(Article II, Deleted and Replaced with New Article II, Resolution No. 022706011, February 27, 2006)

ARTICLE II

DEFINITIONS AND RULES OF CONSTRUCTION

SECTION

2-1 RULES OF CONSTRUCTION

2-2 DEFINITIONS

2-2.1 General Definitions

2-2.1 General Definitions

2-2.3 Definitions for Floodplain Regulations

2-2.4 Commercial Use Definitions

2-1 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction apply.

A. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.

B. The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.

C. The word "may" is permissive in nature except when used in the negative.

D. The word “should”, whether used in the positive or the negative, is a suggested guideline.

E. References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

F. For purposes of interpreting this Resolution, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this Resolution shall have their everyday dictionary definition.

G. Whenever a conflict exists between the text of this Resolution and any graphic representation herein, the text shall prevail.

2-2 DEFINITIONS

Words and terms in the Robertson County Zoning Resolution are defined in the sections that follow. The definitions are divided into four sections. As captioned, Section 2-2.1 provides the general zoning definitions that apply to this resolution. The definitions of

Section 2-2.2 provide special definitions applicable to the sign regulations of Article IV. Section 2-2.2 sets out special definitions applicable to the Floodplain Districts of Article V. Section 2-2.4 provides special definitions applicable to the commercial uses typically found in Article V. For the purposes of these regulations, the following words and terms have the meanings specified in this section.

2-2.1 General Definitions

Abandon To cease the regular use or maintenance of a lot, building, or structure.

Abutting Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Access: A means of vehicular approach, i.e., entry to or exit from a property, street or highway.

Access, Secondary: A means of vehicular or non-vehicular approach, entry to, or exit from property from a source other than a public street or highway.

Accessory Building **(Amended by Resolution 061812045 June 18, 2012)**

Level 1 Storage building, garages, carports, etc. These buildings will have no permanent petitions or walls constructed as to separate into rooms.

Level 2 Storage buildings, garages, etc. that have permanent walls for restrooms, offices, laundry areas and recreational areas but no cooking areas permitted. These uses are limited to no more than thirty (30) percent of the building may be used for these areas.

*Level 3 Storage buildings garages, etc that have permanent walls for restrooms, offices, laundry areas, recreational areas and limited cooking areas. These uses are limited to no more than forty (40) percent of the building may be used for these areas and shall meet the conditions established in Section 8-2.2 G.

*Level 4 Accessory Apartments that are housed in a separate building located on the site of an existing dwelling and include all provisions for a permanent dwelling.

* These accessory buildings require a “Conditional Use Permit”.

Activity: The performance of a function or operation which constitutes the use of land.

Addition: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent: Either abutting or being directly across a street.

Adjusted Tract Acreage (ATA): The net useable land area of a proposed development site, determined by deducting specific percentages of various categories of constrained land from the gross tract area.

Adult Day Care Center: An individual, agency, or organization providing supervision or care on a regular basis for more than six (6) adults in a place other than their usual place of abode, on less than a twenty-four (24) hour basis.

Adult Day Care Home: (small, accessory use) – Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to six (6) adults who do not reside in the dwelling.

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 man-made structure, and such advertising is a structure within the meaning of the word "structure" as utilized in this resolution.

Agriculture: (1) Means:

(A) The land, buildings and machinery used in the commercial production of farm products and nursery stock;

(B) The activity carried on in connection with the commercial production of farm products and nursery stock;

(C) Recreational and educational activities on land used for the commercial production of farm products and nursery stock;

(D) Entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and nursery stock, when such activities occur on land used for the commercial production of farm products and nursery stock.

(2) As used in this definition of agriculture, the term “farm products” means forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and other plants and animals that produce food, feed, fiber or fur.

(3) As used in this definition of agriculture, the term “nursery stock” means all trees, shrubs, or other plants, or parts of trees, shrubs or other plants, grown or kept for, or capable of, propagation, distribution or sale on a commercial basis. ***Source: Tenn. Code Ann. 1-3-104.*** **(Amended by Resolution 012615003 January 26,2015)**

Agriculture Accessory Use: Those structures or equipment which are normally required in the operation of agricultural uses.

Alley: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

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.

Amendment: Any change by the County Commission to the text of these regulations or the official zoning maps.

Animal Unit: A measure which represents a common denominator for the purposes of defining a farm. The animal unit accounts for the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit.

Type of Livestock	Number of Animals per Animal Unit
Horse (2 yrs. or older)	1
Colt (under 2 yrs.)	2
Cattle (2 yrs or older)	1
Cattle (1 to 2 yrs.)	2
Calves (under 1 yr.)	4
Brood Sow or Boar	2.5
Hogs (up to 220 lbs.)	5
Sheep	7
Lambs	14
Chickens	200
Other Poultry	200

Source: The Stockman's Handbook

Antenna: Shall mean any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Apartment House: Two or more dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

Apartment, Accessory: A dwelling unit that has been added onto, or created within, a single-family house.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Resolution as expressly authorized by the provisions of Section 8.050.

Attached: An enclosure having continuing walls, roof and floor.

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

Base Density: The density (in dwelling units per acre) permitted under the property's residential zoning category.

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 (I/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

Bed and Breakfast Establishments: Bed and Breakfast Establishments include the following:

(1) Bed and Breakfast Home Stay. A home occupation that provides one (1) to three (3) rooms for occasional paying guests on an overnight basis for periods

not to exceed fourteen (14) days with one (1) daily meal being available on the premises. A "Bed and Breakfast Home stay" is allowable only in a building originally constructed as a single-family residential building.

(2) **Bed And Breakfast Inn** An operator- or owner-occupied home that provides four (4) to twelve (12) 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 Environment and Conservation.

(3) **Country Inn.** A "Bed and Inn" that also has facilities for group and/or special event activities. Such facilities may include a dining area, and/or catering service, and/or conference/meeting/gathering rooms and/or an outdoor activity area. "Country Inns" are subject to approval by the Tennessee Department of Environment and Conservation.

Berm: A raised earth mound, which is planted with ornamental vegetation.

Board of Appeals: The Zoning Board of Appeals of Robertson County.

Board: "The Robertson County Board of County Commissioners".

Boarding House: A dwelling unit with up to six rooms for rent to boarders, or designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

Buffer Strip: A greenbelt planted strip not less than fifteen (15) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, one on each side of the evergreen trees, 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.

Bufferyard: A unit of land, together with a specified type and amount of planting thereon, and any structures, which may be required between land uses to eliminate or minimize conflicts between them.

Build-to Line: A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building, Accessory: A building which:

a. is subordinate to and serves a principal structure or a principal use;
b. is subordinate in area, extent, and purpose to the principal structure or use served;
c. is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Resolution; and

d. is customarily incidental to the principal structure or use.

Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

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

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

Building Commissioner: The building commissioner for the Robertson County.

Building Completely Enclosed: Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

Building Envelope: The area on a lot that encompasses all development including but not limited to excavation, fill, grading, storage, demolition, structures, building heights, decks, roof overhangs, porches, patios, terraces, pools and any areas of disturbance, access ways, and parking. Approved walkways and driveways may occur outside the building envelope.

Building Front: That exterior wall of a building which faces the front lot line of the lot.

Building Height: The vertical distance as measured from the average ground elevation to the highest point on such building.

Building Lines: Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections there from, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building, 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 Separation: The minimum required horizontal distance between buildings, measured between walls.

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

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

Building Site: (See also Development.) An area of land, or property where development is undertaken.

Bulk: Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines, and therefore includes:

a. The size (including height and floor area) of buildings or other structures.
b. The area of the zoning lot upon which a residential building is located and the number of dwelling units within such buildings in relation to the area of the zoning lot.
c. The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures.
d. All open areas relating to buildings or other structures and their relationship thereto.

Caliper: The size of a tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches. This measurement of caliper is used to determine if newly planted trees meet the requirements of this Resolution.

Candlepower: The amount of light that will illuminate a surface one (1) foot distant from a light source to intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaries.

Canopy: The uppermost spreading branch layer of a tree.

Canopy Tree: A deciduous tree that would occupy the upper canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include beech, hickory, oak, sassafras, maple, tulip tree, etc.

Certificate of Appropriateness: A statement issued by the County which states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

Certificate of Compliance: An official document issued by the Zoning Administrator, or his designee, stating that a building or structure complies with the provisions of this Resolution.

Change of Use: The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

Child Care: The provision of supplemental parental care and supervision:

a. For a non-related child or children;
b. On a regular basis;

c. For less than twenty-four (24) hours a day; and
d. Under license issued by the Tennessee Department of Human Services

As used in this Resolution, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in a child's own home. Likewise, the term is not intended to include cooperative reciprocatative child care by a group of parents in their domiciles or the keeping of four (4) or less preteenage children which is an activity regulated as a minor home occupation by this Resolution and requires no licensing by the State of Tennessee.

Clear Cutting: The large-scale indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development purposes.

Commencement of Construction: The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial Use: A category of uses that includes retail establishments, personal services, light manufacturing and assembly, branch banks, medical offices, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use.

Common Open Space: The total land area not individually owned or dedicated for public use, which is designed and intended for the use and enjoyment of the residents or occupants of a development. Common open space includes swimming pools, putting greens, and other recreational/leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; landscaped areas and other complementary structures and improvements as are necessary and appropriate. In no instance shall common open space include required setback areas or contain structures other than those intended for landscape or recreational purposes.

Communication Towers: A communication tower is 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.

Community Open Space: The portion of the open space remaining after “Green Space” has been designated. Community Open space may be used for passive or active recreation or stormwater management.

Conditional Use: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public

health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, only when specific provisions for such use are made in this resolution. For the purposes of administration of this Resolution, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section *13.-7-206*, ***Tennessee Code Annotated.***

Conditional Zoning District: A zoning district in which the development and the use of the property included in the district is subject to predetermined Resolution standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Conditional zoning shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties.

Congregate Housing: Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Coverage: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

Critical Root Zone (CRZ): A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained in order for the trees survival. The critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight (8) feet.

Cultural Facility: An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

Day Care Center: Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) and more than five (5) hours per day without transfer of custody.

Deciduous: Shrubs and trees that lose their leaves annually.

Dependent Living Facility: Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

Density, Gross Residential: The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development under these regulations, including an optionee or contract purchaser.

Development: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

(1) Except as provided in subsection (c) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development":
   a. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
   b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
   c. Alteration of the shore or bank or the dredging of a pond, lake, river, or other waterway;
   d. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
   e. Clearing or excavating of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
   f. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(2) Development includes all other activity customarily associated with it. When appropriate to the context "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

(3) For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a building permit:
   a. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;
   b. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
   c. A change in use of land or structure from a use within a specified category of use to another use in the same category;
   d. A change in the ownership or form of ownership of any parcel or structure;
   e. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or
   f. The clearing of survey cuts or other paths of less than four (4) feet in width.
   g. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Diameter at Breast Height: The caliper of an existing semi-mature or mature tree measured at 4½ feet above the existing ground on the uphill side of the tree.

District: Any section or sections of the area lying within Robertson County, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage or buildings and other structures are in force.

Dormitory: A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageway: Minor watercourses which are defined either by soil type or by the presence of intermittent or perennial stream or topography which indicates a swale where surface sheet flows join.

Drip Line: An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the exterior limits of the tree canopy.

Dwelling: A building, or portion thereof, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. A dwelling is designed or used exclusively, except for permitted home occupations, for residential occupancy, but not including transient occupancy.

Dwelling, Accessory: A dwelling unit that is located on the same lot as a detached or attached single family house, has a first floor area no greater than six hundred fifty (650) square feet or fifty percent (50%) of the first floor area of the principal dwelling (whichever is greater), is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.

Dwelling, Apartment: A dwelling unit contained in a building comprised for use as occupancy by three (3) or more households each of which has separate living quarters. This includes triplexes and quadruplexes.

Dwelling, Attached: A building containing not more than two dwelling units, attached at the side or sides in a series of three or more principal buildings. At points of attachment, such buildings are separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another. The term attached dwelling is intended to apply to town houses, patio or atrium houses, or any form however termed which conforms to this definition.

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

Dwelling, Condominium: Real estate containing three (3) or more dwelling units separated by a common vertical wall being under or intended for separate ownership, for each household living accommodation and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Dwelling Mobile Home: or trailer means a detached one-family dwelling with all the following characteristics:

a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
b. Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheel.
c. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports connections to utilities and the like.

Mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

Dwelling, Multi-Family: A building or portion thereof, used or designated as a residence for three (3) or more families living independently of one another with separate housekeeping and cooking facilities for each, and including apartments, townhouses and condominiums.

Dwelling Prefabricated: 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 municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this resolution 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.

Dwelling, Quadruplex: A dwelling with four (4) units designed for use by four (4) households located on the same tract in one ownership.

Dwelling, Semi-Detached: A building containing not more than two dwelling units, attached at a side to not more than one other building containing not more than two dwelling units by a party wall without openings with each building having a separate lot with dimensions meeting regulations for the district, or so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case the dimensions of such land shall not be reduced below those required for provisions of separate lots.

Dwelling, Single-Family Detached: A site-built dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit. For purposes of this regulation, dwellings classified as either a modular home or manufactured home, as defined herein, shall be regulated as a single-family, detached dwelling.

Dwelling, Tenant: A dwelling located on a bona fide farm and occupied by a farm worker employed for agricultural purposes by the owner or operator of the farm.

Dwelling, Townhouse: A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

Dwelling, Triplex: Dwelling units designed for use by three (3) households located on the same tract in one ownership.

Dwelling, Twin Home: A building consisting of two single-family dwelling units, each unit occupying its own conventional lot and conveyed by deed in fee simple, connected along a common party wall with no interior circulation between the two.

Dwelling, Two-Family (Duplex): A building on one zone lot arranged and designed to be occupied by not more than two families living independently of one another.

Dwelling Unit: One (1) or more rooms that are physically arranged, designed, used or intended to create an independent housekeeping establishment for occupancy by one (1) family, and that include lawful cooking space, sleeping space and lawful sanitary facilities reserved for the occupants thereof.

Easement: Authorization by a property owner of one (1) or more of the property rights for the use by, the public, a corporation, another person or entity, for a specified purpose, on a designated part of his or her property

Easement, Access: An easement which grants the right to cross property.

Easement, Maintained: A recorded right-of-way graded and cleared of brush and served by a driveway made of crushed gravel or pavement, so as to permit access by vehicles.

Elementary and Secondary Schools: Publicly-owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions the primary function of which is child day care.

Environmentally Sensitive Area: Any land area containing one or more of the following characteristics: (1) slopes in excess of fifteen (15) percent; (2) floodplain; (3) soils classified as having a high water table; (4) soils classified as highly erodible; (5) lands incapable of meeting minimum percolation standards; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) aquifer recharge and discharge areas; (10) wetlands; (11) sinkholes; (12) lands which contain habitat or breeding grounds for species of endangered, threatened, or special concern status.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred-eighty (180) feet in height. Essential Services are divided into three classes:

Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);
Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.
Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

Existing Tree Canopy: Tree canopy that has existed for at least two (2) years prior to development.

Exterior Features: The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all
windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

Family: One of the following:

a. A person or two (2) or more persons related by genetics, adoption or, marriage, occupying a dwelling unit and living as a single independent, nonprofit housekeeping unit, together with incidental domestic servants and temporary non-paying guests.
b. A group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit.
c. A group of unrelated handicapped persons (as defined by Title VIII, of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988) occupying a dwelling unit and living as a single, nonprofit housekeeping unit , provided:
d. Any entity owning or operating any facility permitted under this provision shall be established as a “not for profit” association under appropriate provisions of the Federal Code.
e. Any facility permitted under this provision shall at the time application is made for any building or occupancy permit and at all times thereafter be appropriately licensed by the State of Tennessee.

Farm: A tract of land of at least fifteen (15) acres engaged in the production of growing crops, plants animals, nursery or floral products, that produces gross agricultural income averaging at least one thousand five hundred dollars ($1,500) per year over a

three (3) year period. This includes the land, buildings, and machinery used in the commercial production of farm products and nursery stock. ***Source: Tenn. Code Ann. 2-2-122 and 43-26-102.*** **(Amended by Resolution 012615003 January 26, 2015)**

Farm Operation: A condition or activity that occurs on a farm in connection with the commercial production of farm products or nursery stock as defined in ***TCA 70-8-303***, and includes, but not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides: the employment and use of labor, marketing of farm products in conjunction with the production of farm products thereof; and any other form of agriculture as defined in ***TCA 43-1-113***. For the purposes of this section, buildings used as residences by farmer and farm workers are "incidental to the agriculture enterprises". ***Source: Tenn. Code Ann. 13-7-114 and 43-26-102.*** **(Amended by Resolution 012615003 January 26, 2015)**

Farm Stand: A temporary structure or vehicle used in the sale of farm products such as fruits, vegetables and juices.

Filling: The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

Financial Institution: A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Flood: (See Section 2-2.3 for all definitions pertaining to flood and flooding conditions.)

Floor: The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor Area: The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from outside of the exterior walls or from the centerline of party walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

Floor Area Ratio: The total "floor area" of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Frontage Distance: The width of a housing lot (in feet) that fronts along the street.

Full Cutoff Light Fixture: A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1000 lamp lumens.

Garage: A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Government Building: A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade: The elevation of the land or land level at a specific point.

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

Grade, Natural: The elevation of the ground surface in its natural state before manmade alterations.

Greenhouse: An enclosed building, permanent or portable, which is used for the growth of small plants.

Green Space: Open space maintained in a natural, undisturbed or revegetated condition.

Gross Density: The quotient of the total number of dwelling units divided by the base site area of a site.

Ground Mount: A solar energy system mounted on a rack or pole resting on or attached to the ground. **(Amended by Resolution 1220221139, December 20, 2021)**

Group Home: A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others. Group homes are permitted in any district that allows residential use in accordance with Tennessee law.

Gross Leasable Area: The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

Hard-Surfaced Paving Materials: Includes paving blocks, stone, brick, and either concrete or asphalt that has been scored, colored, or otherwise configured to resemble pavers, stone, or brick.

Health Department: The Tennessee Department of Environment and Conservation, Division of Ground Water Protection, Robertson County Health Department.

Height of Building or Structures: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest to the highest point of the building or structure.

Historic Structure or Site: Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

Home Day Care: Any place, home or institution which receives between five (5) and twelve (12) young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation and construction.

Home Occupations: An occupation or business activity which results in a product or service and which: is conducted, in whole or in part, in either the dwelling or an accessory building normally associated with permitted uses; is conducted by at least one (1) family member occupying the residence; and is clearly subordinate to the residential use of the dwelling and premises. Home occupations do not include garage sales, yard sales, Christmas bazaars, or home parties held for the purpose of the sale or distribution of goods or services. However. if such sales and/or parties are held more than four (4) times in any calendar year; or operate in excess of twenty-four cumulative days in a calendar year, such sales and/or parties shall be considered a home occupation.

Impervious Surface: Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

Impervious Surface Ratio: A ratio derived by dividing the impervious surface of a site by the gross area of the lot or parcel.

Incidental Alterations: Modifications to a building or structure that meet the following criteria:

a. Changes or replacements in the nonstructural parts of a building or other structure, including but not limited to the following: (1) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created; (2) A minor addition to the exterior of a residential building, such as an open porch; (3) Alterations of

interior nonload-bearing partitions in all other types of buildings or other structures; or (4) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits.

b. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent: (1) Making windows or doors in exterior walls; (2) Replacement of building facades having nonload-bearing capacity; or (3) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

Independent Living Facility: Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. "Independent Living Facilities" are distinguished from apartment building(s) by the provision of some communal services.

Inert Debris: Solid waste consisting solely of material that is virtually inert, that is likely to retain its physical and chemical structure under expected conditions of disposal, and that will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock and gravel. Inert debris does not include manufactured products, appliances, and the like.

Inoperative Motor Vehicle: Any vehicle, car, truck, van, bus, recreational vehicle and motorcycle, which does not have an engine or drive train in operating condition, inflated tires on all wheels, an operative battery, and valid state license plate and registration issued to a person that owns the property which the vehicle is located, or which, for any reason, is not operative and capable of being legally driven upon the roads and highways of the State of Tennessee and Robertson County under its own power. **(Amended by Resolution 012615003 January 26, 2015)**

Interconnected: Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

Integrated Multiple Use Development: A development containing three (3) or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following:

a. Common driveways,
b. Common parking,
c. Common signage plan, and
d. Common landscaping plan.

Examples are shopping centers and office parks having the characteristics listed above. Such integrated developments may include out parcels for lease or for sale. Any such integrated development may be organized as a condominium or in a manner analogous to that of a townhouse development (with ownership parcels beneath the building units and with parking and driveways being in common area owned and maintained by an Owners' Association).

Junkyard or Salvage Yard Large Tracts: Any land containing five (5) acres or more being used for salvaging operation, including but not limited to: the storage and/or sale

of waste paper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of five (5) or more unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative. **(Amended by Resolution 061812046 June 18, 2012)**

Junkyard or Salvage Yard Small Tracts: Any land containing less than five (5) acres or more being used for salvaging operation, including but not limited to: the storage and/or sale of waste paper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative provided the number of vehicles does not exceed two (2) vehicles for tracts 2.5 acres or less and four (4) vehicles for tracts up to five (5) acres in size. **(Amended by Resolution 061812046 June 18, 2012)**

Land Clearing Debris: Waste that is generated solely through land clearing activities; such waste includes stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

Land Disturbing Activity: Any use of land by any person that results in a change in the natural cover or topography or that may contribute to sedimentation or soil compaction that affects the critical root zone.

Land With Incidental Improvements: A tract of land that contains improvements including buildings or other structures having a total assessed valuation of ten thousand dollars ($10,000) or less.

Landowner: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed Site Specific Development Plan in the manner allowed by this Resolution.

Land Trust: A private, non-profit conservation organization formed to protect natural resources, such as productive farm and forest land, natural areas, historic structures and recreational areas. Land trust purchase and accept donation of conservation easements. They educate the public about the need to conserve land and some provide land-use and estate planning services to local governments and individual citizens.

Landscape Architect: A registered landscape architect licensed by the State of Tennessee.

Landscape Surface Area: Surface area of land not covered by any impervious surface that is maintained to support plant life.

Landscape Surface Ratio: The ratio derived by dividing the area of landscaped surface by the base site area.

Landscaping: The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

Large Maturing Tree: A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

Levee: Means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Light Trespass: Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

Loading Space: An area twelve (12) 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 parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

Lot, Area: The total surface land area included within lot lines.

Lot, Corner: 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.

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.

Lot, Frontage: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimensions of a corner lot.

Lot Lines: The boundary dividing a given lot from a street, an alley or adjacent lots.

Lot of Record: A lot which 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 Resolution.

Lot Types:

Corner Lot A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 degrees.
Interior Lot A lot other than a corner lot with frontage on only one street.
Through Lot A lot other than a corner lot with frontage on more than one street.
Reverse Frontage Lot Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width: Lot width shall be determined based on the applicable definition below:

a. The distance between the side lot lines measured along a minimum setback line established under the standards of prior legally controlling regulations;
b. The distance between the side lot lines measured along a build-to line established under the standards of this Resolution;
c. Along the turnaround portion of a cul-de-sac, the distance between the side lot lines measured along a building frontage line established by legal subdivision plat or by actual building placement; or
d. If no setback is required for a lot according to this Resolution, and neither setback nor build-to line has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

Lot, Zone (Buildable Lot): One or more lots of record in one undivided ownership with sufficient total area, area exclusive of easements and flood hazards, total dimensions, street access, and frontage to permit construction thereon of a principal building together with its required parking and planting yards.

Manufactured Home: Any structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) or more body-feet in width or forty or more body-feet in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subsection (a) except the size requirements and with respect to which the manufacture voluntarily files, a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established by title 42 of the United States Code. As defined in this ordinance, (a) manufactured home also has the same meaning as "mobile home". ***Source: Tenn. Code Ann. 55-1-105.***
(Amended by Resolution 012615003 January 26, 2015)

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

Mixed Use: A use which contains two or more platted parcels of dissimilar types of development including single-family or multi-family residential development, institutional uses commercial and/or industrial uses.

Mobile Home: See Manufactured Home. **(Amended by Resolution 012615003 January 26, 2015)**

Mobile Home Park: Any area, tract, site or plot of land whereupon three (3) or more mobile homes as herein defined are placed, located or maintained in single ownership for rental purposes, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

Mobile Home Space: A designated area within a mobile home park for the exclusive use of the occupants of a single home.

Modular Home: A factory-manufactured dwelling designed for and occupied by not more than one (1) family certified as meeting the specifications Sections 68-36-301 through 68-36-320 of the Tennessee Code, and mounted on a permanent foundation.

Motor Vehicle, Junked: A motor vehicle that does not display a current license plate and is one or more of the following:

a. Partially dismantled or wrecked;
b. Cannot be self propelled or moved in a manner in which it was originally intended to move; or
c. More than ten (10) years old and appears to be worth less than two hundred fifty dollars ($250.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be causes to be removed or disposed.

Multiple Building Site: A group of two or more buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

Natural Condition: The topography and vegetation of an area that is unaltered by clearing and grading during construction and protected in perpetuity.

Neighborhood Recreation: Public or private neighborhood, tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Noncomplying Building: Any building located on a lot of record which does not meet the minimum area or width requirements established for yards or building setbacks established in these regulations or any amendment thereto, whichever may be applicable

Noncomplying Lot: Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Nonconforming Structure: Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the zoning maps which render such structure nonconforming, which does not comply with all of the standards and regulations of this Resolution or any amendments thereto, whichever may be applicable.

Nonconforming Use: A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of ***March 20, 1989***, or as a result of any subsequent amendment to the zoning resolution.

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

Occupancy: The principal use of land for the performance of a function or operation by a person, firm, corporation, or association as a single legal entity. For the purpose of this Zoning Resolution there shall be only one principal use of land by any one person, firm, corporation, association or legal entity.

Off-Street Parking: Parking which occurs on a lot and not on a street or other public right of way.

Office: A use or structure in which business or professional services are conducted or rendered.

Open Space: The portion of a site consisting of reserved common areas in vegetation, agricultural, forested or grasslands which in its present state would:

a. Conserve and enhance natural or scenic resources;
b. Protect streams and water supply,
c. Promote conservation of soils, wetlands, steep slopes or floodplains;
d. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or
e. Enhance recreational opportunity.

Open Space Development: A development pattern that arranges the layout of buildings in a compact area of the site so as to reserve a portion of the site for community open space or green space that is protected in perpetuity.

Open Space, Usable: Usable Common Open Space is comprised of areas readily accessible, practical and generally acceptable for active and passive recreational uses.

Outdoor Lighting: Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor Recreation: Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation "shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Outparcel: A regularly shaped subdivided or leased parcel within but along a portion of the public street frontage of an integrated multiple use development (refer to "Integrated Multiple Use Development" in this Section) containing a principal use that is ancillary to the development.

Owner: Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land. Any person, agent, firm, corporation or partnership that alone, jointly, or severally with others: (1) has legal or equitable title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the estate of the beneficial owner. The person shown on the records of the Recorder of Deeds of the county to be the owner of a particular property shall be presumed to be in control of that property.

Owners Association: The non-profit corporation or association created to own, lease, or provide management, maintenance, preservation, and control of the contiguous or noncontiguous lots, parcels, areas, or improvements owned in common or the lots, parcels, areas or improvements separately owned or, in which there is a right to exclusive occupancy, or both types of ownership, common and separate, or any portion of or interest in them.

Ownership, Common: Ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots. Additionally, ownership by any association (such ownership may include a municipality) of one or more lots under specific development techniques.

Parallel Conditional Zoning District: A conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name.

Parcel: Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park: Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

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

Parking Space: An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

Party Wall: A wall on an interior lot line, used or adopted for joint service between two (2) buildings; such walls shall extend from the foundation to the underside of roof sheathing without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls.

Permanent Access Easement: A perpetual easement guaranteeing right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the land of the owner. Any permanent access easement utilized as the sole means of providing legal access to two (2) or more parcels of land shall be:

a. Designed as to assure continuing adequate ingress and egress for emergency vehicles; and
b. Assured adequate continuing maintenance by an owners association or similar organization.

The portion of the permanent access easement intended for ingress and egress shall, unless located within a Planned Unit Development district, be constructed to the standards of a public street, as specified in the Subdivision Regulations. In any instance where a permanent access easement is located within a PUD district, the design standard shall be as approved in the development plans required therefore.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Resolution will be completed in compliance with the Resolution, regulations, and the approved plans and specifications of a development.

Person: An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Planned Unit Development: An interrelated development adhering to a master development plan and located on a single planned area of land which: 1) has both individual building sites and common property such as parks, and 2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sires or other common property; the ownership of the common property may be either public or private. Cluster developments and mixed use developments may be classified as planned unit developments. Also, a parcel of land as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional sitting regulations (such as side yards, setbacks, and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development).

Planning Commission: The Robertson County Regional Planning Commission.

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

Porch: A roofed open area, usually attached to or part of and with direct access to or from a building. This area cannot be heated or air conditioned. Side and rear porches may be screened, but front porches may not be screened or enclosed in any manner.

Prefabricated Dwelling: A single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer. As used in this Resolution the term "prefabricated dwelling" does not include "manufactured homes" constructed as a single self-contained unit and mounted on a single chassis and as further defined in *Section 68-126-202, (4), (6) and (7), of the* ***Tennessee Code Annotated***.

Principal Building or Structure: A building or structure in which is conducted the principal use(s) of the zone lot on which it is located or, in a group development, of the building site on which it located.

Principal Use: The primary purpose or function that a lot serves or is proposed to serve.

Private Courtyard: An area enclosed on at least three sides by the vertical rise of building walls providing a pedestrian open space constructed of hard-surfaced paving materials and/or landscaping.

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

Project area: Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Proposed Right-Of-Way Line: The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by the thoroughfare's classification and dimensional requirements or locational criteria as established in the Subdivision Regulations.

Pruning: The cutting off or removal of dead or living parts of a tree or shrub for the intentions of improving growth.

Public Improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Sewer: Includes any local government sewer system and other forms of sewer systems approved by the State Health Department and maintained by a public or private agency authorized to operate such systems.

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 Utilities: Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, storm water drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, and transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

Public Utility Structure: An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Public Waste Water or Sewer System: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State of Tennessee Department of Health and Environment and the Public Service Commission.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities classified as "Recreational Vehicles" are: travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not to be used as a permanent residence.
(Amended by Resolution 012615003 January 26, 2015)

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed. This facility is generally located in a shopping center parking lot or

in other public/quasi-public areas, such as at churches and schools and is not intended for use by commercial or industrial establishments. A Recycling Collection Point may also include a facility for the temporary collection of used clothing and household goods.

Redevelopment: The demolition and reconstruction of a building or a portion of a building.

Religious Institution: A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, cemetery or dwelling, located on the same lot.

Residential Use: Any detached, duplex, triplex, quadraplex, attached, or multifamily dwelling, manufactured home, group home, limited residence boarding house, or dormitory.

Retirement Communities: Single family and attached housing under single ownership on a parcel of land designed for active adults and independent persons over age fifty-five (55) not requiring health support services such as medical and nursing care on site. Each living unit is self-contained and is physically accessible to older and disabled persons. Retirement Communities are distinguished from apartments by the provision of some communal services.

Riding Academy: A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for profit basis.

Right-of-Way: The minimum right-of-way on all streets shall be fifty (50) feet which measures twenty-five (25) feet from the center line. On all collector streets, the right-of-way shall be thirty (30) feet from the street center line. On all arterial streets, the right-of-way shall be a minimum of forty (40) feet on each side of the street center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Robertson County. The outer boundary of the right-of-way is contiguous with any property line abutting the street.

Roadway: The actual road surface, including necessary road shoulders and drainage facilities, including ditches and curbs and gutters, which is used for motor vehicles transport.

Roof Mount: a solar energy system that is mounted on a rack that is fastened onto a building roof. **(Amended by Resolution 1220221139, December 20, 2021)**

Rooming House: A dwelling with one (1) kitchen in which lodging is provided by the owner or operator to more than three (3) residents.

Rooming Unit: A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary, facilities provided therein.

Screening: A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may

be located on the property line or elsewhere on the site, as determined by the use to be screened.

Sedimentation: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Semi-Trailer: A vehicle without motive power, factory or reconstructive designed, to be drawn on highways by a motor vehicle (primarily, a truck tractor) and so built that some part of its weight and that of its load rests upon the towing vehicle when attached; the semi-trailer can be unhitched and stored or parked separately when attached to motive power, and may or may not be loaded while parked.

Septic Tank System: A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Setback, Established; The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. (See also Yards).

Setback, Required: The minimum distance required by this resolution or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. For flag lots, the minimum setback shall be measured between the front property line of the buildable portion of the lot and the front building line of the principal structure, projected to the sidelines of the lot.

Sexually Oriented Material: Means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state even if completely covered.

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.

Shelter, Temporary: A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address.

Shielded Light Fixture: A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Shrub; Vegetation that is planted for ornamental or screening purposes.

Significant Tree: Any tree other than a pine tree with a caliper of eighteen (18) inches or more.

Silviculture: Science and art of cultivating forest crops based on the study of life history and general characteristics of forest trees.

Sinkhole: A topographic feature defining a depression in the ground's surface, typically formed by the collapse of underlying strata, which surface water drains into, but drains out of primarily via infiltration. For the purpose of this Resolution, a sinkhole shall be considered as encompassing the entire area lying within the depression, plus an additional area fifty (50) feet wide around the edge of the depression.

Site Development Plan: A plan of land development submitted by the landowner to the County for the purpose of obtaining a zoning vested right and for the purpose of obtaining one of the following zoning or land use approvals:

a. Residential Plot Plan pursuant to Section 8.030 (Plot Plan Required):
b. Site Plan pursuant to Section 8.030 (Site Plan Required):
c. Conditional Zoning Site Plan pursuant to Section 8.030 (Submission of Site Plans):
d. Site Plan pursuant to Section 8.030 (Submission of Site Plans):
e. Final Master Plan pursuant to Section 8.030, (Final Master Plan Approval).

Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a Site Specific Development Plan.

Small Maturing Trees: A tree whose height is less than thirty-five (35) feet at maturity and meets the specifications of "American Standards for Nursery Stock "published by the American Association of Nurserymen.

Solar Energy System (accessory): A solar panel or array mounted on a building, pole or rack which is directly connected to or designed so serve the energy needs of the primary use. **(Amended by Resolution 1220221139, December 20, 2021)**

Solar Energy System (major): A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means. The system includes but is not limited to all on site-site equipment and facilities necessary for the proper operation and security of the system, including electrical connections, transmission lines, inverters, transformers, substations, operations, maintenance and security facilities. **(Amended by Resolution 1220221139, December 20, 2021)**

Solar Farm: A solar array composed of multiple solar panels on ground -mounted racks or poles which is not directly connected to or designed to serve the energy needs of a primary use, but rather for the primary purposed of wholesale sales of generated electricity. See Solar Energy System (major). **(Amended by Resolution 1220221139, December 20, 2021)**

Solid Waste: Garbage, trash, refuse, abandoned material, spent material, byproducts, scrap, ash, sludge, and all discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid includes, without limitation, recyclable material when it is discarded or when it is used in a manner constituting disposal. Solid waste does not include solid or dissolved material in domestic sewage, or solid of dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.).

Solid Waste Disposal: The process of permanently or indefinitely placing, confining, compacting or covering solid waste.

Solid Waste Processing: An operation for the purpose of modifying the characteristics or properties of solid waste to facilitate transportation or disposal of solid wastes including but not limited to, incineration, composting, separation, grinding, shredding, and volume reduction. *(From Rule 1200-1-7-.01 (2) (Tennessee Rules Governing Solid Waste Management in Tennessee))*

Special Exception: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

Specified Anatomical Areas: Any of the following:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activity: Means activities, services or performances that include the following sexual activities and/or exhibition of the following areas:

a. Human genitals in a state of sexual stimulation or arousal;
b. Acts of human masturbation, sexual intercourse or sodomy;
c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
d. Flagellation or torture in the context of a sexual relationship;
e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
f. Erotic touching, fondling or other such contact with an animal by a human being;
g. Human excretion, urination, menstruation, vaginal or an irrigation as part of or in connection with any of the activities set forth in 1) through 6) above.

Specimen Tree: A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

a. Large hardwoods (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines sp.) in good or better condition with a DBH of twenty-four (24) inches or greater
b. Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of twelve (12) or greater
c. Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Stable, Private: Any building, incidental to an existing residential principal use that shelters horses for the exclusive use of the occupants of the premises.

Stadium: A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Start of Construction: The date the building permit is issued, provided the actual start of activity was within one hundred eighty (180) days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or sidewalks; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storage Trailer: A structure originally constructed with wheels in order to be transported over the highways but now no longer transported and now converted to use as a storage structure. An uncoupled truck trailer, an inoperable travel trailer, and an uninhabitable manufactured dwelling all meet this definition if used for storage of materials of any kind. An uncoupled truck trailer placed at a church, school, government building, or business for the acceptance of goods donated to charity or dropped off for recycling and towed away on a regular schedule or whenever full does not meet this definition. A construction trailer at a construction site does not meet this definition.

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 or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than 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 road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one (1) lot and which has been legally dedicated and accepted for public use.

Street Line: The outer boundary of a street right-of-way.

Street Orientation: The direction of the architectural front façade of a building in relation to the street.

Street, Private: An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

Street, Public: A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by a County, Robertson County or State of Tennessee.

Street Right-Of-Way: Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the County; or has otherwise been established as a public street prior to the adoption of this Resolution.

Street Tree: A tree planted along a street right-of-way or public access easement, excluding alleys. The tree must be a large maturing deciduous canopy tree on the approved tree list.

Street Yard: The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

Structural Alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, accessory buildings, billboards, fences, swimming pools, tennis courts, signs, sewage treatment plants, sheds, signs, docks, mooring areas, and similar accessory construction.

Substantial Improvement: Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds fifty (50) percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing State or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Subdivision: Any subdivision or resubdivision of a parcel of land as defined under 13-3-401 Tennessee Code.

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Temporary Event: An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events, and other similar activities.

Temporary Structure A building that is placed on a lot for a specific purpose and is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, guard houses, and produce stands.

Thoroughfare: Any street so designated on the adopted thoroughfare plan.

Thoroughfare Plan: The most recent map adopted by the Robertson County Planning Commission which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

Topping: Any pruning of trees that results in removal of the foliage and limbs that leads to disfigurement or abnormal shape of a tree. Also known as rounding-over, heading-back, dehorning, capping, and hat racking.

Toxic Materials: Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Tractor Trailer Rig: A motor powered truck tractor vehicle, factory or reconstructive designed, to be attached to a semi-trailer and when so attached is utilized as a mobile rig to transport, convey, or move freight, goods, products, and merchandise of all types on highways from one location to another generally for commercial and industrial purposes; the truck tractor vehicle is used primarily for drawing other nonmotorized vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and the load so drawn.

Traditional Neighborhood: A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

a. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
b. Residences, shops, workplaces, and civic buildings are located in close proximity.
c. A well defined and detailed system of interconnected streets serves the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
d. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
e. Private buildings form a clear edge, delineating the private from the public realm.
f. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

a. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
b. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
c. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
d. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
e. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.

f. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

Transitional Setback or Yard: That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

Transitional Use: A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Travel Trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units of fixtures) and bath and toilet rooms. A travel trailer is not to be used as a permanent residence.

(Amended by Resolution 012615003 January 26, 2015)

Tree Survey: A description, for the purposes of identification, of the existing trees, under story vegetation, and topographical features on a site prior to development and site design.

Unbuildable Land: The area of a site that includes the following

a. All land located within any "floodway" as regulated by Section 5.070, (Floodplain Overlay District).
b. All land located on "Prohibitive Steep Slopes".
c. All land composed of "water hazard soils".

Uniformity Ratio: The variation of luminance on a development site expressed as a ratio from the minimum to the maximum luminance. For example, a uniformity ratio of four to one (4:1) simply means that the maximum luminance on a site does not exceed four times the minimum luminance. So, if a site has an area with a minimum luminance of five (5) foot-candles and a uniformity ratio requirement of four to one (4:1), the maximum luminance permitted anywhere else on the site cannot exceed twenty (20) foot-candles.

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.

Use, Accessory: A use which:

a. is subordinate to and serves a principal structure or a principal use,
b. is subordinate in area, extent, and purpose to the principal structure or use served,
c. is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Resolution, and
d. is customarily incidental to the principal structure or use.

Use, Principal: The specific primary purpose for which land is used.

Use, Temporary: A temporary use is one established for a fixed period of time with the intent of discontinuing such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance: Permission to depart from the literal requirements of this Resolution granted pursuant to Section 8.060.

Vehicular Use Area: Vehicular use area as used in this Resolution shall mean any group surface area, except public right-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, filling stations and grocery stores.

Vested Right: The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved development plan.

Violation: Means the failure of a structure or other development to be fully compliant with the provisions of these regulations.

Vocational School: A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

Wastewater Treatment Facility: A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one non-residential activity or more than four dwelling units.

Wind Power: The conversion of wind energy into another form of energy. **(Amended by Resolution 1220221139, December 20, 2021)**

Wind Energy System, Large: A wind energy conversion system consisting of one or more wind turbine(s), tower(s), and associated control or conversion electronics, which has a rated capacity of more than 20kW. **(Amended by Resolution 1220221139, December 20, 2021)**

Wind Energy System, Small: An accessory wind energy conversion system consisting of a single turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 20kW. **(Amended by Resolution 1220221139, December 20, 2021)**

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires and pad transformer. **(Amended by Resolution 1220221139, December 20, 2021)**

Windmill: See Wind Turbine. **(Amended by Resolution 1220221139, December 20, 2021)**

Working Day: Any day on which the offices of Robertson County are officially open, not including Saturdays, Sundays, and other holidays designated by the County Commission

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 resolution, 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 right-of-way and the nearest part of the principal building, including covered porches or the front building setback line. For lots not having frontage on a public road this setback shall be the lot line closes to the public road that provides access to the lot.

Yard, Rear: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches or the rear building setback line and the rear lot line or the lot line farthest from the street fronting the lot. For lots not having frontage on a public road this setback shall be the lot line furthest from the road that provides access to the lot.

Yard, Side: The required space unoccupied, except as herein provided, measured between the side lot line and the nearest point of the principal building or side building setback line and between the required front yard and the required rear yard. For lots not having frontage on a public road this setback shall be the lot lines parallel to the road that provides access to the lot.

Yard Trash: Solid waste consisting of vegetative material resulting from landscaping and yard maintenance, such as brush, grass, leaves, tree limbs and similar material.

Zero lot line: The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a side yard house.

Zoning Administrator: The employee(s) or agent(s) designated by the Robertson County to oversee the administration and enforcement of these regulations.

Zoning Certificate: A written certificate that a structure, use or parcel of land is, or will be, in compliance with the requirements of this Resolution.

Zoning Map: The map and/or detailed maps showing the location and boundaries of the zoning districts established by this Resolution. These maps are entitled, "Official Zoning Maps, Robertson County, Tennessee."

2-2.2 Sign Definitions

For the regulation of signs according to this Resolution, the following words and phrases shall be defined as specified below.

Advertising: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, uses 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 man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this Resolution.

Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all. (off premises sign)

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Attention-attracting Device: Any device or object visible from any public street which is primarily designed to attract the attention of the public to a business(s), institution, sign, or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects oftentimes incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other device/objects designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices for purposes of this Resolution.

Auxiliary Sign: A sign which provides special information such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings; "no trespassing" signs, and signs which list prices of gasoline.

Awning: A fabric, plastic or other non-rigid protective covering that extends from the exterior wall of a building and is supported by or attached to a frame.

Awning Sign: A sign attached to or incorporated into an awning.

Banner: Any sign of lightweight fabric or similar material that is mounted to a building. National flags, state or municipal flags, or the official flag of any institution shall not be considered a banner.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Billboards: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

Building Marker: Any sign which is an integral part of a building facade indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, carved in, or otherwise permanently embedded in the facade or made of bronze or other permanent material as a plaque.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. A multi-occupant property may have more than one principal building, but only structures regularly used for human occupancy may be considered principal buildings. Any structure designated as accessory building on an approved site plan or not meeting required principal building setbacks cannot be considered as a principal building.

Building Sign: Any sign attached to any part of a building, as contrasted to a "Freestanding Sign."

Building Wall: An exterior load-bearing or non-load-bearing vertical structure, which encompasses the area between the final grade elevation and eaves of the building, and is used to enclose functional space within the building.

Business Sign: A sign which directs attention to the business or profession conducted on the premises.

Campaign Sign: A sign expressing support for a candidate for public office or another position regarding a public figure or a public issue but bearing no commercial message whatsoever.

Canopy: A rigid roof, generally supported at all corners or extremities by poles, posts or direct attachment to a building; a canopy typically has little vertical or wall space on it and is only as thick as necessary to create a functional roof.

Changeable Copy Sign: A sign that is capable of changing the position or format of word messages or other displays on the sign face and that can also change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures, or other methods, and such changes are actuated by a control mechanism, rather than being made manually on the face of the sign. A sign on which the message changes more than eight times per calendar day shall be considered an animated sign and not a changing sign for purposes of this Resolution.

Commercial Message: Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Directional Signs: Off-site directional signs are permitted to give sufficient notice of the location of governmental facilities, hospitals, colleges, schools and unincorporated communities.

Directory Sign: A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.

Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that 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.

Freestanding Sign: A sign not attached to a building or other structure than its own support, supported by one or more columns, uprights or braces in or upon the ground.

Ground Sign: A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. All freestanding signs are considered ground signs, except for off-site signs.

Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and similar information and directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Institutional Use: A school, religious institution, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts in the County. A day-care facility shall be considered an institution regardless of ownership or operation.

Institutional Sign: A sign identifying or advertising an institutional or business use permitted in a residential district, where such sign is located on the same premises as such use.

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.

Messenger Sign: A sign displaying the time, date, temperature, or other information not pertinent to a specific product, activity or land use.

Monument Sign: A type of sign affixed directly to the ground or affixed directly to a solid base without visibility between the sign and the base or between the base and the ground or a sign above ground level supported by a post or posts which are concealed from visibility by a curtain wall of brick or similar material constructed around the base of the sign.

Nonconforming Sign: Any sign that does not conform to the requirements of this Resolution.

Off-Site Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

On-Site: Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole. Open space. Undeveloped land used primarily for resource protection or recreational purposes.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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.

Portable Sign: Any sign not permanently attached to the ground designed to be transported by means of wheels.

Projecting Sign: Any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

Real Estate Sign: A sign advertising property or a building for sale, lease or rent.

Residential Sign: A sign, typically located in a district zoned for residential use, meeting the standards of this Resolution for a residential sign, and containing no commercial message.

Roof Sign: A sign that is placed above or supported on the top of a building.

Roof Sign, Integral: Any sign erected and constructed as an integral or essential integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign: Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include: the flag or emblem of any nation, organization of nations, state, county, religious, fraternal, or civic organization; merchandise and pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. Products or equipment displayed or stored in a manner in which they are normally used and consistent with approved site plan do not constitute a sign. All signs that can be read or understood from the property line will count as part of the sign square footage allowed for that parcel. Any sign authorized in this Resolution is allowed to contain non-commercial copy in-lieu-of other copy.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: Any sign that is used only temporarily and is not permanently mounted. A temporary sign is constructed of cloth, canvas, fabric, paper, plywood, or other light material. Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer that is intended to be displayed for a short period of time only. *(A maximum of six (6) months.)*

Wall Sign: Any sign attached parallel to, but within six inches of a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any sign that is placed inside a window or upon the window panes or glass and is legible from the exterior of the window.

2-2.3 Definitions for Floodplain Regulations

(Amended by RESOLUTION NO. 012521007 January 25, 2021)

Unless specifically defined below, words or phrases used in this Section shall be interpreted as to give them the meaning they have in common usage and to give ***Section 7-2 (Floodplain Overlay District Regulations)*** its most reasonable application given its stated purpose and objectives. These definitions are not intended to permit uses that may be prohibited by the base zoning District.

Accessory Structure: means a subordinate structure to the principal structure on the same lot and, for the purpose of this Resolution, shall conform to the following:

a. Accessory structures shall only be used for parking of vehicles and storage.
b. Accessory structures shall be designed to have low flood damage potential.
c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
d. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
e. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

Addition (to an existing building): means any walled and roofed expansion to the perimeter or height of a building.

Appeal: means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

Area of Shallow Flooding: means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-related Erosion Hazard: is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map *(FHBM)*. After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard: see **"Special Flood Hazard Area"**.

Base Flood: means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

Basement: means any portion of a building having its floor subgrade (below ground level) on all sides.

Building: see "**Structure"**.

Development: means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

Elevated Building: means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Emergency Flood Insurance Program: or **Emergency Program:** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Erosion: means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

Exception: means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

Existing Construction: means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

Existing Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

Existing Structures: see **Existing Construction:**

Expansion to an Existing Manufactured Home Park or Subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed *(including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads)*.

Flood" or "Flooding:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides *(i.e., mudflows)* which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid

and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Elevation Determination; means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study: means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM): means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM): means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Study: is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

Floodplain or **Floodprone Area:** means any land area susceptible to being inundated by water from any source *(see definition of **flooding**)*.

Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Flood Protection System: means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing: means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

Flood-related Erosion means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related Erosion Area or **Flood-related Erosion Prone Area:** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-related Erosion Area Management: means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard: means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade: means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Historic Structure: means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Robertson County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By the approved Tennessee program as determined by the Secretary of the Interior or
b. Directly by the Secretary of the Interior.

Levee: means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System: means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor: means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

Manufactured Home: means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

Manufactured Home Park or Subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map: means the Flood Hazard Boundary Map *(FHBM)* or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

Mean Sea Level: means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with the National Geodetic Vertical Datum *(NGVD)* of 1929, the North American Vertical Datum *(NAVD)* of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD): means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Resolution and includes any subsequent improvements to such structure.

New Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this resolution or the effective date of the initial floodplain management resolution and includes any subsequent improvements to such structure.

North American Vertical Datum *(NAVD)*: means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

100-year Flood see **Base Flood:**

Person: includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Reasonably Safe from Flooding: means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

Recreational Vehicle: means a vehicle which is:

a. Built on a single chassis;
b. 400 square feet or less when measured at the largest horizontal projection;
c. Designed to be self-propelled or permanently towable by a light duty truck;
d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Regulatory Flood Protection Elevation: means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations *(BFEs)* have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area: is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Special Hazard Area: means an area having special flood, mudslide *(i.e., mudflow)* and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not

occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency: the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

Structure for purposes of this Resolution, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent *(50%)* of the market value of the structure before the damage occurred.

Substantial Improvement: means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Improved Existing Manufactured Home Parks or Subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent *(50%)* of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance: is a grant of relief from the requirements of this Resolution.

Violation: means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: means the height, in relation to the National Geodetic Vertical Datum *(NGVD)* of 1929, the North American Vertical Datum *(NAVD)* of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

2-2.4 Commercial Use Definitions

Adult Entertainment: Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers. **(For additional related definitions see** *Sections 7-51-1101 through 7-51-1122* **Tennessee Code.)**

Adult-Oriented Establishment: Includes, but is not limited to, an adult bookstore, adult motion picture theater, adult motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further "adult-oriented establishment" means any premises to which public patrons or members 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. "Adult- oriented establishment" further includes, without being limited to, any adult studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import. Adult-Oriented Establishments include:

(1) Adult Bookstores A business which offers, as its principal or predominate stock or trade, sexually oriented material, devices, paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts, or purports to restrict admission to adults or to any class of adults.

(2) Adult Cabaret An establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons of such establishment, at any time, the bare female breast below a point immediately the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque covering. "Adult cabaret" includes a commercial establishment which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers.

(3) Adult Mini-Motion Picture Theaters An enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas' as defined in this Resolution, for observation by patrons therein.

(4) Adult Mini-Motion Picture Theaters An enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas' as defined in this Resolution, for observation by patrons therein.

(5) Adult Show or Adult Peep Shows Includes all adult shows, exhibitions, performances or presentations which contain acts or depictions of specified sexual activities.

(6) Sexually-oriented Escort Bureau An escort bureau which:

a. Does not maintain an open office;

b. Employs as an employee, agent or independent contractor an escort bureau runner;
c. Advertises that sexual conduct will be provided, referred or introduced to a patron;
d. Solicits, offers to provide or does provide acts of sexual conduct to an escort patron;
e. Employs, contracts with or provides or refers escorts who do not possess valid permits issued as provided in part 11 of Section 7-51-1102 Tennessee Code.
f. Does not deliver contracts to every patron or customer; org. Employs contracts with a sexually-oriented escort or refers or provides to a patron, a sexually-oriented escort.

(7) Massage Parlor An establishment or place primarily in the business of providing massage or tanning services where one (1) or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

(8) Open Office An office at the escort service from which the escort business is transacted and which is open to patrons or perspective patrons during all hours during which escorts are working, which is managed or operated by an employee, office, director or owner of the escort service having authority to bind the service to escort patron contracts and adjust patron and consumer complaints.

(9) Rap Parlor An establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults.

(10) Sexual Encounter Center A business or commercial enterprise that has as one of its primary business purposes, offers for any form of consideration:
(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
(b) Physical contact between male and female persons and/or persons of the same sex when one (1) or more of those persons exposes to view of the persons present with such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

Agricultural Industry: Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Airport: A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

Airport Uses: Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

Amusement, Commercial Indoor: Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

Amusement, Commercial Outdoor: Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters or "Outdoor Concerts and/or Stage Shows".

Apartment, Commercial: An apartment located in a commercial building.

Arena: A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Automotive Repair: A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. (Also referred to as vehicle repair.)

Automotive Service Station: Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and bodywork are conducted.

Automobile Wrecking: A yard, field, or other exposed area used as a space of storage for five (5) or more motor vehicles, trailers or parts thereof which are unserviceable, discarded, worn-out, junked, or which does not have current license. A motor vehicle is defined as any self-propelled vehicle not operated exclusively on track, including motorcycles.

Automobile Wrecking, Junk, and Salvage Yards: Any lot or place which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, or which are discarded or junked are placed, located, or found.

Beneficial Landfill: Permitted with conditions in all districts The purpose of a beneficial fill site is to allow the land to be recontoured for the purpose of improving land use potential or for other beneficial reuse; involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Provided, however, that excavation, grading and fill activity shall not be considered a beneficial fill site within this definition if such activity (1) is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel or rock originating on such property or development project, or (2) is conducted pursuant to a valid preliminary subdivision plan or final subdivision plat, a residential building permit, a commercial building permit, or any preliminary permit issued pursuant to a pending application for such a plan or permit, and involves only uncontaminated soil, gravel or rock.

Business and Communication Services: The provision of services of clerical, goods, brokerage, communication 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.

Campgrounds: Commercial, for profit campgrounds, 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.

Center for Observation and Rehabilitation: A licensed medical facility wherein services more intensive than those required for room, board, personal services and general nursing care are provided to an in-patient population, but which involves no form of forced residency of the type required within drug and alcohol rehabilitation facilities.

Civic, Social Service or Fraternal Organization Facility: A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

Clinic, Medical, Dental, or Optical: A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, Veterinary: A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Commercial Communication Tower: A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Construction and Demolition (C&D) Wastes: "Construction/demolition wastes" means wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material. (Inert debris, land clearing debris, and yard trash are separately defined herein.)

Construction and Demolition (C&D) Landfill: A facility for the land disposal of construction and demolition (C and D) debris and wastes that is designed to meet the minimum standards of the State of Tennessee by utilizing acceptable landfill engineering technology.

Convenience Center: Any area which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive domestic waste, municipal solid waste and recyclable materials.

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 which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service Laundromats but excludes other apparel cleaning and repair services.

Correctional Institution: A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each twenty-four (24) hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Country Clubs: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities; golf, riding, club house, pool, dining facilities, or lounge.

Country Inn: A building which contains a dwelling unit and guest rooms that number no more than ten (10). These rooms should be rented for periods of no more than one week to guests having reserved the rooms in advance. Guests shall receive at least one meal with the price of their room. The dining room shall be open only for those periods when guests receive their meals and shall have a separate kitchen from that of the dwelling unit. The dining room shall have seating for no more than forty (40) patrons.

Drive-Through Service Window: A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

Exterior Storage: Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

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 provision this regulation.

Hazardous Waste: A substance or combination of substances, which, because of its quantity or concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or may pose a substantial present or potential hazard to human health or the environment when improperly used, handled, treated, stored, transported, disposed of or otherwise managed. A material may be

judged as hazardous if it is corrosive, reactive, ignitable or toxic. The term “hazardous waste” shall be understood to include extremely hazardous waste and acutely hazardous waste.

Hazardous Waste Disposal Facility: All structures, other appurtenances, and improvements to land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow, or emergency spillway areas. A hazardous disposal facility may consist of several treatment, storage or disposal operational units; it includes all areas where hazardous wastes may be received, stored, handled or processed.

Hazardous Waste Treatment: The physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

Hazardous Occupancy: The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable or explosive materials or materials that constitute a high fire hazard.

Hazardous Materials Treatment Facility: A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), so as to neutralize such material or render it non-hazardous, safer for transport,
amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

a. A facility which manufactures hazardous materials from component non-hazardous materials;
b. A facility or location for the long term or perpetual storage of hazardous materials; or
c. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Heavy Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty-five (25) percent of the floor area of all buildings on the lot.

Heliport: A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Hospital: An institution that:

a. Offers services more intensive than those required for room, board, personal services and general nursing care;
b. Offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and
c. Regularly makes available clinical laboratory services, diagnostic services (including X-ray, C-T scan, etc.) and treatment facilities for surgery or obstetrical care or other definitive treatment.

This activity may include offices for medical or dental personnel, central service facilities such as pharmacies, medical laboratories, and other related uses.

Hotel: A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, and all of whose rooms open onto heated corridors that are internal to the building.

Inn: A building containing fewer than 30 individual rooms for the purpose of providing overnight lodging, food and drink to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception.

Indoor Recreation: Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation "structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Junkyard: Any land or structure used for a salvaging operation, including but not limited to: the storage and/or sale of waste paper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of five (5) or more unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative.

Kennel, Commercial: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Kennel, Private: A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Landfill, Land Clearing and Inert Debris (Major): A disposal site, other than a "Minor Land Clearing and Inert Debris" site as defined in this section, for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth. Disposal

of any other types of wastes must be approved by the Tennessee Department of Environment and Conservation, Division of Solid Waste Control. All facilities of this type shall meet requirements and be permitted as a "Class IV Disposal Facility" by the Tennessee Department of Environment and Conservation.

Landfill, Land Clearing and Inert Debris (Minor): A disposal site for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth which is less than two (2) acres in size and is in operation for one (1) year or less.

Landfill, Sanitary: A solid waste disposal facility designed to meet the minimum standards of the State of Tennessee wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology. All facilities of this type shall meet requirements and be permitted by the Tennessee Department of Environment and Conservation.

Light Industry or Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Marina, Commercial: A facility for the wet storage, launching and mooring of boats, together with all accessory structures and uses. The dry storage of boats is permitted as accessory to commercial marinas where outdoor storage shall adhere to the conditions of the district win which the use is located.

Massage Therapy Health massage or bodywork therapy, performed by a practitioner having credentials in one of the following ways:

a. Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
b. Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.

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.

Hospital: An institution that:

a. Offers services more intensive than those required for room, board, personal services and general nursing care;

b. Offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and
c. Regularly makes available clinical laboratory services, diagnostic services (including X-ray, C-T scan, etc.) and treatment facilities for surgery or obstetrical care or other definitive treatment.

This activity may include offices for medical or dental personnel, central service facilities such as pharmacies, medical laboratories, and other related uses.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

Mini-Warehouse: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. At least one toilet facility shall be available to customers. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises. Outdoor storage or the storage of junk, explosives or flammable materials, and other noxious or dangerous materials are specifically prohibited.

Mixed Commercial Center: This use includes any group of commercial establishments on a single lot that is not centrally planned, developed or managed.

Motel: A building containing more than four individual rooms for the purpose of providing overnight lodging to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception, and some or all of whose rooms open directly on a parking area.

Nightclub: Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets and similar establishments.

Nursery: An enterprise which conducts the retail and wholesale sale of plants (a minimum of fifty one (51) percent of which must be grown on the site) as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels. Nurseries may contain accessory greenhouses.

Nursing Home, Convalescent, Rest Home, or Home for the Aged: A facility or housing development in which an agency, organization, or individual provides care for three (3) or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

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

Private Recreational Club: Recreational center for the exclusive use of members and their guests with facilities usually including swimming pools and/or tennis courts, but specifically exclusively golf courses.

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

Quarry: An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Recycling Processing Center: A facility whose primary use is for collection and processing of recyclable materials. The principal function is to separate and store materials that are ready for end-use markets, such as paper mills, aluminum smelters, or plastics remanufacturing plants. The processing involves the use of power driven processing equipment in the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

Research Laboratory: A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Restaurant: A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state. The products sold are usually served in containers that are either edible or made of paper, plastic, or other disposable material. Consumption of the products may be within the restaurant building, a motor vehicle that is parked on the premises, or off the premises, in car or home or other locations as carry-out services.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one (1) or both of the following characteristics:

a. customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed, or
b. a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Retail establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Salvage Yard, Auto Parts: Any land or area used, in whole or in part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts there from.

Salvage Yard, Scrap Processing: Any land or area used, in whole or in part, for the storage, keeping, or accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

Sanitary Landfill: An area or site utilized by a public or private entity for disposal of solid waste or refuse 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.

Saw Mill: A mechanized facility for cutting logs into timber for carpentry.

Shelter for the Homeless: A facility operating year-round which provides lodging and supportive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

Shopping Center: A group of two or more retail establishments or restaurants, including all associated out parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

Special Institutional Care Facilities: Means all types of institutional care facilities that involve forced residency, full-time supervision, and/or walk-in care for:

a. individuals legally confined due to violations of law;
b. individuals who are addicted to drugs and/or alcohol and,
c. individuals who are mentally ill, including the criminally dangerous. Under the terms of this Resolution, the following uses are considered to be special institutional care facilities: detention and/or correctional institutions, drug and alcohol rehabilitation facilities, halfway houses serving convicted felons or recovering substance abusers, institutional care facilities including all types of asylums for the psychotic or insane, and substance control centers serving recovering substance abusers.

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

Warehousing: The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wholesale Establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.