A public hearing;

(2) A variance, conditional use permit, special permit, or special exception; or

(3) Other discretionary zoning action other than a determination that a site plan and any construction plans conform with applicable regulatory requirements;

(c) "Gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit;

(d)(1) "Regulatory requirements" means the requirements determined by a municipality to be necessary for approval of plans, permits, or applications under this section.

(2) "Regulatory requirements" includes:

(A) The West Virginia Fire Code as adopted by the State Fire Marshal;

(B) Any locally adopted ordinances and amendments to the ordinances;

(C) Applicable zoning ordinances and conditions;

(D) Design and construction standards, including any applicable building codes; and

(E) Other federal, state, and local laws, rules, and ordinances applicable to the plan, permit, or application in question;

(e) "Short-term rental" means an individually or collectively owned single-family house or single-family dwelling unit or a unit or group of units in a condominium, cooperative, time-share, or owner-occupied residential home that is offered for a fee for 30 days or less; and

(f) "Single-family dwelling" means a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.

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(g) “Manufactured home” means a structure constructed in compliance with the federal Manufactured Home Construction and Safety Standards, 42 U.S.C. §5401 *et seq.*, and installed on a permanent foundation.

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