

CHAPTER II

DEFINITIONS

Section 2-100. Scope

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is mandatory.
- D. The word “may” is permissive.
- E. The words “uses” or “occupied” includes the words “intended”, “designed”, “arranged to be used”, or “occupied”.
- F. The word “lot” includes the words “plat” or “parcel”.

Section 2-101. Definitions

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply. Definitions pertaining to flood hazards are contained in the Floodplain Zoning Ordinance, adopted November 15, 2006.

Access - The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Accessory Building - A subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith. An accessory building shall not include any mobile home units (single or double-wides).

Accessory Use - A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting, describing of “Specific Sexual Activities” or “Specified Anatomical Areas”.

Adult Bookstore or Adult Video Store - An establishment having as its principal business purpose the sale or rental of books, films, video cassettes or any other kind of video tape or any other form of electronic media, or magazines and other periodicals, or adult paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as below.

Adult Entertainment - Any exhibition of any adult-oriented motion picture, live performance display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of “Specified Sexual Activities”, including removal of articles of clothing or appearing unclothed.

Adult Motion Picture Theater - An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined, for observation by patrons, therein.

Adult-Oriented Establishment - Includes, but is not limited to, Adult Bookstores or Adult Video Stores, Adult Motion Picture Theaters, Adult Arcades, Adult Theaters or Cabarets, and further means any premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An Adult-Oriented Establishment further includes, without being limited to, any adult entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Adult Theater or Adult Cabaret - A theater, nightclub, club, bar, restaurant or similar commercial establishment which regularly features:

- A. Live performances, displays, or dances which have as their dominant theme or are distinguished or characterized by an emphasis on any actual or simulated “Specified Sexual Activities” or “Specified Anatomical Areas”, or the removal of articles of clothing or appearing partially or totally nude, or
- B. Films, motion pictures, video cassettes, slides, or other video or photographic reproductions which are characterized by the depiction of “Specified Sexual Activities” or “Specified Anatomical Areas”.

Advertising - Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences, or other manmade structures.

Advertising Sign or Structure - See Sign.

Agricultural Accessory Use - Those structures or equipment that are normally required in the operation of agricultural uses.

Agricultural Use - This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Tipton County, Tennessee, are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, riding stables, livery or boarding stables or dog/cat kennels be so considered.

Alley - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to properties otherwise abutting a street, and which may be used for public utility and public service purposes and is less than twenty (20) feet in width.

Alteration - As applied to a building or structure: means a change or rearrangement in the structural parts or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

Alternative Tower Structure – Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antennas – Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

Apartment Dwelling - See "Dwelling - C"

Area, Building - The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

Automobile Storage – The placement of any vehicle that is not currently operable, licensed or registered.

Automobile Wrecking, Junk, and Salvage Yards - Any establishment or place of business, exposed to the weather, where motor vehicles of any kind, incapable of being operated, are maintained, used or operated for storage, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

Average Ground Elevation - The elevation of the mean finished grade at the front of a structure.

Basement - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

Bed and Breakfast Inn – An operator- or owner-occupied home that provides three (3) to ten (10) rooms for paying guests on an overnight basis for periods not to exceed fourteen (14) days with one (1) daily meal being available on the premises. Bed and breakfast inns are subject to approval by the Tennessee Department of Health in addition to all local regulatory requirements.

Board - The Gilt Edge, Tennessee Board of Zoning Appeals.

Boarding House - See "Dwelling - E".

Buffer Strip - A greenbelt planted strip that is not less than ten (10) feet in width. The greenbelt strip shall be composed of one (1) row of evergreen trees that are spaced not more than twenty (20) feet apart. In addition, there shall be not less than two (2) rows of shrubs or hedges that are spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet, or some other form of an aesthetically designed buffer that will conceal from view an adjoining lot or district.

Buildings - Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes and similar structures whether stationary or movable.

Building Area of a Lot - That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

Building Main or Principal - A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building Setback Line - A line delineating the minimum allowable distance between the property line and a building on a lot, within no building or other structure be placed, except, as otherwise, provided.

Building Setback Line, Front - A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line and the front of a building on lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

Building Setback Line, Rear - A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

Building Setback Line, Side - A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

Bulk – Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

Business and Communication Services - The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets, and small reports.

Camping Ground - A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

Carport – A one-story structure attached to the principal building, open and to remain open on two or three sides except for necessary supporting posts; to be used only for the shelter of an automotive vehicle.

Cemetery - Any land or structure dedicated to and used, or intended to be used, for interment of human remains. Cemetery refers to all types of cemeteries, public or private, except family burial grounds.

Certificate of Occupancy - A written statement or certificate issued by the Building Inspector indicating that the land, structure or part thereof is found to be in conformity with the provisions of this ordinance.

Clinic - See Medical Facilities.

Commercial Feed Lot - Business of feeding or fattening livestock for slaughter in a confinement facility designed or used to feed or fatten fowl, poultry and other livestock. Density considerations for commercial feed lots are as follows: cattle, emus, horses or mules > 10/acre; hogs, sheep or goats > 20/acre; chickens > 100/acre.

Condominium - A form of ownership that provides single ownership in a multi-unit structure or structures with common elements.

Convenience Sales - The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

Convenience Services - Services that are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats.

Coverage - The lot area covered by all buildings located therein, including the area covered by all overhang roofs.

Country Club - A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities; golf, riding, clubhouse, pool, dining facilities or lounge.

Day Care Center - Any place, home, or institution, which receives thirteen (13) or more unrelated children under seventeen (17) years of age for general care, exercise, play or observation for less than twenty-four (24) hours per day without transfer of custody.

Day Care Group – Any place, home, or institution which receives eight (8) through twelve (12) children under seventeen (17) years of age for general care, exercise, play or observation only present before and after school, on school holidays, on school snow days, and during school summer vacation for less than twenty-four (24) hours per day without transfer of custody.

Day Care Home (Family) – Includes day care in an occupied residence of not more than seven (7) children under seventeen (17) years of age for less than twenty-four (24) hours per day without transfer of custody, including children living in the home.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities, as defined by this ordinance are not included in this definition of development.

Development Permit - Defined as a permit issued by the Planning Director for a proposed use of land or structure, or the alteration of land or a structure, or the location or erection of a structure after having been found to be in conformity with the provisions of the Zoning Ordinance of Gilt Edge, Tennessee.

District - Any section or sections of the area lying within the corporate limits of Gilt Edge for which the ordinance governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

A. **Residential District** – Property zoned for Agricultural or Residential Uses (R).

B. **Non Residential District** – Property zoned for Commercial and Industrial Uses (C).

Duplex Dwelling - See " Dwelling - B".

Dwelling - A building or part thereof used for habitation under one of the following categories:

A. Single Detached Dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

B. Duplex Dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

C. Apartment Dwelling means a building and accessories thereto principally used, designed, or adapted for use by three (3) or more households, each of which has separate living quarters.

D. Rooming House means a dwelling or other residential structure in which lodging facilities are supplied for people over an extended period of time and distinguished from a tourist home.

E. Boarding House means a building other than a hotel or motel where, for compensation and arrangement, meals and lodging are provided for three (3) or more persons, but not exceeding twenty (20) persons.

- F. Town House means a residential structure containing three or more single non-detached dwelling units separated by a common vertical wall.
- G. Multi-Family means more than one dwelling unit per structure.
- H. Prefabricated (Modular) Dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to public or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.
- I. Manufactured “Mobile” Home or “Trailer” means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of a mobile home.

Enforcing Officer - The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

FAA – Federal Aviation Administration.

Family - One or more persons related by blood, marriage or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling or group use. A family shall not be deemed to include domestic servants employed by said family.

Family Burial Grounds - A zoned lot in private ownership that may contain one or more sites used or intended to be used, for interment of human remains, for the benefit of the owners of the lot or their immediate family members.

FCC – Federal Communications Commission.

Financial, Consulting and Administrative - Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this ordinance.

Floor Area - The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

Garbage - Food waste, animal waste, dead or decomposing animal matter, and dead or decomposing vegetable matter, and any dead or decomposing matter whether or not it originally constituted human or animal food.

Gasoline Service Station - Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

Governing Authority – Governing authority of the Town.

Grade, Finished - The completed surfaces of lawns, walks, and streets brought to grades as shown on official plans or designs relating thereto.

Group Home for Physically or Mentally Handicapped Persons:

- A. **Major** means a dwelling shared by nine (9) or more handicapped persons, plus resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.
- B. **Minor (See Family)** means a dwelling shared by eight (8) or less handicapped persons, plus two (2) resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used in both definitions, the term “handicapped” shall mean having:

- (1) A physical or mental impairment that substantially limits one (1) or more of such person’s major life activities so that such person is incapable of living independently;
- (2) A record of having such impairment; or
- (3) Being regarded as having such an impairment.

However, “handicapped” shall not include current illegal use of or addiction to a controlled substance. The term “group home for the handicapped” shall not include alcoholism or drug treatment centers, work release activities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Health Department - The Tipton County Health Department.

Height – When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Height of Buildings or Structures - The vertical distance from the average ground elevation or finished grade at the building line, to the highest point of the building or structure.

Home Occupation - See Section 4.040.

Hospital - See Medical Facilities.

Incidental Home Occupation – An occupation or profession carried on by the members of a family residing on the premises in connection with which there is no sign used; provided, however, that such use shall not noticeably increase traffic to, or significantly alter the outside appearance of the residence involved and that not over twenty-five (25) percent of the total actual ground floor area is used for the home occupations or professional services. Incidental home occupations shall be limited to the following uses only; professional or personal services in which no more than three clients or customers are served at a time; dressmaking and sewing, baking and catering, and instruction of music and educational courses.

Inoperable Motor Vehicle - Any automobile, motor vehicle or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building.

Junk - Rubbish and wasted or discarded items, including metal, wood, paper, glass and other objects and, including junk motor vehicles. The term shall not include items held for sale in a business establishment that holds a valid Tennessee Business License.

Junk Yard or Salvage Yard - A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of used or recycled building materials, waste paper, rags, scrap metal, or discharged material, or for the collecting, or storage for sale, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

Kennel – A kennel is a shelter for the breeding, boarding or training of dogs and/or cats.

Landscaping – The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

Light Industry - Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gasses, glare and heat, and of the creation of hazards to health and life by reason of fire, effects of industrial waste, psychological effects and generation of motor vehicle traffic.

Litter - Particles of items of trash, rubbish, wastepaper, or garbage lying or scattered about.

Loading Space - An area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

Lot - A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this ordinance.

A. **Corner Lot** - A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

B. **Double Frontage Lot** – A lot having frontage on two (2) non-intersecting streets non-intersecting streets as distinguished from a corner lot.

C. **Interior Lot** - A lot other than a corner lot.

D. **Lot Area** - The total surface land area included within the lot lines.

- E. **Lot Depth** - The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.
- F. **Lot Frontage** - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
- G. **Lot Lines** - The boundary dividing a given lot from the street, and alley, or adjacent lots.
- H. **Lot Width** - The width of a lot at the building setback line measured at right angles to its depth.

Lot of Record - A lot that is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Register of Deeds prior to the effective date of this zoning ordinance and/or any previously adopted Zoning Ordinance or amendment to the Zoning Ordinance that may apply.

Marina - A facility for the docking and servicing of boats.

Medical Facilities:

- A. **Convalescent, Rest or Nursing Home** - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- B. **Dental Clinic or Medical Clinic** - A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
- C. **Hospital** - An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.
- D. **Public Health Center** - A facility utilized by a health unit for the provision of public health services.

Minimum Floor Elevation - The lowest elevation permissible for construction, erection or other placement of any floor, including a basement floor.

Mini-Storage Facilities – An enclosed storage facility of a commercial nature containing independent, fully enclosed and secured bays that are leased to persons exclusively for dead storage of their household goods or personal property. Such a facility shall be lighted, buffered from residential abutting properties, fenced in, secured and shall not be used for habitable space not commercial activity, and shall be maintained and free from debris. There shall be no storage of flammable or other hazardous materials in such a facility.

Mobile Home - See "Dwelling - I".

Mobile Home Park - A lot or tract of land not subdivided upon which three (3) or more manufactured or mobile homes, occupied for dwelling or sleeping purposes, are located.

Multi-Family Dwelling - See "Dwelling - G".

Night Club - An eating and drinking establishment, with or without alcohol, in daytime or nighttime that includes entertainment such as live music, dancing, sports viewing and the like.

Nonconforming Use - A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

Noxious Matter – Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

Open Space - An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

Out-Parcel – A parcel of land, generally located on the perimeter of a larger parcel of land that is subordinate to the larger parcel typically for access, parking and drainage purposes. An out-parcel is typically a non-buildable lot and shall be labeled as such.

Owner - Includes a duly authorized agent or attorney, a purchaser, devisee, fiduciary, or person, having a vested interest in the property in question.

Parking Lot - An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access.

Parking Space - An off-street space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

Permanent Easement - The right granted by the owner of land to another party by deed or description, to allow access across one parcel of land to another.

Planning Commission - The Tipton County Regional Planning Commission.

Plat - A map, plan, or layout indicating the location and boundaries of individual properties.

Prefabricated Dwellings - See “Dwelling – H”.

Principal Structure – A structure in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages, if permanently attached to the principal structure shall be deemed part of the principal structure. Awnings, porches, patios or similar attachments shall be deemed a part of the principal structure and having to meet all yard requirements.

Principal Use - The specific primary purpose for which land or a building is used.

Private Wastewater Treatment - Individual subsurface sewage disposal system (i.e. septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of waste water, as approved by the local Health Department.

Professional Office - The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or other similar professions.

Public Uses - Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Public Wastewater System - A municipal or county, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Health and Environment.

Public Water - A municipal or county, community or utility district water treatment and distribution system of a type approved by the State Department of Health and Environment.

Recreation:

A. **Public Recreation** - A recreational facility operated by a local, state or federal agency. Example: Federal, state and local parks.

(1) **Admittance** - Open to the general public.

(2) **Requirement** - Must comply with all local zoning codes and applicable building codes.

(3) **Where Allowed** - In an R Zoned District as Uses Permitted.

B. **Private Recreation** - A recreational facility operated by a nongovernmental entity. Example: But not limited to: golf courses, private clubs, civic and community clubhouses, etc.

(1) **Admittance** - Can be restricted by operator.

(2) **Requirement** - Must comply with all local zoning and building codes and must have a special exception granted by the Gilt Edge Board of Zoning Appeals for the requested use in accordance with Section 8-106.

(3) **Where Allowed** - In an R Zoned District as Uses Permitted by Special Exception

C. **Commercial Recreation** - A public or private recreational facility located in a C Zoned District. Example: But not limited to: game rooms, dance halls, concert halls, etc.

(1) **Admittance** - May be open to the general public or admittance may be restricted by operator.

(2) **Requirement** - Must comply with all local zoning and building codes.

(3) **Where Allowed** - In a C Zoned District as Uses Permitted.

Refuse - All items constituting garbage, litter, and rubbish.

Restaurant – An eating and drinking establishment, with or without alcohol, but does not include entertainment such as live music, dancing, sports viewing and the like. The main purpose of which is eating.

Right-of-Way Line - That line surveyed or approved by appropriate governmental authority as the outer boundary of a street. Such line is identical to or contiguous with any property line abutting a street, and is often referred to as "street line".

Streetway - The actual street surface including necessary street shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

Rooming House - See "Dwelling - D".

Rubbish - Useless, rejected, or abandoned waste, waste matter, trash, junk, debris, and fragments of buildings, masonry or wood.

Sanitary Landfill - An area or site utilized by a public or private entity for disposal of solid or liquid waste or refuse (including industrial waste) in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment and these regulations.

Shelter, Fall-Out - A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Shopping Center – A group of compatible commercial establishments, planned, developed and managed as a single unit with parking provided on the property; the center must also be related in location, size and type of businesses to its' trade area.

Sign, Billboard, or Other Advertising Device - Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

- A. **Billboard** - A structure on which is portrayed information not necessarily related to the other uses permitted on the zoned lot upon which the structure is located, but not including painted walls.
- B. **Changeable Message Sign** – Means an off-premise advertising device which displays a series of messages at intervals by means of digital display or mechanical rotating panels. Changeable Message Signs may be double faced, back to back or “V”-type signs.
- C. **Commercial Sign** - A type of ground or wall sign that directs attention to a business, service or profession conducted, sold or offered either on the same parcel or elsewhere.
- D. **Directional or Public Information Sign** - A sign intended to guide the general public and emergency services.

- E. **Flashing Sign** - Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that the revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.
- F. **Ground Sign** - A sign supported by a pole, uprights, or braces on the ground.
- G. **Illuminated Sign** - A sign designed to give forth any artificial light or reflect such light from an artificial source.
- H. **Marquee Sign** - A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.
- I. **Pole Sign or Banjo Sign** - A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.
- J. **Roof Sign** - A detached sign supported upon the roof or wall of a building.
- K. **Temporary Sign** - Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for sixty (60) days or less.
- L. **Wall or Flat Sign** - Any sign attached, affixed or erected parallel to the face or on the outside wall of any building.

Specified Anatomical Areas - Means:

- A. Less than completely and opaquely covered:
 - 1. Human Genitals;
 - 2. Pubic Region;
 - 3. Buttocks;
 - 4. Female breasts below a point immediately above the top of the areola;
- B. Human male genitals in a discernible turgid state, even if completely opaquely covered.

Specified Sexual Activities - Means:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; or
- C. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

Single Detached Dwelling - See "Dwelling - A".

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

Street - A public street, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

Structure - Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

Subdivision - "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other division requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. As used herein, "utility construction" does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains. (See Sections 13-3-401 and 13-4-301, Tennessee Code.)

Substantial Improvement - Any repair, reconstruction, or improvement of a structure of which the cost equals or exceeds fifty (50) percent of the assessed value of the structure, either: (1) before the improvement or repair; or (2) before the damage occurred.

For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not this alteration affects the external dimensions of the structure.

The term does not, however, include, either: (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Total Floor Area - The area of all floors of a building including finished attic, finished basements, covered porches and attached garages or carports.

Tower - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Town House - See "Dwelling - F".

Toxic Materials - Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms by chemical reaction or detrimental effects upon the social, economic or psychological well being of individuals even when present in relatively small amounts.

Travel Trailer - A vehicular, portable structure designed as a temporary dwelling for travel, recreation and vacation uses.

Travel Trailer Park - A plot of land designed and equipped to accommodate travel trailers for short periods of time.

Use - The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

Utility Easement - The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easements shall include, but are not limited to, easements for utilities such as storm drainage, water lines and elevated storage tanks, electric power lines, natural gas pipelines and communication lines, excluding wireless communication towers.

Watercourse - Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

Yard - An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky, except, as otherwise, provided in this ordinance, provided that accessory buildings may be located in a rear yard.

Yard, Front - The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

Yard, Rear - The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

Yard, Side - The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.