

ARTICLE VII DEFINITIONS

SECTION

7.010 Scope

7.020 Definitions

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

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory.
- d. The word "may" is permissive.
- e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- f. The word "lot" includes the words "plot" or "parcel."
- g. The particular shall control the general.
- h. The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- i. In the case of any difference of meaning or implication between the text of this resolution and any caption, illustration or table the text shall control.
- j. The word "permitted" or words "permitted as of right", mean an activity, use or structure is permitted without meeting the requirements for a conditional use permit.
- k. The words "permitted with supplemental provisions" mean an activity, use or structure is permitted subject to a finding by the zoning administrator that the specific standards indicated for the use in question have been met.
- l. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

"And" indicates that all connected items, conditions, provisions or events shall apply.

"Or" indicates that the connected items, conditions, provisions, or events shall apply.

"Either or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

m. All public officials, bodies, and agencies to which reference is made are those of Marshall County, Tennessee.

7.020. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this resolution. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

ABUTTING: Having a common border with, or being separated from, such a common border by a right-of-way or easement.

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

ACCESSORY BUILDING OR STRUCTURE: A subordinate building (not the main building), the use of which is incidental to that of a principal building and located on the same lot therewith. A single-wide mobile home shall not be allowed as an accessory structure under any circumstances.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ACTIVE FARMING OPERATIONS: A "farm" as defined in this resolution consists of land that is actively being utilized for commercial production of farm crops, such as vegetables, fruit, fiber or grain, pasturage, dairy products, stock and poultry.

ACTUAL CONSTRUCTION: Excavation of a site and/or the placement of building materials in conjunction with construction of a building or other structure.

ADULT-ORIENTED ESTABLISHMENT: Any adult bookstore, motion picture theater, or commercial establishment which for a fee or incidentally to another service, such as the serving of beer or other alcoholic beverages, sells or presents material or exhibition distinguished or characterized by a predominant emphasis on matter depicting explicit sexual activities or partially or completely uncovered human genitals or mammary glands. Adult oriented establishments include, but are not limited to:

Adult Book Stores: which means any corporation, partnership or business of any kind which has as its principal or predominant stock in trade books, magazines or other periodicals and which offers, sells or rents for a fee:

- (1) Any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or
- (2) Any sexually-oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or
- (3) Any sexually-oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age;

Adult Motion Picture Theaters: which means an enclosed building used for presenting films which are distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and

Adult Shows or Adult Peep Shows: which includes all adult shows, exhibitions, performances or presentations which contain acts or depictions of specified sexual activities.

This term also includes adult arcades, adult cabarets and massage parlors.

AGRICULTURE USE: The use of a tract of land of five acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided that all appropriate laws and regulations are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed as an agricultural use.

AGRICULTURE USE (INTENSIVE): These agricultural uses include operations where animals are tightly confined in buildings or outdoor pens including operation of one or more of the following:

a. Dairy Farm: This term means any place or premises where cows are kept and from which a part or all of the milk or milk products is provided, sold or offered for sale to milk plant, transfer station or receiving station.

b. Egg Production House: Means any place or premises where chickens are kept for production of eggs for resale to processors, wholesalers or retailers.

c. Feedlot: Means a lot, yard, corral or other area in which livestock are confined primarily for the purposes of feeding, growing, raising, or birthing prior to slaughter. Feedlot does not include areas that are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.

d. Agricultural Services: This term is intended to encompass a wide variety of service activities that directly support production of crops and animals but are not in and of themselves agricultural activities.

e. Plant and Forest Nursery: This category includes nurseries with or without retail sales or accessory greenhouses. A minimum of fifty-one (51) percent of all materials sold by a nursery must be grown on-site.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

AIRPORT: Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

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

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

ALTERNATIVE WASTEWATER TREATMENT SYSTEM: Individual subsurface disposal systems, package treatment plants, or individual aeration systems employed for the collection and treatment and/or disposal of wastewater. These systems must be approved by the Marshall County Board of Public Utilities, or authorized representative, and the Tennessee Department of Environment and Conservation before they are allowable in any development within Marshall County. All systems shall be deeded to the Marshall County Board of Public Utilities upon completion. **(Added by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008).**

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

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

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than three (3) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

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

BED AND BREAKFAST HOME RESIDENCE: A residence within which not more than three (3) sleeping rooms (limited to three (3) persons or one family unit per room) are provided for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) consecutive days in any thirty (30) day period of time, with breakfast being available on the premises. A bed and breakfast home is allowed only in a building originally constructed as a one-family dwelling subject to the provisions prescribed in the zone district where in the use is located.

BOARD: The Marshall County, Tennessee Board of Zoning Appeals.

BORROW PIT: Any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

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

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING ENVELOPE: (See BUILDING AREA OF A LOT.)

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

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

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between an existing or official future street right-of-way and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

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

CAR WASH: An area of land and/or structure with machine-or-hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHILD CARE: The provision of supplemental parental care and supervision:

- a. For a non-related child or children;
- b. On a regular basis;
- c. For less than twenty-four (24) hours a day; and
- d. Under license issued by the Tennessee Department of Human Services.

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

CHILDCARE FACILITY: A licensed establishment wherein an agency, person or persons regularly provides non-medical care for a group of five (5) or more children for periods of

less than twenty-four (24) hours a day. Childcare facilities as herein defined do not include pre-schools, nursery schools, kindergartens, or other facilities the primary purpose of which is educational, recreational or medical. Childcare facilities include the following:

a. Family Childcare Home - A licensed family dwelling of a person or persons who regularly provides direct care during part of a twenty-four (24) hour day to five (5) to seven (7) children.

b. Group Childcare Home - A licensed, childcare home or an agency that regularly provides care for eight (8) to twelve (12) children in either a family dwelling of the licensee/care provider or in a premises other than the family dwelling. The number of children being provided care may be increased to fifteen (15), if four or more of the children are of school age and if adequate space is available to accommodate the additional children as provided in Tennessee State law and this resolution .

c. Childcare Center - A licensed agency that provides for the care of thirteen (13) or more children.

CLINIC: (See Section 7.020, MEDICAL FACILITIES.)

COMMERCIAL COMPLEX: A commercial complex shall mean two (2) or more buildings constructed or to be constructed upon a zone lot and used or designed to be used for two or more occupancies.

COMMON OPEN SPACE: A parcel or parcels of land and/or an area of water within the site designated, designed and intended for use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

COMMUNITY ASSEMBLY: An establishment providing meeting, recreational, or other social facilities for a private or non-profit association, primarily for use by members and guests. This term also includes community centers.

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

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as

conditional uses, only when specific provisions for such use is made in this Resolution. For the purposes of administration of this resolution, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-107, Tennessee Code Annotated.

CONDOMINIUM: The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners and which has the effect of permitting more than one (1) dwelling unit on a lot without the division of the fee simple interest in said lot. **(Amended by Resolution 08-08-09, August 07, 2008)**

CONVENIENCE SALES: The retail sale of small CONVENIENCE items such as toiletries, tobacco, and magazines having a gross floor area of less than four thousand (4,000) square feet. The dispensing of petroleum products may be included as accessory to CONVENIENCE food products retailing.

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

COVERAGE: The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership.

CURB LEVEL: The mean of the elevations of the side lot lines extended to the street line.

CURB LINE: The line formed by a curb extending along its roadbed or street bed.

DAY CARE HOME OR CENTER: (See CHILDCARE FACILITY.)

DENSITY: The ratio of the number of dwelling units located on a lot to the horizontal area of the lot, expressed in dwelling units per acre.

DEVELOPMENT: Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DEVELOPMENT AREA (MINIMUM): The minimum amount of land area required for each dwelling unit located upon a zone lot. The minimum lot size provision shall apply to all lots within the district. However, the minimum development area provision may require a lot larger than the minimum lot size where the intended intensity of use would so require.

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

DORMITORY: A facility providing group living quarters for a student body, or other group as an associated use to a college, university, boarding school, orphanage, religious institution or other similar use. This term is intended to include university dormitories as well as fraternity or sorority houses.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

- a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.
- c. Multi-family dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.
- d. Rooming house or boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants.
- e. Prefabricated dwelling means a detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal and/or sanitary or onsite systems, and such structures are distinguished from mobile homes as described elsewhere in this resolution when they have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.
- f. Mobile home or trailer means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of mobile homes.

ENTERTAINMENT AND AMUSEMENT SERVICES (LIMITED): A recreational activity operated as a profit making enterprise, conducted entirely within an enclosed building and serving groups of less than one hundred (100) assembled spectators and/or participants.

ESSENTIAL PUBLIC TRANSPORT, COMMUNICATION AND UTILITY SERVICES: Public or quasi-public facilities necessary and incidental to the operation of transport, communication and utility services. These facilities operate primarily as distribution

networks and do not include production, storage or processing facilities for the product or service being distributed.

EXCAVATION: The process of altering the natural elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated. **(Amended by Resolution 08-08-09, August 07, 2008)**

EXTENSIVE IMPACT FACILITIES - This is a diverse grouping of facilities that share the characteristic of potentially exerting high level impact upon surrounding properties. While the nature of the impact varies with the particular use, all the activities included within this grouping must be carefully managed if surrounding activities are to be adequately protected from adverse characteristics associated with the activities included within this grouping.

FAMILY: One or more persons occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or similar dwelling for group use.

FARM: A parcel of land equal to or exceeding fifteen (15) acres in size and used for residential and “agricultural” purposes (as defined by this resolution) and meeting the following conditions:

- a. The parcel must be used for residential and agricultural purposes including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry.
- b. Necessary accessory uses for packing, treating, or storing products produced upon a farm may be permitted; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

FLEA MARKET: An occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage and yard sales.

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

FRONTAGE: All property on one side of a street between two intersecting streets measured along the line of the street. For dead-end streets, all property abutting on one side between an intersecting street and the dead end of the street.

FUNERAL HOME: A building or part thereof used for human funeral services and includes all related services, such as embalming, autopsies and the storage of all funeral related supplies and equipment.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services

including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GENERAL BUSINESS AND COMMUNICATIONS SERVICES: A commercial activity engaged in providing services to other commercial enterprises.

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

GRADING: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation. **(Amended by Resolution 08-08-09, August 07, 2008)**

GREEN SPACE: An area or areas within a residential development, separate and distinct from rights-of-way, yards, or other elements of the development intended as segments of the residential lots, that shall be used only for buffering, active or passive recreational, or other non-developmental purposes. In developments utilizing alternative wastewater treatment systems, the area or areas containing the treatment facilities and their associated drip fields or green areas may be counted as green space. **(Added by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008).**

HAZARDOUS OCCUPANCY: The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable or explosive materials or materials that constitute a high fire hazard and as further defined as a Type "H" Occupancy, in Section 407, Standard Building Code.

HEALTH DEPARTMENT: The Marshall County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The Vertical distance from the Average ground Elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: (See Article III, Section 3.020.)

HOSPITAL: See Medical Facilities.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms and recreational facilities. This term also includes motel, resort and travel lodge.

INOPERABLE VEHICLE: A motor vehicle that cannot be started and driven upon public roads for reasons including, but not limited to the following: not having been licensed, not having wheel tax sticker, or being in a state of disrepair. **(Added by Resolution 05-04-12, April 25, 2005)**

INTERMEDIATE IMPACT FACILITIES: This classification includes a diverse listing of activities that share the characteristic of exerting a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements or potential nuisances associated with such uses.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily 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 running conditions for the sale of parts thereof.

LIGHT INDUSTRY: Is defined, for the purpose of this resolution, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of motor vehicle traffic.

LIVESTOCK: A term meant to include cattle, sheep, swine, poultry and other animals or fowl, that are being produced primarily for use as food or food products for human consumption.

LIVESTOCK, DAIRY, POULTRY STRUCTURE: Any building, structure, installation, storage container, or storage site used in the operations of a livestock, dairy, or poultry facility, including, but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

LODGING HOUSE: This is a general term and includes all places of semi-transient residential occupancy (as herein defined). The term lodging house is intended to include dormitories, rooming houses, boarding houses, apartment hotels, residential hotels and all similar facilities coming within the general definition of semi-transient residential activities.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal buildings, or not more than three (3) principal dwellings in the A-1 Zone, as provided in Article II, Section 2.020, of this resolution, and their accessory buildings, including the open spaces required under this resolution.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

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

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning resolution.

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

MANUFACTURED HOME: (See Section 7.020, DWELLING, Mobile Home.)

MANUFACTURED HOME SPACE: A designated area within a mobile home park for the exclusive use of the occupants of a single home. (See Article IV, Section 4.044, Mobile Home Park District.)

MANUFACTURING (BASIC INDUSTRY): An establishment engaged in basic processing, conversion and manufacturing of materials or products predominantly from extracted raw material or manufacturing processes utilizing flammable or potentially explosive materials. or storage or manufacturing processes that involve commonly recognized offensive conditions, other than those classified in the Hazardous Operations Activity Type.

MANUFACTURING (GENERAL): This grouping includes all manufacturing operations excepting those classified as Basic Industry or Hazardous Operations

MANUFACTURING (HAZARDOUS OPERATIONS): Any establishment engaged in storage, processing and/or transport of raw materials or finished goods classified as hazardous including materials, processes and/or activities that may present serious hazards to human life and health.

MANUFACTURING (LIMITED): An establishment primarily engaged in the on-site compounding, processing, fabrication, assembling and packaging of materials by the use of hand or small power tools, and may include the incidental direct sale of those goods to consumers.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

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

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

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

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

MINIMUM FIRE FLOW: For purposes of this Resolution the term “Minimum Fire Flow” shall mean a fire-hundred gallon per minute (500 gpm) water flow calculated at a twenty pound per square inch (20 PSI) residual pressure delivered from a water line that is six (6) inches or greater in diameter.

MINIMUM FLOOR ELEVATION: The lowest ELEVATION permissible for the construction, erection, or other placement of any floor, including a basement floor.

MINING AND QUARRYING OPERATIONS: An establishment engaged in excavation or extraction of any earth products or natural mineral deposit, except where such excavation is for purposes of grading for a building lot or a roadway, where grass sod is removed to be used for landscaping, or where materials are extracted for use on that same lot by the owner of the property. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with; where topsoil or clay is removed as part of a legitimate business; and for the improvement of, a bona fide agricultural use.

MINIWAREHOUSES: (See SELF-SERVICE STORAGE FACILITIES.)

MIXED BUILDING: A building containing residential activities along with commercial and/or community facilities activities.

MODULAR HOME:(See Section 7.020, DWELLING, Prefabricated.)

NONCOMPLYING

- a. Any lot of record that does not contain sufficient lot area to conform to the area requirements for the zoning district wherein the lot is located.
- b. Any lawful building or other structure that does not comply with any one (1) or more of the applicable bulk regulations, or

c. Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:

1. Location along a district boundary; or
2. Accessory off-street parking and loading;

either on the effective date of this resolution or as a result of any subsequent amendment.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is located.

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

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

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this resolution.

OUTDOOR FIREARMS TRAINING FACILITIES AND SHOOTING RANGES:

An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military or law-enforcement training. **(Added by Resolution 09-07-15, July 21, 2009)**

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

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

PERMANENT ACCESS EASEMENT: A perpetual easement guaranteeing right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the land of the owner. Any permanent access easement utilized as the sole means of providing legal access to two (2) or more parcels of land shall: (1) be so designed as to assure continuing adequate ingress and egress for emergency vehicles; (2) be assured adequate continuing maintenance

by an owners association or similar organization and be constructed to the standards of a public street as specified in the Subdivision Regulations. In any instance where a permanent access easement is located within a PUD District, the design standard shall be as approved in the development plans required, therefor.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PLANNED DEVELOPMENT: A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private.

PLANNING COMMISSION: The Marshall County Regional Planning Commission.

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

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with to meeting any yard requirement.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE PARK: A tract of land presently owned or controlled and used by private or semi-private persons, entities, group, etc. for the low impact active and/or passive recreational purposes. This definition is inclusive of small scale, private race tracks; paint-ball facilities and fields; or other such group assembly land uses that are determined by the Building Inspector, to be of a low intensity impact and have a low impact on the surrounding land owners. This use, allowed only as a Special Exception in A-1, Agriculture-Forest District, is subject to the restrictions, enumerated in Article VIII, Section 8.060, herein.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the county health department and the State Department of Health and Environment.

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

PROFESSIONAL SERVICES (MEDICAL): This activity classification is intended to include establishments primarily engaged in providing therapeutic, preventative or correctional personal treatment services on an out-patient basis by physicians, dentists, and other medical practitioners, as well as testing and analysis services. Offices of doctors, dentists and other health care providers are included within this classification. This grouping is limited and does not include the broad ranging services provided at general health care facilities such as hospitals but does include the limited outpatient services provided at outpatient clinics, whether operated for profit or otherwise.

PUBLIC PARK: A facility provided by a unit of government or public agency and designed to serve the passive or active recreational needs of the residents of the community. Such facilities may include natural, or landscaped areas, wetlands, buildings or structures. **(Added by Resolution 08-04-06, April 28th 2008.) (Affirms by Resolution 08-05-09, May 27, 2008.)**

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

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the Tennessee Department of Health and Environment and the Tennessee Public Service Commission.

PUBLIC WATER: A municipal, community or utility district water treatment and distribution system of a type approved by the Tennessee Department of Health and Environment and the Tennessee Public Service Commission.

RECYCLING CENTER: An enclosed facility designed to be a collection point where only recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products, are sorted, crushed with on-site machinery, and/or temporarily **(not to exceed 120 days)** stored prior to delivery to a site where they shall be remanufactured into new products. **(Added by Resolution 09-04-09, April 27, 2009.)**

RECREATIONAL VEHICLE (RV): (See Section 7.020, TRAVEL TRAILER.)

RECREATIONAL VEHICLE (RV) PARK: (See Section 7.020, TRAVEL TRAILER PARK.)

RELIGIOUS FACILITIES: Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral used for purposes of individual or collective involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions.

RESIDENCE: A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels, However, residences do not include:

- a. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- b. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- c. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- d. In a mixed building, that part of the building used for any nonresidential uses, except uses accessory to residential uses.

RESIDENTIAL BUILDING: Any building utilized solely for residential activities and their accessory functions.

RESTAURANT (DRIVE-IN): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state by customers in parked motor vehicles.

RESTAURANT (FAST-FOOD): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state by customers in the restaurant or for carry-out. Orders are made from a limited menu and are not taken from the customer's table, and food is generally served in disposable wrapping or containers.

RESTAURANT (FULL SERVICE): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following:

- a. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or
- b. A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
- c. Small specialty restaurants having floor area exclusively within a shopping center or office park, sharing common parking facilities with other businesses within such centers, and having access to a common interior pedestrian access way.

RIGHT-OF-WAY LINE: Right-of-way line is a line contiguous with a lot line dividing a lot from an abutting street.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor Vehicles.

ROOMING HOUSE: (See Section 7.020, DWELLING, Rooming House.)

SANITARY LANDFILL: An area or site utilized by a public or Private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

SELF-SERVICE STORAGE FACILITIES: A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented to different tenants for storage and removal of personal effects.

SEMI-TRANSIENT RESIDENTIAL ESTABLISHMENT: An establishment where lodging is provided for compensation partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less than monthly basis; but excluding institutional living arrangements involving the provision of specific kinds of forced residence, such as nursing homes, orphanages, asylums, and prisons.

SETBACK LINE: A line which establishes the minimum distance the principal building must be setback from the street line.

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

SHOPPING CENTER: A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to it's trade area.

SINGLE OWNERSHIP: Means a proprietary interest of a landholder as defined herein.

SOLID WASTE TRANSFER STATION: A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal.

Number of days at which solid waste can be temporarily stored at facility to be determined by County Commission. (Added by Resolution 09-04-09, April 27, 2009.)

SPECIAL INSTITUTIONAL CARE FACILITIES: This is a general term that is intended to include all facilities that involve forced residency, full time supervision and care for: (1) individuals who are legally confined due to violations of law; (2) individuals who are

addicted to drugs and/or alcohol; and (3) individuals who are mentally ill, including the criminally dangerous or others who for their own protection or the protection of society must be confined.

SPECIAL PERSONAL AND GROUP CARE FACILITIES: This is a general term that is intended to include residential facilities for the care of elderly or infirm persons who may require special care and/or supervision. The term is intended to include facilities that are principally residential in nature but wherein long term medical or rehabilitative services are provided for the residents. This term is not intended to include facilities for the criminally dangerous or psychotic. Special personal and group care facilities include the following:

a. Assisted Living Facilities for Elderly or Handicapped Persons: A residential facility other than a dwelling unit (as defined above) intended for occupancy by unrelated individuals who are handicapped, aged, or disabled and wherein meals are prepared and served in a common dining facility and limited assistance is provided for daily activities.

b. Convalescent Homes: (See Nursing Homes.)

c. Family Care Facilities: A licensed facility wherein residential services are provided to eight (8) or fewer unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs.

This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, the addicted, and/or mentally ill individuals.

d. Group Care Facilities: A licensed facility wherein residential services are provided to nine (9) or more unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs. This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, the addicted, and/or mentally ill individuals.

e. Day-Care Facilities for Elderly Persons: A licensed establishment wherein an agency, person or persons regularly provides non-medical care for a group of unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs for periods of less than twenty-four (24) hours a day.

f. Nursing Homes: A general term used to describe a licensed establishment providing bed care and in patient services for individuals needing regular medical attention, but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Retirement or rest homes, and convalescent homes are included within this term.

SPECIFIED ANATOMICAL AREAS: Means any of the following:

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

SPECIFIED SEXUAL ACTIVITY: Means any of 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 an irrigation as part of or in connection with any of the activities set forth in "A" through "F", above.

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

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

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

STRUCTURE: Any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead transmission lines.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a principal structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the improvement or repair or (ii) before the damage occurred. For the purposes of this resolution, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, that alteration affects the external dimensions of the structure. The term does not, however, include either (i) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions or (ii) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TAVERN: Any premises or establishments serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and minors are excluded therefrom by law. This term also includes bars, cocktail lounges and nightclubs.

TOWNHOUSE: A single dwelling unit, occupying space from the ground to the roof and with its own private entrance, which is attached horizontally to one (1) or more other townhouse dwelling units by at least one (1) common wall. **(Amended by Resolution 08-08-09, August 07, 2008)**

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to Living organisms even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for Travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

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

USE AND OCCUPANCY PERMIT: A written permit issued by the Zoning Administrator required before occupying or commencing to use any building or other structure or any zone lot.

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

VINEYARD OR WINERY: A parcel on which wine products grown or processed on the owner's property may be sampled and sold, and encompassing the grape fields, the

processing works, and the commercial structure or gift shop in which tasting events occur or where products are sold. (**Added by Resolution 10-03-03, March 22, 2010**)

WASTE TRANSFER STATIONS: This activity includes a convenience center for collection and mechanical compaction of domestic waste transported in from individual households.

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

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

YARD FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD REQUIRED: That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent for a depth of width set forth in the applicable regulations. Only such obstructions, projections and specific minor uses or structures allowed in such open space under the provisions of this resolution may be permitted in any required yard.

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

ZERO-LOT-LINE DEVELOPMENT: The arrangement of housing on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line and in which the required side yard offset is reduced on one (1) side and increased on the other.

(Amended by Resolution 08-08-09, August 07, 2008)

ZONE OR ZONING LOT: For the purpose of this resolution, a zone lot is a parcel of contiguous land that is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records;
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this resolution.

ZONING ADMINISTRATOR: The Building Inspector for Marshall County, Tennessee (See Article VIII, Section 8.030).

ZONING MAP: A map or series of maps and special overlays (the official copy being maintained by the county clerk) showing districts and special districts that are established under the provisions of and, hereby, being a part of this resolution.

ZONING PERMIT: A written permit issued by the Building Inspector, same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any activity or use on any zone lot. This term also includes building, use and occupancy permits (See Article VIII, Section 8.030).

