

CHAPTER 3

11-300. Definitions

11-300. Definitions. For the purpose of this Ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses: words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel," the word "building" includes the word "structure," and the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied."

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this Ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

Accessory Building, Structure or Use: A building, structure, or use which meets all the following criteria; (1) is subordinate to and serves a principal building or principal use as herein defined; (2) is subordinate in area, extent, or purpose to the principal building structure, or use served; (3) contributes to the comfort, convenience, or necessity of the occupants of the principal, building, structure, or use; and (4) is located on the same zoning lot as the principal building, structure, or use.

Agricultural Use, Accessory: Those structures or equipment which are normally required in the operation of agricultural uses. No more than two (2) dwellings on each farm shall be classed as agricultural accessory uses except by specific approval of the Board of Zoning Appeals. The Board of Zoning Appeals shall determine all questions of fact in such instance.

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-stump, or other natural structures or on a building, structure, milestone, signboard, billboard, wallboard, roofboard, frame, support, fence, or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as used in this Ordinance.

Advertising Sign or Structure: See Sign.

Agricultural Use: This use includes all forms of agriculture, the growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests and woods, provided, however, that such land shall consist of at least ten (10) acres in one parcel under common ownership or operations. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use nor shall commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding academy, livery or boarding stables or dog kennels be so considered.

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 purposes, and which is thirty (30) feet or less in width.

Alteration: A change or re-arrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, of any permitted or accessory building, structure or use.

Antique Store: An establishment engaged in displaying and selling furniture and other merchandise made in a former period of time. In these stores merchandise shall only be displayed inside of the store.

Apartment: See Dwelling, Multiple.

Area Building: The portion of a lot remaining after required yards have been provided.

Automobile Repair Station: A place where the following services may be performed: general repair; engine rebuilding; or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair painting and undercoating of automobiles.

Automotive Service Station: A place of retail business at which outdoor automotive refueling is conducted using fixed dispensing equipment connected to underground storage tanks and at which goods and services generally required in the operation and maintenance of motor vehicles may be provided.

An automobile service station building consists of a sales office where automotive accessories and packaged automotive supplies may be kept or displayed, and which may have one or more service bays in which the following services may be provided:

1. Servicing of spark plugs and batteries.
2. Tire repair and servicing, but not recapping.
3. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, arms of windshields and replacement of grease retainers and wheel bearings.
4. Radiator cleaning and flushing.
5. Washing and polishing.
6. Greasing and lubrication.
7. Exchanging fuel pumps and installing fuel lines.
8. Minor servicing and replacement of carburetors.
9. Emergency wiring repairs.
10. Turning engines, with the exception of grinding valves, cleaning carbon, or removing the head of engines and/or crank cases.
11. Adjusting brakes and installing brake shoes and pads.

Automotive Self-Service Station: A place of retail business at which outdoor automotive refueling is conducted by persons other than the service station attendant using fuel dispensing equipment connected to underground storage tanks, and at which automotive-related minor accessories and other retail products may be provided for sale to the motorist.

Accessory Automotive Fuels Self-Service Area: That portion of property on a lot containing a principal building or use (e.g., grocery store, car wash, etc.) at which outdoor automotive refueling is conducted as an accessory use from fixed dispensing equipment connected to underground storage tanks by persons other than the attendant at the principal building or use.

Automobile Wrecking (Junk) Yard: a storage area as defined and regulated herein that is used by the owner and/or operator for the dismantling, storage, or sale of three or more vehicles not in operating condition, or for the parts thereof.

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

Bar, Tavern, Nightclub: Premises used primarily for the sale, dispensing, and consumption of beer or liquor by the drink. Food may be available for consumption on the premises as accessory to, or as, the principal use. Music, dancing, or entertainment may also be conducted on the premises. (Ord. # 1027, 01/08/04.)

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 ($\frac{1}{2}$) of its height is above the average ground elevation or when subdivided and used for commercial activities or dwelling purposes by other than a janitor employed on the premises.

Billboard: See Sign.

Boarding House: A dwelling other than a hotel where, for compensation and by pre-arrangement for definite periods, meals are provided for three (3) or more but not exceeding twelve (12) persons on a weekly or monthly basis.

Buffer Strip: A strip of land, established to protect one type of land use from another with which it is incompatible and which is landscaped and kept in perpetual open space uses.

Building: Any enclosed structure intended for shelter, housing or enclosure of persons, animals, or chattel.

Building Accessory: See Accessory Building.

Building Height of: The vertical distance measured from the average ground elevation to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: A line formed by the face of a building. For the purposes of this ordinance, a Minimum Building Line is the same as a Front Setback Line.

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

Building Setback Line: A line delineating the minimum allowable distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed. The building setback line is parallel to or concentric with the street right-of-way.

Building Occupancy: The purpose for which a building or part thereof is used or intended to be used, such use being permitted in the zoning district in which the building is located.

Business and Repair Services: Any activity conducted for gain which renders services primarily to other commercial and industrial enterprises, or which services and repairs appliances and machines used in a home or business.

Child Care: Refers to the various arrangements made by parents for the care outside their home, of children under seventeen (17) years of age, for less than 24 hour periods as provided in Tennessee Code Annotated, Section 71-3-501 et. seq. as well as all pertinent rules, regulation, and standards of the Tennessee Department of Human Services.

Child Care Facility: A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types:

Family Care Facility. Is a facility which provides resident services to eight (8) or fewer individuals whom one or more are unrelated. These individuals are handicapped, aged, or disabled, or undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state, county, or local agency, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes.

Family Day Care Home: A home operated by any person who receives pay for providing less than 24 hour supervision and care, without transfer of custody, for 5, 6, and 7 children under 17 years of age who are not residents of the household. A license is not required for a home providing care for fewer than 5 children.

Group Care Facility. A facility which provides residential services to nine (9) or more individuals with whom one (1) or more are unrelated. These individuals are handicapped, aged, or disabled, are

undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state, county, or local agency, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes.

Group Day Care Home: Any place operated by a person, social agency, corporation or institution, or any other group which receives 8 or more children under 17 years of age less than 24 hours per day for care outside their own homes, without transfer of custody. A group day care home may care for no more than 12 children.

Day Care Center: A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, without transfer of custody.

City Commission: The Mayor and Board of Commissioners of the City of Paris, Tennessee.

Clinic: An establishment housing facilities for medical, dental, or psychiatric diagnosis and treatment, exclusive of major surgical procedure, for sick, ailing and injured persons who are not kept overnight on the premises.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, and the like but not operated for profit.

Community Assembly Facility: Activities typically performed by or at the following institutions or installations: (1) Parochial and private nonprofit clubs, lodges, meeting halls, recreation centers and areas; (2) temporary nonprofit festivals; (3) public and parochial and private museums and art galleries; (4) places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary, or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer, and discussion; (5) public community centers and recreational areas such as playgrounds and playfields.

Community Education Facility: Activities performed by or at public, parochial, or private kindergartens, primary, and secondary schools.

Comprehensive Plan: The Official Plan for the physical development of the Municipality, including any area outside the municipality which bears relation to the planning of the municipality, as provided in Tennessee Code Annotated. Section 13-3-303 and Section 13-4-202. Such plan includes graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan or part thereof may be adopted by the planning commission and/or city commission.

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

Country Club: A chartered, nonprofit membership club with or without dining facilities and cocktail lounge, catering primary to its membership, providing one or more of the following recreational and social amenities: golf, riding, outdoor recreation, club house, locker room, pro shop.

Conditional Use: A principal or accessory use which required compliance with the applicable standards of this ordinance prior to the issuance of a building permit or certificate of occupancy.

Design Capacity: The maximum number of persons which can be accommodated at any one time with a reasonable degree of comfort, safety, and convenience.

District: Any section or sections of the City of Paris for which the regulations governing the use of land and use, density, bulk, height, and coverage or buildings and other structures are uniform.

Dog Kennel: See Kennel.

Dormitory: A building containing sleeping room for either transient or permanent occupancy.

Drive-In: The term "drive-in" shall mean a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-In Restaurant: A drive-in restaurant, within the meaning of this ordinance, shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food, served directly to, or permitted to be consumed by patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building.

Dwelling: A building or portion thereof, exclusive of mobile homes as herein defined used for residential purposes.

Dwelling, Attached: A building containing not less than three (3) one-family dwelling units erected side by side as a single building, each being separated from the adjoining unit or units by an uninterrupted hall extending from the adjoining unit or units by an uninterrupted wall extending from the basement floor to the roof. No more than one (1) dwelling unit may be served by a single stairway or by a single exterior door.

Dwelling, Semi-Detached: Two dwellings with a single party wall common to both.

Dwelling, Detached: Same as single family dwelling.

Dwelling, Single-Family: A detached building design to be occupied exclusively by one family.

Dwelling, Two-Family: A detached building designed to be occupied by two families living independently of each other, exclusive of auto or trailer court or camps, hotels or resort type hotels.

Dwelling, Multiple-Family: A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

Dwelling Unit: One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

Erected: Built, constructed, altered, reconstructed, moved, upon, or any physical operations on the premises which are required for the construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or underground surface, or overhead gas communication, supply or disposal systems, including towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Any breaking of ground, except common household gardening and ground care.

Family: One or more persons related by blood, marriage or adoption, or a group of not to exceed five persons not all related by blood or marriage, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or

similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

Flood: See Section 11-702.

Flood Hazard Area: See Section 11-702.

Flood Fringe: See Section 11-702.

Flood Plain: See Section 11-702.

Flood Way: See Section 11-702.

Regional Flood: See Section 11-702.

100-Year Flood: See Section 11-702.

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

Floor Area Ratio: The relationship between the number of square feet of floor area in building and each 100 square feet of lot area. The floor area ratio may be calculated as follows:

$$\frac{\text{Gross Floor Area of Building}}{\text{Total Area of Lot} \times 100}$$

Fraternity or Sorority House: A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage Apartment: A dwelling unit for one family erected above a private garage.

Garage Public: Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

Garage Private: An accessory building for parking or storage of not more than that number of vehicles as may be required in connection with the permitted use of the principal building. In residential areas, the storage of not more than one commercial vehicle of a rated capacity not exceeding three-fourth (3/4) ton is permitted.

Grade: The term "Grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level if the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Gross Leasable Area (GLA): The total gross floor area (including sales, service, and work area) within a building occupied exclusively by an individual tenant as described in a lease document and upon which the tenant pays rent. The GLA is measured from the center line of joint partitions and from outside wall faces of basements, mezzanines, and all floors.

Health Care Facility: Activities typically performed by the following institutions:

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

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, the patients are not kept overnight except under emergency conditions.

Dental Office or Doctors Office: Same as dental and medical clinic.

Hospitals: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

Public Health Center: A facility primarily utilized by a health unit for the provisions of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

Rehabilitation Center: A health care facility operated for the primary purpose of assisting in the rehabilitation of disabled persons and in which a coordinated approach is made to the physical, mental, and vocational evaluation of such persons and to the provision of such services as are required for their rehabilitation.

Sanitarium or Sanatorium: An institution providing health facilities for in-patient medical treatment or treatment and recuperation using natural therapeutic agents.

Historical Monuments and/or Structures: Any antique structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history and any structure or building in which the relics and/or mementos of such event or period are housed and preserved.

Home Occupation: An incidental and subordinate use of a detached dwelling unit conducted entirely within the dwelling unit for gainful employment involving the manufacture, provision or sale of goods and services, carried on by one or more persons, all of whom reside within the dwelling unit and where no persons are employed other than resident and domestic help. The use is clearly incidental and subordinate to the use of the dwelling for residence purposes and does not change the character thereof nor adversely affect the uses permitted in the residential district of which it is a part.

Hospital: See Health Care Facility.

Hotel: A building occupied as the temporary habitat of individuals who are lodged with or without meals and in which there are more than twelve (12) sleeping rooms usually occupied singly and with no provision made for cooking in any individual room or apartment.

Independent Storage Area: A lot or other tract of land used for the sole purpose of storage and/or sale, from the premises, of new, used, or waste material, except when such material is incidental to a manufacturing operation. Such activities include the following: (1) auto wrecking (junk) yard as herein defined; (2) other junk yard or salvage yard used solely for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof.

Kennel: Any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept.

Kindergartens: See Community Education Facility.

Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land which is or may be occupied by a building and its accessory buildings or use customarily incidental thereto, together with such yards or open spaces within the lot lines as may be required by this Ordinance.

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot of which at least two (2) adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two 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, Double Frontage: A lot which runs through a block from street to street or which has two non-intersecting sides abutting on two or more streets.

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

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from the street which is designated as the front street in the request for Building Permit.

Lot Line, Rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten feet long and wholly within the lot.

Lot Line, Side: A side lot line is any lot boundary line not a front lot line or rear lot line.

Lot Width: The width of a lot at the building setback line measured at right angles to its depth.

Lot of Record: A lot whose existence, location, and dimensions were legally recorded or registered in a deed or plat with the County Register of Deeds prior to the adoption of this ordinance.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major Thoroughfare: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond, and may be designated as a major thoroughfare or equivalent term to identify those streets comprising the basic structure of the master street plan.

Manufactured Double-Wide Home: A structure, transportable in two sections, which is built on a permanent chassis and is designed for use as a residence with a permanent foundation and connected to the required utilities. For purposes of these regulations, a "Manufactured Double-Wide Home" can be considered to be a one-family dwelling. A manufactured "double-wide" home is designed and built in two separate sections as halves which when placed together form a single dwelling structure. Two "single-Wide" manufactured or mobile homes placed together in any fashion does not constitute a manufactured "double-wide" home and does not meet the definition or intent of these regulations (Ord. #750, 05/02/91).

Medical Specialties: Laboratories, clinics, or offices providing health care examination, treatment, therapy or rehabilitation services either directly to patients or to other health care facilities.

Mezzanine: An intermediate or fractional story between the floor or ceiling of a main story occupying not more than one-third (1/3) of the floor area of such main story.

Mini-Warehouse: Self-Storage Facility: A building or group of buildings which provide compartmentalized and controlled-access rental or leased storage space of varying sizes to the general public.

Mixed Building Occupancy: The use of a building for two or more occupancies which are permitted in the zoning district in which the building is located.

Mobile Home: A type of factory manufactured dwelling which is constructed as a single self contained unit and mounted on a single chassis designed to be used with or without a permanent foundation. A mobile home contains 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. Designed to be transported after fabrication on its own wheels or on a flatbed or other trailer or detachable wheels.
- c. Arriving at the site where it is to be occupied as a dwelling complete, and may include major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like (Ord. #750, 05/02/91).

Mobile Home Park: Any area, tract, site or plot of land where-upon fifteen (15) or more mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located or maintained for permanent residence, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

Mobile Home Space: A plot of ground within a mobile home park which is designed for and designated as the location for only one automobile and one mobile home and not used for any other purpose whatsoever other than the customary accessory use thereof.

Mobile Home Subdivision: A subdivision designed and intended for the sale of lots for residential occupancy by mobile homes and subject to the standards of the subdivision regulations in the design, construction, approval, dedication and acceptance of streets, utilities, and other required improvements.

Modular Home: A dwelling unit which is built or erected from one or more three dimensional, cubical, or box shaped units which are completely factory-finished and require only to be connected together on a permanent foundation at the building site. Modular housing units may include single and multi-family units and are limited to only those dwelling units which can be designed and fabricated to meet local building, housing, plumbing, and electrical codes, and other pertinent regulations.

Motel: A building or group of buildings used for the temporary residence of motorists or travelers.

Motor Vehicle Dealers: A planned center whose principal activity is the sale of new motor vehicles and where engine, body repair, painting, and the sale of used vehicles are carried on as accessory uses.

Municipality: The City of Paris, Tennessee.

Non-Conforming Building: A building or portion thereof, existing on the effective date of this ordinance, or amendments thereto, and that does not conform to the provisions of this ordinance relative to bulk, area, or yards for the district in which it is located.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations for the district in which it is located.

Noxious Matter: Material (in gaseous, liquid, solid particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well being of individuals.

Nursery, Plant Material: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Chapter does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

Parking Lot: An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be used for the parking of more than six (6) automobiles.

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

Planning Commission: The Municipal Regional Planning Commission of the City of Paris, Tennessee.

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

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

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 Utility: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water.

Quarry: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Recreational Facilities: Country clubs, riding stables, golf courses, and other non-commercial recreation areas and facilities, or recreation centers including swimming pools.

Recreational Vehicle: A travel trailer as herein defined used for temporary living quarters for recreational, camping, or travel use, and which either is self-powered or is mounted on or pulled by another vehicle.

Retail Trade: Those establishments classified in Tennessee Code Annotated, Section 67-4-708, engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods. The three basic categories of retail trade are as follows:

Shoppers' goods consist of infrequently purchased items sold by department and variety stores (general merchandise group stores), apparel and accessory shops, and furniture and home furnishings outlets, for which buyers will travel considerable distance to comparison shop before making a decision.

Convenience goods are items of everyday consumption such as those offered by food stores, gasoline service stations, drug stores, and eating and drinking places, in which convenience and habit play a more important role in the buying decision than price alone.

All other stores includes a diverse group of retail firms selling everything from building materials, hardware, farm equipment, and automotive products to miscellaneous retail stores and non-store retailers. The buying characteristics of goods in this category are sufficiently diverse to justify their separation into a distinct category.

Riding Academy: Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

Roadside stand: A farm structure used or intended to be used solely by the owner or tenant for the sale of only seasonal farm products of the farm on which it is located.

Rooming house: A building where lodging only is provided for compensation to three (3) or more persons but not exceeding twelve (12) persons shall be defined as a hotel under the terms of this Ordinance.

Sanitarium, Sanatorium: See Health Care Facility.

Sanitary sewer: A municipal or community sewage disposal system of a type approved by the State Department of Public Health.

Self-service laundry: An establishment providing home type washing, drying and ironing machines and/or customer operated type dry cleaning machines, to be used primarily by the customer on the premises. Such establishment may be coin operated.

School, Private: An institution of learning, including colleges and universities, that is not tax supported.

School, Public: A tax supported institution of learning, including colleges and universities.

Setback: The distance required to obtain the front, side, or rear yard open space provisions of this ordinance.

Shopping Center: A unified grouping in one or more buildings of retail shops and stores which are planned, developed, owned, and managed, as a unit with adequate off-street parking provided on the property in direct ratio to the building area, and related in size (gross floor area) and type of shops to the trade area that the unit serves.

Sign: See Section 11-1300.

Site Plan: A plan delineating the overall scheme of development of tracts of land including but not limited to grading, engineering design, construction details, and survey data for existing and proposed improvements, size, height, shape and location of buildings, location and design of parking area, pedestrian and vehicular circulation on site, and circulation for emergency apparatus.

Special Permit Use: A principal or accessory use for which a building permit cannot be issued on the basis of the application alone and which requires the approval of the Board of Zoning Appeals subject to the development standards of this ordinance.

Staff Doctor: A doctor employed by a hospital, clinic, or other institution; or a doctor who is on call, to such institution during certain specified periods of time in case of emergency or other need.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property. The word "street" shall include the word "road," "highway," and "thoroughfare."

Street Centerline: The center of the surfaced roadway or the surveyed centerline of the street.

Street Grade: Established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street, Intersecting: Any street which joins another street at an angle, whether or not it crosses the other.

Street Line: The legal line between street right-of-way and abutting property.

Street Right-of-Way Line: The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the exact location of the right-of-way or property line unknown, the side of the sidewalk farthest from the center line of the traveled street shall be considered a the right-of-way.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and including but not limited to buildings, mobile homes, walls, fences, billboards, poster panels, bridges, sheds, and storage tanks.

Subdivision Regulations: Regulations which govern the conversion of unimproved and undeveloped land into building lots for development purposes. Such regulations provide for the approval by the planning commission of the site design and the construction of streets, utilities, and other required improvement to the land prior to the sale of lots and the dedication and appearance by the City Commission of street, utilities, and other required improvements as well as land for open space, right-of-way, or other public purposes.

Temporary Use of Building: A use or building permitted by the Building Inspector to exist during periods of construction of the main building or use, or for special events.

Theater, Moving Picture: A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

Theater, Outdoor, Drive-In: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Tourist Cabins: See Motels.

Tourist Courts: See Motels.

Tourist Home: A dwelling in which sleeping accommodations in no more than four (4) rooms are provided or offered for transient guests for compensation.

Trailer, Hauling: A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods, or commodities, including boats.

Trailer, Travel or Camping: A portable living unit used for temporary human occupancy away from the place of residence of the occupant.

Travel Trailer Park: Any area, tract, site or plot of land whereupon travel trailers as herein defined are placed, located, or maintained, or intended to be placed, located or maintained for short term occupancy away from the place of residence of the occupant.

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

Usable Floor Area: Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

- (1) For the purposes of computing parking usable floor area shall be that area used or intended to be used for the sale of merchandise of services, or for use to serve patrons, clients, or customers.
- (2) Where detailed floor plans are not available, the following shall apply:
 - a. Commercial Buildings - usable floor area shall equal 75% of the gross floor area.
 - b. Office Buildings other than medical office buildings usable floor area shall equal 80% of the gross floor area.
 - c. Medical office buildings - usable floor area shall equal 85% of the gross floor area.

Usable Open Space: That portion of a lot which is free of buildings, is not devoted to driveways and parking areas, is available and accessible to all the occupants of dwelling units on the lot, and is of reasonable dimension to allow use for active or passive recreation or other outdoor activities. Usable open space may include play lots, gardens, sundecks, courts and court yards and other required yard areas. Private and semi-private balconies may also be classified as usable open space in which case direct and easy access to such balconies must be provided from the dwelling unit or units intended to be served.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance: A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property.

The salient points of a variance are (1) undue hardship caused by exceptional physical irregularities of the property; and (2) unique circumstances due to the exceptional physical irregularities; and, (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three elements are present.

Variety Store: A store which carries several lines of goods (primarily convenience goods) but not a complete line of one or more items.

Way: A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Wholesale Trade Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, farm, or professional business users; or to other wholesalers, or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Yard: An open spaced between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this ordinance, In measuring a yard for the purpose of determining the width of the side yard, the depth of a

front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, Front: An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

Yard, Rear: An open (other (other than for permitted accessory structure) space on the same lot with the principal building between the rear lines of the building and the rear line of the lot and extending the full width of the lot.

Yard, Side: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Zoning: The division of the entire territory of the municipality into separate districts in each of which uniform regulations are provided for the uses of buildings and land, the height of the buildings, and the area or bulk of buildings, and open spaces.

Zoning District: See District.