

SECTION 15. DEFINITIONS

15.1 PURPOSE

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15.3 GENERAL TERMS

15.1 PURPOSE

This Section of the Ordinance contains definitions for general terms and various generic uses permitted within the zoning districts and used throughout the Ordinance.

15.2 INTERPRETATION

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. The word “shall” is mandatory, while the word “may” is permissive.
- D. Both of the terms “shall not” and “may not” are prohibiting.
- E. The masculine gender includes the feminine and neuter.
- F. Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Any word appearing in parenthesis, between a word and its definition herein, shall be construed in the same sense as that word. Words not defined shall be interpreted in accordance with the definitions considered to be normal dictionary usage.

15.3 GENERAL TERMS

Abut. To have a common district boundary or zoning lot boundary. For the purposes of this Ordinance, a zoning lot line shall be considered to abut a zoning district even though it may be separated by any portion of a street, parkway, sidewalk, public way, alley, waterway or railroad right-of-way. The terms adjacent, adjoining and contiguous shall have the same meaning as abutting.

Accessibility Ramp. A ramp or similar structure which provides wheelchair or similar access to a building.

Accessory Building or Structure. A building or structure located on the same lot as, and of a nature customarily incidental and subordinate to, the principal building, the use of which is clearly incidental and subordinate to the principal building.

Accessory Use. A use that is customarily incidental and subordinate to the principal use of a lot or building and located on the same lot as the principal use or building.

Addition or Enlargement. Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

Adult Oriented Business. A commercial enterprise that involves creation, reproduction and/or sale for a fee or incidental to another service of goods and services that are characterized by emphasis upon the exposure of Specified Anatomical Areas and/or description or depiction of Specified Sexual Activities as defined by this Ordinance.

Alley. A right-of-way that normally affords a secondary means of access to abutting property. A street shall not be considered an alley.

Alteration. Any change in the size, shape, character, occupancy or use of a building or structure.

Amateur (HAM) Radio Equipment. An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment.

Animal Hospital. An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. Includes veterinary clinics. An Animal Hospital shall not include Kennel.

Antenna Support Structure. Any building or structure other than a Tower which can be used for location of Telecommunications Facilities.

Applicant. Any person who applies for a permit or any approval required by this ordinance.

Appurtenance. An architectural feature of a structure that is higher than the remainder of the building it accompanies, such as a chimney, cupola, spire or parapet wall.

Architectural Feature. A part, portion or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the building or to make the structure habitable.

Arbor. A freestanding structure used in a garden to support vines or climbing plants; also called a Trellis.

Art Gallery. A commercial establishment engaged in the sale, loan and/or display of paintings, sculpture, video art or other works. Art Gallery does not include Cultural Facility, such as a library, museum or non-commercial gallery that may also display paintings, sculpture, video art or other works.

Assisted Living Facility. A facility that provides daily assistance and long-term residence for disabled or elderly individuals. This includes a combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming, bathing, etc. An

Assisted Living Facility shall not include Independent Living Facility, Community Residence or Nursing Home.

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, 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 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 or other devices/objects designed to attract attention. Approved traffic control devices are not considered to be attention-attracting devices for purposes of this Ordinance.

Awning. A structure made of canvas, canvas-like or other materials affixed to a building. For Awnings with advertising see Sign, Awning.

Balcony. A platform which projects from the exterior wall of a building above the ground floor, is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Banquet Hall. An establishment which is rented by individuals or groups to accommodate private functions, such as banquets, weddings, anniversaries and other similar celebrations. Such use may or may not include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public, and/or outdoor gardens or reception facilities.

Bay Window. A window which projects outward from the building that does not rest on the building foundation or on the ground.

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.

Bed and Breakfast Inn. A residential facility within which not more than five (5) sleeping rooms are provided for rent on an occasional or regular basis to a maximum of 2 persons or 1 family unit per room for periods not to exceed 21 consecutive days, with breakfast and occasional family style meals provided for registered overnight guests only. Special events may be allowed on a limited basis. A bed and breakfast inn is allowed in a building originally constructed as a one-family dwelling or other pre-existing historic landmark buildings.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

Block. A tract of land bounded by streets or by a combination of one (1) or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways or corporate boundary lines. A block may be located in part beyond the boundary lines of the corporate limits of the City of Hendersonville.

Bowling Alley. Indoor facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

Brewery Tap Room and Retail Sales. Retail sale of beer, wine or liquor manufactured on the premises and the retail sale of shirts, mugs, and other associated products. **Building.** A structure enclosed within exterior walls, built, erected and framed of a combination of materials and having a roof to form a structure for the shelter of persons, animals or property.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the Ordinance have been subtracted.

Buildable Lot. A lot on which a building or other structure may be erected in conformity with this Ordinance and other City regulations.

Building, Attached. A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, Detached. A building surrounded by open space on the same lot. A building connected to another building only by an unenclosed structure, such as a breezeway, shall be deemed to be a separate detached building.

Building Height. The vertical distance from grade to the average height of the highest roof structure. Average height is the average of the height of the roof at the exterior building wall and the height of the roof at the ridge. Grade is considered to be the highest finished ground elevation adjacent to the building in the front yard.

Building Line. The inner edge of any required yard or setback, and the corresponding outer edge of the buildable area.

Building Permit. An official document issued by the City which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

Building, Principal. A non-accessory building in which a principal use of the lot on which it is located is conducted.

Building, Residential. A building which is arranged, designed, used or intended to be used for residential occupancy by one (1) or more families or households. This shall include, but is not limited to, the following types: single-family dwellings, two-family dwellings, townhouse dwellings and multi-family dwellings.

Building, Temporary. Any building not designed to be permanently located, placed or affixed in the place where it is or where it is intended to be placed.

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

Bulk. A term encompassing the regulation of the size and location of a structure as it relates to its lot and to other structures. The term Bulk includes, but is not limited to, the following:

- A. Size and height of buildings.
- B. Location of exterior walls at all levels in relation to setback lines, lot lines, streets or other buildings.
- C. All open spaces allocated to buildings.
- D. Amount of lot area provided per dwelling unit.

Business. An occupation, employment or enterprise that occupies time, attention, labor and materials, or where merchandise is exhibited or sold, or where services are offered.

Caliper. The American Association of Nurserymen (AANS) standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Canopy. A permanent, usually open-air structure that may be attached or adjacent to a building for the purpose of providing shelter for automobiles.

Car Wash. A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic or by hand.

Carnival/Circus. A traveling or transportable group or aggregation of rides, shows, games and/or concessions.

Cemetery. Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, and necessary sales and maintenance facilities. Mortuaries may be included when operated within the boundary of such cemetery.

Chimney. A vertical shaft of reinforced concrete, masonry, or other material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

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.

Commercial Vehicle. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial enterprise, for-hire or not-for-hire. This definition shall not include a commuter van, a vehicle currently being used for ride-sharing or a recreational vehicle that is not being used commercially.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Community Garden. A place where community residents may grow vegetables, fruits, herbs, flowers, and similar plants for their personal consumption.

Community Residence. A group residence consisting of a group home or specialized residential care home licensed, certified or accredited by the appropriate state or federal agencies, and serving as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities and other aspects of residential living. Community Residence includes a residence which services persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse. It does not include a nursing facility, medical facility, residential medical rehab facility, or physical rehab facility.

A. Community Residence, Small: A community residence providing living accommodations for no more than eight (8) residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents. Facilities meeting the definition of a Family as per Tennessee state law shall not be considered as Community Residence, Small.

B. Community Residence, Large: A community residence providing living accommodations for more than eight (8) residents.

Compost Pile. A collection of decaying plant product for the purpose of producing a stabilized humus-like material that is potentially beneficial to plant growth and usable as a soil conditioner, top soil, growing medium additive or other similar use.

Comprehensive Plan. The Comprehensive Plan of the City of Hendersonville, as adopted and amended by the Planning Commission and/or Board of Mayor and Aldermen. This includes the Land Use and Transportation Plan, Town Center Plan, Hendersonville Tomorrow and any other such plans which may be adopted in the future.

Conditional Use. A use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review by the Board of Zoning Appeals. A use is a conditional use if it is designated as such in this Ordinance.

Conforming Structure. Any structure that complies with all the regulations of this Ordinance, governing bulk for the zoning district in which such building or structure is located or is designed or intended for a conforming use.

Contiguous. Adjoining or abutting.

Contractor Storage Yard. Any land or buildings used primarily for the storage of equipment, vehicles (3 or more), machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any construction trade or craft.

Country Club. See Social Club.

Cultural Facility. A use that is open to the public and provides cultural services and facilities including, but not limited to, museums, cultural centers, historical societies, aquariums and libraries operated by a public, private or non-profit organization.

Cupola. An architectural feature that consists of a small dome and a shaft that supports it.

Day. When used in this Ordinance, Day shall mean one (1) calendar day

Day Care Center, Adult. A facility, other than within a residential dwelling unit, providing care for more than three (3) elderly and/or functionally-impaired adults in a protective setting for less than twenty-four (24) hours per day. Adult Day Care Center does not include a program operated by a Place of Worship that provides care for elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day.

Day Care Center, Child. A facility, other than within a residential dwelling unit, providing care for more than three (3) children in a protective setting for less than twenty-four (24) hours per day. Child Day Care Center does not include a program operated by an Educational Facility (all types) or Place of Worship, that provides care for children three (3) years of age or older for less than twenty-four (24) hours per day.

Day Care Home, Adult. A dwelling in which a permanent occupant of the dwelling provides care in a protective setting for up to twelve (12) elderly and/or functionally impaired adults who do not spend the night at the dwelling.

Day Care Home, Child. A dwelling in which a permanent occupant of the dwelling provides care for up to twelve (12), children from multiple households. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12).

Deck. A raised platform structure built above grade, which is open to the sky and attached to the principal building. Deck shall not include Terrace.

Density. The number of dwelling units per acre.

District. A contiguous portion of the City within which certain uniform regulations and/or requirements apply under the provisions of this Ordinance. Sometimes referred to as a zone or zoning district.

Dog House. An accessory structure designed for the containment of dogs and similar animals.

Dog Run. An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals.

Dripline. An imaginary line encircling a tree corresponding to the furthest extension of the tree foliage.

Drive-Through Facility. Premises used to provide or dispense products or services through an attendant, window or automated machine, to persons remaining in motor vehicles in a designated stacking aisle. A Drive-Through Facility may be in combination with other uses, such

as a Financial Institution, Personal Services Establishment, Retail Goods Establishment or Restaurant.

Driveway. A paved or unpaved strip of land providing vehicular access between the street and a parking space or garage of private or public property.

Driving Range. An area equipped with distance markers, clubs, balls and tees for practicing the striking of golf balls, which may include a snack-bar and pro-shop.

Dwelling. A building, or portion of a building, designed or used exclusively for residential purposes, including single-family, modular, townhouse, and multi-family dwellings, but not including manufactured or mobile dwellings, trailers, recreational vehicles, campers, tents, hotels/motels, rooming houses or automobiles.

Dwelling, Manufactured. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more 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 in the structure; except that “manufactured home” includes any structure that meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this Tennessee Code Annotated Title 68.

Dwelling, Mobile. A structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, compiled in 42 U.S.C. § 5401 et seq. It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure.

Dwelling, Modular. A dwelling unit constructed on-site in accordance with the municipal building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation and is not a manufactured or mobile dwelling.

Dwelling, Multi-Family. A building containing three (3) or more individual dwelling units with varying arrangements of party walls and entrances where each dwelling unit has an individual entrance to a common hallway or the outdoors. Dwelling, Multi-Family shall not include Dwelling, Townhouse.

Dwelling, Single-Family. A building containing one (1) individual dwelling unit, which is located on an individual lot and is not attached to any other dwelling unit. Dwelling, Single-Family shall not include Dwelling, Manufactured.

Dwelling, Townhouse. A structure consisting of no less than two (2) dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a single party wall with no opening. Dwelling, Townhouse shall not include Dwelling, Multi-Family. Dwelling, Townhouse refers to the design of a building and does not reflect the type of ownership of the individual units.

Dwelling Unit. A dwelling unit consists of a room or group of rooms, which include permanently installed bathroom and kitchen facilities, and are arranged, designed and used exclusively as living quarters for one (1) family or household.

Easement. An interest in land that provides for a specified use of that land by a person(s) other than the fee owner.

Eave. The projecting edges of a roof overhanging the wall of a building.

Educational Facility, College/University. A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities, and/or professional schools that grant master and doctoral degrees. Also included are residential dormitories, fraternity and sorority houses, student unions, cafeterias, auditoriums, and sporting facilities. Educational Facilities, College/University also includes theological schools for training ministers, priests or rabbis. Educational Facilities, College/University shall not include Educational Facilities, Vocational.

Educational Facility, Primary/Secondary. A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels. In addition to classrooms, other facilities may include auditoriums, cafeterias and sporting facilities. Boarding facilities may also be allowed.

Educational Facility, Vocational School. A school established to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum. Educational Facilities, Vocational School shall not include Educational Facilities, College/University.

Emergency Electrical Generator. A device for generating electrical energy.

Encroachment. The extension or placement of any structure or component of a structure into a required yard.

Engineer. Any Engineer licensed by the State of Tennessee.

Entrance Way. The doorway into a building along with the architectural treatments that accompany it.

Erect. To build, construct, attach, hang, place, suspend or affix.

Exotic Animal. Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of the city or is not classified or considered as wildlife, live-stock, or domestic animal, and including snakes, alligators, lizards, tigers and similar animals normally kept in zoos.

Fall-Out Shelter. An underground accessory building specifically designed for the protection of life from radioactive fallout.

Fall Radius. The area in which a Tower will land if it falls. This radius equates to the height of the tower, except for a collapsible tower, in which case it equates to the area in which the tower will fall as certified by the manufacturer or structural engineer licensed in Tennessee.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage that no such Family shall contain over five (5) persons but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family. A fraternity, sorority, club or institutional group shall not be considered a Family. The term Family shall include groups of eight (8) or fewer unrelated disabled persons and may include three (3) additional persons acting as support staff or guardians. (See Tennessee Code Annotated Title 13, Chapter 24).

Farm. Land on which the raising of crops or livestock, including orchards, vineyards, nurseries, or animal husbandry, along with any buildings or structures necessary to conduct such activities, but excluding feed lots, stock yards, slaughtering operations and commercial hog farms, poultry houses, silos, grain elevators, and plant nurseries and logging operations.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal or other combination of materials of twenty-four (24) inches or more in height erected to enclose, screen or separate areas.

Fence, Open. A fence, including any gates, designed and constructed so that the surface area of any segment of such fence contains at least fifty percent (50%) open space as compared to solid materials.

Fence, Solid. A fence, including gates, made entirely of opaque material.

Financial Institution. A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM). A Financial Institution shall not include a payday or title loan agency.

Fire Escape. A fireproof stairway, ladder or chute on the outside wall of a building intended to be used to help occupants escape from the building in case of fire or other calamity.

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

Flagpole. A freestanding structure on a lot used for the sole purpose of displaying flags.

Floor Area, Gross. Gross Floor Area, when prescribed as the basis of measurement in this Ordinance shall be the sum of the gross horizontal area of the plans of the several floors of a building, as measured from the outside face of the walls.

Floor to Area Ratio (FAR). The numerical value obtained by dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located, as measured from the outside face of the walls.

Footcandle. A unit of illumination. It is equivalent to the illumination at all points that are one (1) foot distant from uniform source of one (1) candlepower.

Funeral Home. A building used for the preparation of the deceased for burial display of the deceased and rituals before burial or cremation. A Funeral Home includes chapels located within the building used for the display of the deceased and the conducting of rituals before burial or cremation.

Garage. A building, either attached or detached, used or designed to be used for storage of automobiles and accessory storage related to the use of the principal dwelling.

Gazebo. A freestanding outdoor structure that is open-sided and designed for recreational use and not for habitation.

General Business Services. Commercial cleaning, pest exterminating, radio and television production and broadcasting, printing, photo finishing, photographic studios, mailing and similar business services.

Golf Course. A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters as accessory uses. A Driving Range may be included as part of a Golf Course.

Government Facility and Offices. Land, buildings or structures owned, operated and/or occupied by a governmental agency to provide a governmental service to the public including public recreational facilities. Government Facility and Offices does not include Public Safety Facility or Public Works Facility or school buildings which would be considered Education Facilities.

Grade. The mean level of the finished surface of the ground adjacent to the exterior walls of the building. The mean grade shall be calculated from the grade elevations at the four (4) points of intersection of an imaginary line drawn parallel to both the rear and front yard setback lines across the front and rear facades, where the imaginary line intersects the side yard setback. Where applicable, for structures other than the principle building, Grade may refer to the mean level of the finished surface of the ground adjacent to a structure.

Green Roof. The creation of contained green space on the roof of a structure, where plants are not planted in the ground but applied as another layer of the roofing system.

Health/Fitness Center. An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and other related accessory uses.

Heavy Retail, Rental and Service Establishment. This use includes retail, rental and/or service establishments that have permanent outdoor service or storage areas, or partially enclosed structures including, but not limited to, large-scale home improvement centers, building supplies, lumberyards, retail nurseries, garden supply, heavy equipment sales, rental and leasing, truck rental, recreational vehicles, and playground equipment sales and rental.

Hedge. A row of closely planted shrubs, bushes or other kind of plant forming a boundary or fence.

Height. The vertical distance from grade to the highest point of a structure. See Building Height.

Helistop. Any area used or to be used for the landing or take-off of helicopters, or other steep-gradient aircraft capable of hovering, but does not afford refueling, maintenance or repair facilities, and accommodates only a single helicopter.

High Impact Facility. Public and semi-public facilities and activities which have a high impact upon surrounding land due to nuisance characteristics, traffic generation, and other characteristics. These include airports, energy generating facilities, railroad yards, detention and/or correctional facilities, and similar activities.

Home Occupation. An occupation carried on in a dwelling unit by the resident, where the use of the dwelling unit for the occupation is secondary to the use of the dwelling unit for residential purposes.

Hospital. An institution providing health services primarily for inpatient, or medical or surgical care for the sick or injured, and including the related facilities located within a Hospital, such as laboratories, outpatient departments, training facilities and classrooms, central service facilities and staff offices are integral to the facility.

Hot Tub. An artificial container of water designed with a mechanical air injection system and/or circulating device for recreational use.

Hotel/Motel. An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities. Payment is on a daily or weekly basis and the length of stay does not exceed one (1) month for more than twenty-five (25) percent of the rooms. A Hotel/Motel shall not include Multi-Family Dwellings.

Household. The person or persons living together in a dwelling unit.

Impervious Surface. The portion of a site occupied by structures, pavement or other surfaces that do not allow for the absorption of water.

Incompatible Use. A use that is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

Independent Living Facility. A residential complex containing dwellings where the occupancy is limited to persons who are fifty-five (55) years of age or older or, if two (2) persons occupy a unit, at least one (1) shall be fifty-five (55) years or older. Such facilities may include common areas for meals and socializing, offer minimal convenience services, but exclude institutional care such as medical or nursing care. An Independent Living Facility shall not include Assisted Living Facility, Community Residence or Nursing Home.

Indoor Entertainment Facility. Predominantly spectator uses conducted within an enclosed building including, but not limited to, movie theaters and sport or game matches or exhibitions. An Indoor Entertainment Facility includes accessory uses, such as snack bars or refreshment stands, which are designed and intended primarily for the use of patrons. Indoor Entertainment shall not include Indoor Recreation or Live Entertainment. Indoor Entertainment is distinguished from Indoor Recreation in that the predominant use is spectator-oriented and not participatory.

Indoor Recreation Facility. Predominantly participant uses where recreational activities or games of skill are conducted within a wholly enclosed building including, but not limited to, a bowling alley, pool hall, miniature golf course, arcade, indoor tennis courts, indoor sports arenas, indoor swimming pools, or similar uses. An Indoor Recreation Facility shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. Indoor Recreation Facility may also include those establishments that maintain a restaurant on-premises for patrons of the establishment. Indoor Recreation Facility shall not include Indoor Entertainment.

Institutional Use. An educational facility, place of worship, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts. Child day-care centers, nursing homes, assisted living facilities, independent living facilities, cultural facilities, and marinas shall be considered institutional uses regardless of ownership or operation.

Intensity of Use. Any factor such as square feet of gross floor area, number of dwelling units or number of employees used as a basis for requiring parking or loading facilities.

Kennel. An establishment where pet animals owned by another person are temporarily boarded for pay or remuneration of any sort. Kennel shall include those facilities where pet animals are boarded for the day. Kennel shall not apply to zoos or animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment.

Land Banking. See Parking, Land Banked.

Light Trespass. The spilling of light, whether directly, indirectly or by glare onto a lot, parcel or public way other than the lot or parcel on which the light fixture is located.

Live Entertainment. A musical, theatrical, dance, cabaret or comedy act performed live by one (1) or more persons. Restaurants that regularly host such performances shall be considered Live Entertainment uses. Restaurants that include dancing by patrons and guests are considered Live Entertainment uses. A Live Entertainment establishment may possess a beer and liquor license and provide food for consumption on the premises.

Loading Space. A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office and work areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley or other appropriate means of access.

Logo. A business trademark or symbol.

Lot. A parcel of land with distinct boundaries. A lot may be a lot of record or a parcel that is not of record but bounded within a legal description.

Lot Area. The computed area contained within the boundary lines of a lot.

Lot, Corner. A lot situated at the junction of and abutting two (2) intersecting streets, and where the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°). The point of intersection of the lot lines abutting the street is the corner of the lot in question. A lot that abuts a curved street or streets shall be considered a Corner Lot if the tangents to the curve at the curve's point of beginning between the side lot lines, or at the points of intersection of the side lot lines with the lot line abutting the street, intersect at an interior angle of less than one hundred thirty-five degrees (135°). In such cases, the corner of the lot in question is that point on the lot line abutting a street nearest to the point of intersection of the tangents above described. (See Figure 6: Corner and Interior Lots)

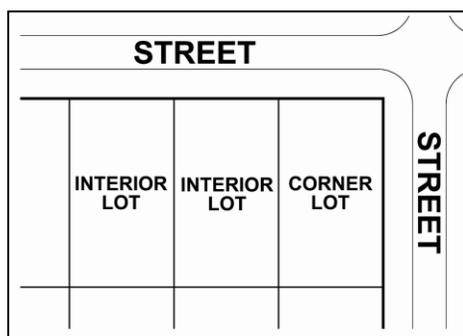


Figure 6: Corner and Interior Lots

Lot Coverage. The portion of a lot that is occupied by buildings or structures, including accessory structures, expressed as a percentage of total lot area. Lot coverage shall not include driveways, parking spaces, patios, sidewalks, swimming pools or water gardens and other similar impervious or semi-impervious surfaces.

Lot Depth. The distance between the front lot line and the rear lot line of a lot, determined by measuring from the deepest point of the rear lot line to the front lot line. (See Figure 7: Lot Width and Lot Depth)

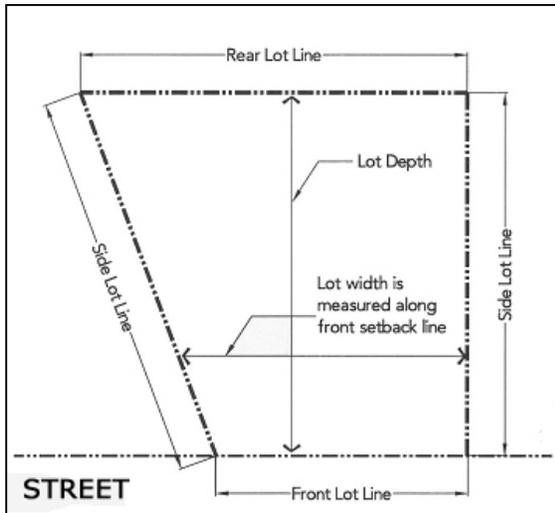


Figure 7: Lot Width and Lot Depth

Lot, Double-Frontage. A lot having frontage on two (2) streets at opposite ends of the lot, which is not a Corner Lot. (See Figure 8: Double-Frontage Lots)

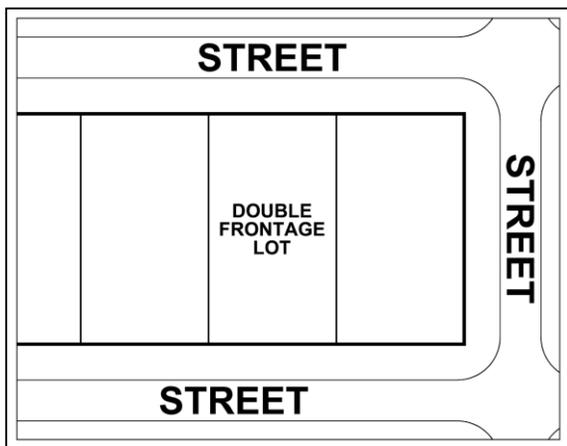


Figure 8: Double-Frontage Lots

Lot, Interior. A lot other than a corner lot or a double-frontage lot. (See Figure 6: Corner and Interior Lots)

Lot Line. A property boundary line of any lot. Where any portion of the lot extends into an abutting street or alley, the lot line shall be deemed to be the established or existing street or alley right-of-way line.

Lot Line, Front. The lot line which abuts an existing or dedicated street. For the purposes of this Ordinance, the Front Lot Line of a Corner Lot shall be the shortest street frontage of the lot.

Lot Line, Interior. A lot line which does not abut a street or alley.

Lot Line, Rear. The boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. In the case of an irregular or triangular shaped lot and for purposes of determining the rear yard dimension, the rear lot line shall be deemed to be a line ten (10) feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line. The ten (10) foot chord for an irregular lot is shown in Figure 9: Rear Lot Line Chord for Irregular Lots.

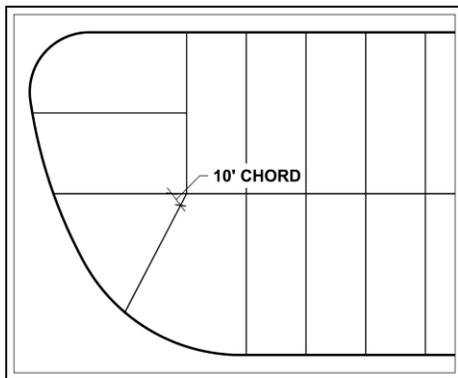


Figure 9: Rear Lot Line Chord for Irregular Lots

Lot Line, Side. Any boundary of a lot that is not a front lot line or a rear lot line.

Lot of Record. A single lot which is part of a subdivision or resubdivision which has been recorded in the Office of the Register of Deeds of Sumner County, TN.

Lot Width. The minimum horizontal distance between the side lot lines of a lot measured at the required front yard setback line. (See Figure 7: Lot Width and Lot Depth)

Lot, Zone. A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A Zone Lot may or may not coincide with a Lot of Record.

Luminaire. A complete lighting unit extending from a support structure, parallel to the ground, consisting of a light source and all necessary mechanical, electrical and decorative parts. A Luminaire does not include a pole or other support.

Manufacturing, Heavy. Manufacturing uses that involve the generation outside the property of noise, odor, vibration, or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products, dry cleaning plants, lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, and manufacture of chemicals, fertilizers, paint, and turpentine.

Manufacturing, Light. The mechanical transformation of predominantly previously prepared materials into new products, including the assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

Mechanical Equipment. Mechanical equipment shall include heating, ventilating and air-conditioning (HVAC) units. Emergency Electrical Generators are not considered Mechanical Equipment.

Medical/Dental Clinic. A facility operated by one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical Clinics shall also include alternative medicine clinics, such as acupuncture and physical therapy offices, which provides integrated care in the treatment of permanent or temporary neurologic and musculoskeletal disabilities. Massage establishments where such service is provided by a certified massage therapist or similar licensed professional shall not be considered a Physical Therapy Office, but rather a Personal Services Establishment.

Medical/Dental Laboratory. A business establishment engaged in the testing and analysis of material for medical or dental services, or in the construction, alteration or repair of bridges, crowns, dentures, eyewear, contact lenses, orthodontic appliances or any other prosthetic appliances. Direct contact with patients for consultation, treatment or other services are not included as part of the business activities.

Mining and Quarrying. Mineral and stone extraction and processing, including blasting, crushing, screening, conveying, stockpiling and sale of stone, sand, gravel, and other similar mineral and natural resources.

Model Home. A residential unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development. Model units may also incorporate sales or rental offices for dwellings within the development.

Mortuary. An establishment where the deceased are prepared for burial. The facility may include a small chapel for the conduct of services prior to burial.

Motor Vehicle. Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

Motor Vehicle Dealership. Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles, or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of vehicles.

Motor Vehicle Operations Facility. A privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles, taxicabs and other livery vehicles. This also includes wreckers, but storage of vehicles is not permitted (See Motor Vehicle Service and Repair, Major). Motor Vehicle Operations Facility shall not include Public Works Facility or Public Safety Facility, where the vehicles of the fire, police or other municipal departments are dispatched, stored and/or maintained.

Motor Vehicle Rental Establishment. Rental of automobiles and light trucks and vans, including incidental parking and servicing of rental vehicles.

Motor Vehicle Service Station/Fuel Center. A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory uses may include retail sales including food and drinks for off-premise consumption as may be permitted by other laws.

Motor Vehicle Service and Repair, Major. Such use includes, but shall not be limited to, establishments involved in engine rebuilding, major reconditioning of worn or damaged motor vehicles or trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles.

Motor Vehicle Service and Repair, Minor. Such use includes, but is not limited to, minor repairs to motor vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Motor Vehicle Service and Repair, Minor includes establishments where gasoline and/or fuel oil, and oil, grease, batteries, tires and automobile accessories are sold in addition to the repair facilities.

Movie Theater. A theater designed for showing movies or motion pictures.

Nonconforming Lot. A lot of record that does not meet the lot area or lot width requirements of this Ordinance for the zoning district in which it is located.

Nonconforming Structure. Structures which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Zoning Ordinance no longer conform to applicable yard, height, lot coverage or other dimensional or bulk provisions or does not meet other on-site development standards, such as an insufficient number of parking spaces, of this Ordinance.

Nonconforming Use. A nonconforming use is the use of land and structures that, as of the effective date of this Ordinance, are used for purposes that are not permitted in the zoning district in which they are located. Uses that were specifically authorized as a conditional use shall not be considered nonconforming uses even if the use is no longer permitted within that zoning district.

Nursing Home. A facility providing bed care and inpatient services on a twenty-four (24) hour per day basis for persons requiring regular medical attention. This definition excludes a facility providing surgical or emergency medical services, or a facility providing care for alcoholism, drug addiction, mental disease or communicable disease. A Nursing Home shall not include Independent Living Facility, Assisted Living Facility, Community Residence or Hospital.

Office. A use that engages in the processing, manipulation or application of business information or professional expertise. Such an office may or may not offer services to the public. An Office is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. It is characteristic of an Office that retail or wholesale goods are not shown on the premises to a customer. Examples include, but are not limited to, professional offices for non-profit organizations, advertising, accounting, investment services, insurance, contracting, architecture, engineering, legal services and real estate services. Office does not include government offices, which are considered Government Facility and Offices.

Open Space. Land area without buildings. It is mostly pervious to water and green. Open space may be natural and passive such as wooded areas and fields or it may be active and improved with formal lawns and landscape areas. It may also include hardscape features such as plazas, walking trails, and boardwalks. Open space may include other amenities such as gazebos, amphitheaters, fountains and other water features. It may also consist of lakes, ponds and streams.

Open Space, Common. Open space which is held in common ownership by, and for the benefit of, all owners and tenants of a development and their guests and is maintained by an association of the owners and tenants.

Ordinance, This. This Zoning Ordinance, as from time to time amended.

Outdoor Entertainment Facility. Predominantly spectator uses conducted outdoors in open or only partially enclosed facilities. Typical uses include, but are not limited to, fairgrounds, outdoor stadiums, outdoor theaters, rodeos, music arenas, theme parks and amusement parks. Outdoor

Entertainment Facilities shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. Outdoor Entertainment Facility shall not include Outdoor Recreation Facility.

Outdoor Recreation Facility. Predominantly participant uses that take place outside of a building including, but not limited to, miniature golf courses, golf driving range, swimming pools, tennis courts, ball fields, skateboard parks, and other similar facilities. Outdoor Recreation Facilities shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. Outdoor Recreation Facilities may also include those establishments that maintain a restaurant on-premises for patrons of the establishment. Outdoor Recreation Facility shall not include Outdoor Entertainment Facility, Parks, Golf Courses and Racetracks.

Outdoor Display. Part of a lot used for outdoor display of goods accessory to the principal use.

Outdoor Storage. The keeping of any goods, material, merchandise or equipment not within an enclosed building. An item shall be deemed to be in storage if it is being maintained or repaired on a premises.

Owner. A titleholder of record, or if title is held in trust, the beneficiary of the trust. A long-term lessee may also be deemed an owner, provided that at time of application, not less than twenty (20) years remain on the lease.

Parapet Wall. That portion of a wall which extends above the roof line.

Parking, Land Banked. Designating land on a site to be held and preserved for an additional parking. See Section 11.2E (Land Banked Future Parking).

Parking, Off-Street. The storage space for an automobile on premises other than streets, alleys or rights-of way.

Parking, On-Street. The storage space for an automobile that is located within the street right-of-way.

Parking Lot (Principal Use). An open, hard-surfaced area, other than street or public way, available to the public, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles. Such storage may be for compensation, free or as an accommodation to residents of a multi-family dwelling, or clients and customers of a business.

Patio. An impervious surface at finished grade designed and intended for recreational use by people and not as a parking space.

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

Pergola. A freestanding structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. A Pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade.

Permitted Use. A use permitted in a zoning district upon satisfaction of the standards and requirements of this Ordinance. A permitted use does not require special administrative review and approval.

Person With A Disability. A person has a "disability" for purposes of the Americans with Disabilities Act (ADA) if she or he: 1) has a physical or mental impairment that substantially limits a major life activity; 2) has a record of such an impairment; or 3) is regarded as having such an impairment. A person must satisfy at least one (1) of these three (3) parts of the definition to be considered an individual with a disability.

Personal Services Establishment. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage parlors, shoe repair, laundromats, pet grooming establishments, dry cleaners and tailors.

Pervious Surface Area. The portion of a site not occupied by buildings, pavement or other surfaces and which allows the absorption of water into the ground.

Place of Worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Planned Development. The subdivision and/or development of a land area as a single unified development, where certain Zoning Ordinance regulations, such as bulk and use standards, may be modified to allow for more flexible planning in conformance with the planned unit development standards and approval processes.

Plant Nursery. The growing, storage and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials. Such uses may include greenhouses, outdoor storage of goods, materials, and equipment, irrigation systems and caretaker's dwellings.

Playground. An area developed for active play and recreation that may contain courts for such games as basketball or tennis, or recreational equipment such as trampolines.

Porch. A structure, which can be enclosed or unenclosed, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. An Unenclosed Porch is a porch that is open on two (2) or more sides with rails. An Enclosed Porch is a porch that is enclosed by walls, screens, lattice or other material on two (2) or more sides. A screened-in porch shall be considered an Enclosed Porch.

Principal Use. The main use of land or buildings as distinguished from an accessory use.

Property Line. The lines forming the boundary of a zoning lot.

Public Safety Facility. Facilities operated by public safety agencies including fire stations and other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities. The vehicles of fire and police may be dispatched, stored and/or maintained within the Public Safety Facility.

Public Works Facility and Utility. All production, storage, transmission and recovery facilities for water, sewer, electric, telephone and other similar utilities owned or operated by any public agency or utility. This includes any municipal repair, storage or production facility or public works yard, as well as any accessory office or meeting rooms. Municipal vehicles may be dispatched, stored and/or maintained within the Public Works Facility. Public Works Facility and Utility does not include Public Safety Facility.

Pumpkin Patch. A retail sales operation, generally conducted wholly outdoors, that offers for sale on a temporary, limited basis, pumpkins and related holiday (Halloween) items.

Recreational Training School. A business establishment which provides training for recreational activities such as martial arts, baseball, soccer, cheerleading, gymnastics and dancing.

Recreational Vehicle. A vehicle, or similar means of human transportation, used primarily for recreational purposes. Recreational Vehicle shall include, but not be limited to, the following:

- A. Boat/Raft.** Any unit that is used for water travel.
- B. Camper Trailer.** A non-self propelled motor vehicle designed to be towed and designed to be used as a temporary dwelling for travel or recreational use.
- C. Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Pickup Coach.** A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses.
- E. Jet Ski.** A Jet Ski or other type of personal watercraft is a motorized vehicle used for travel over water.

Research and Development Facility. An establishment where research and development is conducted in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Research and Development Facilities do not involve the manufacture, fabrication, processing or sale of products.

Retaining Wall. A raised area of soil that is supported or enclosed around an edge or edges by stone or timber, designed to resist lateral earth and/or fluid pressures. This definition of

Retaining Wall shall, for the purposes of this Ordinance, exclude terracing of thirty (30) inches or less used as a landscape feature.

Restaurant, Carry Out. An establishment that sells ready to consume food or beverages where no provisions are made for consumption on the premises.

Restaurant, Full Service. An establishment where ready to consume food or beverages are prepared, served and primarily consumed on premises. Any facilities for carry-out shall be clearly subordinate to the principal use of providing food for consumption on the premises.

Restaurant, Quick Service. An establishment designed for rapid food delivery to customers seated in automobiles or from a counter or drive through window, for consumption on or off the premises. An establishment having a walk-up or drive through window and meeting four (4) or more of the following characteristics shall be deemed a Quick Service Restaurant for zoning purposes:

- A. A drive through window with a permanent menu board.
- B. 55% or less of the floor area devoted to customer seating.
- C. Customers pay for food before consuming it.
- D. A self-service condiment bar is provided.
- E. Trash receptacles are provided for self-service bussing.
- F. Packaging of food is done in disposable containers.

Retail Goods Establishment. A commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail Goods Establishment shall not include Heavy Retail, Rental and Service Establishments.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites, or other services.

Self-Service Storage Facility. A facility used only for the storage of property where individual renters control individual storage spaces and no commercial transactions are permitted other than the rental of the storage units.

Setback. The minimum distance by which any building or structure must be separated from a property line. (See Figure 10: Setback)

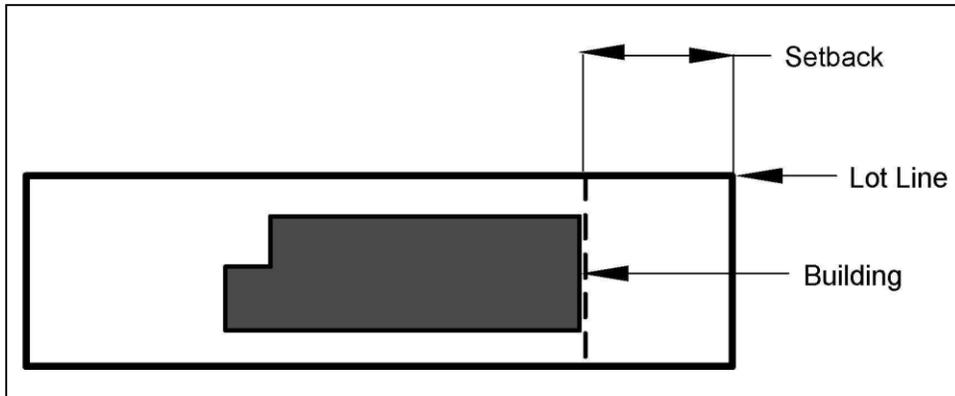


Figure 10: Setback

Shade Tree. A deciduous tree planted primarily for its high crown of foliage or overhead canopy. A large shade tree is over forty (40) feet in height. Medium shade trees are between twenty-five (25) and forty (40) feet in height. Small shade trees reach up to twenty-five (25) feet in height.

Shed. A relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections not designed to be served by heat or plumbing, and not placed on a permanent foundation. A Shed is typically intended to store lawn, garden or pool care equipment.

Shopping Center. A group of retail and other commercial establishments that is planned, owned and managed as a single property. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The two (2) main configurations of shopping centers are malls and strip centers.

Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign, Abandoned or Obsolete. A sign which contains structural components but no display or sign copy for a period of 90 consecutive days or longer.

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

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

Sign, Banner. Any sign of lightweight fabric or similar non-rigid material. National flags, state or municipal flags, or the official flag of any business or institution shall not be considered a banner.

Sign, Building. Any sign attached to any part of a building.

Sign, Building Marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, Changeable Copy. A sign or portion of a sign designed to accommodate message changes composed of characters, letters, or illustrations that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign. A sign that changes more than eight (8) times per calendar day shall be considered an animated sign for the purposes of this Ordinance.

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

Sign, Election. A sign expressing support expressing support for a candidate for public office or a ballot issue but bearing no commercial message.

Sign, Flashing. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.

Sign, Ground. Any sign not supported by a building.

Sign, Hand-Held. Any sign held or supported by a person.

Sign, Incidental. A sign, generally information, 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 of the zone lot on which the sign is located shall be considered incidental.

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

Sign, Monument. 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.

Sign, Nonconforming. Any sign that does not conform to the requirements of this Ordinance.

Sign, Obscene. Any sign which contains words, suggestion of, or picture depicting Specified Anatomical Areas or Specified Sexual Activity.

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

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

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

Sign, Suspended. A sign that is suspended from the underside of a horizontal plan surface, such as an awning or porch, and is supported by such surface.

Sign, Temporary. Any sign that is used only temporarily and is not permanently mounted including but not limited to hand-held signs.

Sign, Vehicle. Signs contained in, attached to, suspended from, or painted or displayed on any vehicle regularly parked within fifty (50) feet of any street more than half the business day when one of the results of so locating the vehicle is to display, demonstrate, advertise or attract the attention of the public.

Sign, Wall. Any sign attached parallel to, but within six (6) 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 display only one (1) sign surface.

Sign, Window. Any sign that is placed inside a window or upon the window panes or glass and is legible from any public or private street.

Single Ownership. A lot where the owner does not own adjoining vacant property.

Site Plan Review. The review of a site plan and other studies to assist in determining the manner in which the applicant intends to make use of his/her property and to confirm compliance with the standards of this Ordinance.

Social Club or Lodge. A membership organization and its premises that holds regular meetings and caters exclusively to members and their guests for social, intellectual, recreational or athletic purposes. A Social Club or Lodge may, subject to other regulations controlling such uses, maintain dining facilities, possess a liquor license, or engage professional entertainment for the enjoyment of dues-paying members and their guests.

Specified Anatomical Areas. Include 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;
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activity. Includes the following:

- 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 anal irrigation as part of or in connection with any of the activities set forth in A through F.

Stacking Space. A space specifically designated as a waiting area for vehicles patronizing a drive-through business.

Stealth. Any Tower or Telecommunications Facility which is designed to enhance compatibility with adjacent land uses, including but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a Tower such as light poles, power poles and trees.

Steps and Stoops. An exterior structure typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation higher than the adjacent ground level. A stoop typically has steps leading up to it and is utilized primarily as an access platform to a building. It does not have a roof.

Story. That portion of a building included between the upper surface of any floor and the upper 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. A basement with less than one-half ($\frac{1}{2}$) of its clear floor-to-ceiling height below the average grade of the adjoining ground shall count as a story. The floor of a story may have split levels provided that there is not more than a four (4) foot difference in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over one-third ($\frac{1}{3}$) of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is more than twenty-four (24) feet.

Street. A permanent public or private right-of-way or easement which is for common use as a means of access for motor vehicles to properties adjoining it.

Street, Frontage. All of the property fronting on one side of a street between two (2) intersecting streets, or in the case of a dead-end street, all of the property along the side of the street between an intersecting street and the end of such dead-end street.

Street Level. The story of a building that has its floor at the closest level to the street, with direct pedestrian access to that story from the outside.

Structure. Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

Swimming Pool. A receptacle for water and/or an artificial pool of water over twenty-four (24) inches in depth, or with a surface area exceeding two-hundred fifty (250) square feet designated for recreational or fitness use by persons.

Telecommunications Facility. Any cables, wires, lines, wave guides, slim pole antennas, and any other equipment or facilities associated with the transmission or reception of

communications which a person seeks to locate or has installed upon or near a Tower or Antenna Support Structure, however, Telecommunications Facilities shall not include: any satellite earth station antenna (dish) two (2) meters in diameter or less which is located in an area zoned commercial or industrial; or any satellite earth station antenna (dish) one (1) meter or less in diameter regardless of zoning district.

Temporary Contractor Trailer. This use includes security trailers, construction equipment sheds, contractor trailers and similar uses incidental to a construction project and sales of homes within a newly constructed development.

Temporary Use: Any use placed on land or in a building for short duration, and which may not conform to the standards required if it were to be in place for an indefinite period of time.

Tent. Any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or similar pliable material.

Terrace. A raised impervious surface designed and intended for recreational use by people and not as a parking space. A Terrace shall be distinguished from a Deck in that the raised impervious surface is built upon a solid base, such as an earthen mound.

Thoroughfare. A thoroughfare, arterial or collector street as designated in the Land Use and Transportation Plan.

Tower. A monopole structure constructed from grade that supports Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Trailer. Any non-self-propelled, wheeled vehicle, designed for carrying persons or property when drawn by a motor vehicle.

Transition Yard. Land area with landscape plantings and other components used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances.

Trellis. A freestanding structure used in the garden to support vines or climbing plants; also called an Arbor.

Use. The purpose or activity for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Use and Occupancy Permit. A permit for the use and/or occupancy of a structure or portion of a structure after it is constructed, reconstructed, remodeled or moved, indicating that the proposed occupancy or use complies with all the provisions of the Zoning Ordinance.

Use, Principal. The dominant use of land or a structure as distinguished from an Accessory Use.

Vacation Rental. A single family dwelling which is rented for a term of less than one month more than twice over a period of one calendar year.

Vehicle Use Area. Any area of a lot or parcel not located within any enclosed structure and that is devoted to a use by or for motor vehicles, including parking, drive and access aisles, storage (including storage of marine craft), loading and service areas, and areas under fuel station canopies.

Wall. An upright structure of building material, such as masonry or plaster, serving to enclose, divide or protect an area.

Warehouse/Distribution. The storage, wholesale and distribution of manufactured products, supplies and equipment.

Yard, Front. A yard extending the full width of the lot between side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the front lot line. (See Figure 11: Yards)

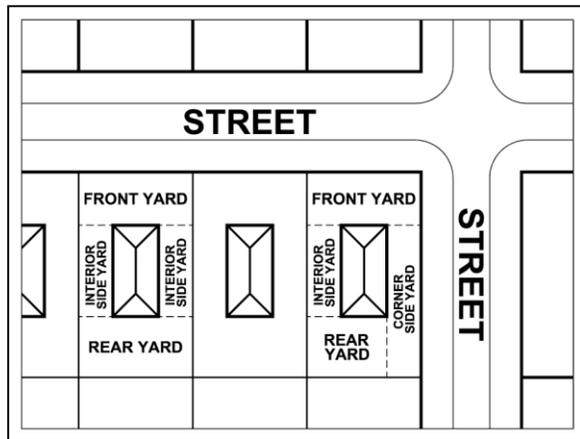


Figure 11: Yard

Yard, Interior Side. A side yard that does not abut a street right-of-way. (See Figure 11: Yards)

Yard, Non-Required. The yard between the required yard and the principal building.

Yard, Rear. A yard extending between the side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line. (See Figure 11: Yards) In the case of an irregular or triangular shaped lot, the rear lot line shall be deemed to be a line ten (10) feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line. (See Figure 9: Rear Lot Line Chord for Irregular Lots)

Yard, Required. A required open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for obstructions specifically permitted by this Ordinance. A yard extends along a lot line for a depth specified by the zoning district in which such lot is located. (See Figure 11: Yards).

Yard, Side. A yard extending along a side lot line between the front and rear yard, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the side lot line. (See Figure 11: Yards)

Yard, Side Street. A side yard on a corner lot which abuts a public street. (See Figure 11: Yards)

Zoning Amendment, Text. A change in the wording, context, or substance of this Zoning Ordinance.

Zoning Amendment, Map. A change in the zone boundaries or area district boundaries upon the Zoning Map.

Zoning Appeal. A request for a review of the Planning Department's interpretation of any provision of this Ordinance.

Zoning Districts. The districts into which the City of Hendersonville, Tennessee, has been divided as set forth on the Official Zoning Map.

Zoning Interpretation. An interpretation of the specific provisions of the Ordinance by the Planning Department in light of the general circumstances that the specific provision was intended to address.

Zoning Map. A map entitled the Official Zoning Map of Hendersonville, Tennessee, which is incorporated into this Ordinance, as part thereof, for the purpose of designating zoning districts.

Zoning Permit. A permit required by this Ordinance, issued by the Planning Department, and which is intended to signify compliance with this ordinance.

Zoning Variance. A decision of the Board of Zoning Appeals that permits an applicant to depart from the precise regulations of this Ordinance. A variance may be granted only in the specific instances authorized in this Ordinance and only in accordance with the standards of this Ordinance.

Zoning Verification. A zoning certificate verifying that buildings, structures, or uses are consistent with the terms of this Zoning Ordinance for the purpose of carrying out and enforcing its provisions.