

CHAPTER 2. DEFINITIONS

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel;" the word "structure" includes the word "building;" and the term "shall" is always mandatory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Any word or term not defined within this section of the Zoning Ordinance or within the Definitions section of Sign Ordinance in the Farragut Municipal Code shall be construed to be used in this ordinance as defined by the latest edition of Webster's Unabridged Dictionary. Any word or term not defined in the Town's ordinance or the latest edition of Webster's Unabridged Dictionary shall have the meaning customarily assigned to them.

ACCESSORY BUILDING: A building customarily incidental and subordinate to the principal building and located on the same lot with such building

ACCESSORY STRUCTURE: A structure or building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

AGRICULTURAL USE: This includes all forms of agriculture, the growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, enclosed and open plant nursery, nursery sales and forestry uses. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall solid waste disposal sites, commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding academy, livery or boarding stables or dog kennels be so considered.

AGRICULTURAL USE AND STRUCTURES, ACCESSORY: Those structures and use which are normally required in the operation of permitted agricultural uses. The Board of Zoning Appeals shall determine all questions regarding such uses and structures.

ALCOHOLIC BEVERAGE: Those beverages regulated under provisions of state law administered by the Tennessee Alcoholic Beverage Commission and all ordinances of the Town of Farragut regulating alcoholic beverages.

ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing height, or for public utility purposes.

APPEAL: A request for a review by the Board of Zoning Appeals of any ruling, or denial by the town Building Official pursuant to this ordinance, or interpretation of any provision of this ordinance or a request for a special exception, or a request for a variance.

ARBOR: A decorative framework structure to support climbing plants.

AREA, BUILDING: The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps. Such area shall be calculated to determine "Maximum Lot Coverage."

ARTERIAL STREETS OR ROADS: Those streets or roads so designated on the Farragut Major Road Plan.

AUTOMOBILE AND RECREATIONAL VEHICLES SALES AGENCY: A building used for the display, sales, storage, servicing, and repairing of new passenger motor vehicles, and of used passenger motor vehicles as an accessory use except that no part of the premises shall be used for a body or sheet metal repair shop, nor for the dismantling or storage of wrecked vehicles. For the purpose of this ordinance, boats are considered recreational vehicles.

BABY SITTING: The on-premises care of small children for which a charge is made. This service is limited to no more than four children at any one time and is custodial in nature; therefore, no special educational or outdoor recreational equipment is needed.

BILLBOARD: See 'Off-Premise Outdoor Advertising.'

BOARD: Farragut Board of Zoning Appeals.

BOARDING HOUSE: A building containing two or more lodging units where, for compensation and by prearrangement for definite but relatively short-term periods, meals are provided. Elderly housing shall not be considered as a boarding house. Such uses are permitted only in those zones permitting hotels or motels.

BUFFER STRIP: An area used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. Buffer strips shall be planted and maintained as specified in the "Landscaping Requirements" of this ordinance.

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

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING, HEIGHT OF: The vertical distance from grade plane to the average height of the highest roof surface.

BUILDING SETBACK LINE (FRONT): A line delineating the minimum allowable distance between the street right-of-way and the front of a structure. The building setback line is parallel to or concentric with the street right-of-way. The area between the street right-of-way and the front of the structure is the front yard.

BUILDING SETBACK LINE (REAR): A line delineating the minimum allowable distance between the rear property line and rear of a structure. The building setback line is parallel or concentric with the rear property line.

BUILDING SETBACK LINE (SIDE): A line delineating the minimum allowable distance between the side property line and side of a structure. The building setback line is parallel to or concentric with the side property line.

BUSINESS SERVICES: Any activity conducted for gain which renders services primarily to other commercial enterprises, or which services and/or repairs appliances and machines used in a home or business.

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

CARPORT: A roofed building that is not enclosed on more than three sides and that is accessory to a residential use and that is used for the parking and storage of vehicles owned and operated by the residents thereof.

CHILD CARE: Refers to the various arrangements made by parents for the care outside their home, of children under seventeen (17) years of age, for less than twenty-four (24) hour periods as provided in Tennessee Code Annotated, Section 71-3-501 through 71-3-533, as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.

CHILD CARE FACILITY: A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types:

1. Family Day Care Home

A home operated by any person who receives pay for providing less than twenty-four (24) hour supervision and care, without transfer of custody, for five, six, or seven children under seventeen (17) years of age who are not residents of the household. A license is not required for a home providing for care for fewer than five children.

2. Group Day Care Home

Any place operated by a person, social agency, corporation, institution, or any other group which receives eight (8) or more children under seventeen (17) years of age less than twenty-four (24) hours per day for care outside their own homes, without transfer of custody. A group day care home may care for no more than twelve (12) children.

3. Day Care Center

A place operated by a person, social agency, corporation, institution, or other

group that receives pay for the care of thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody.

CLINIC: See "Professional Services."

CLUB: A private organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for economic gain, providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.

CLUSTERED HOUSING UNIT: Housing which may be permitted by the board to have reduced (potentially zero) side and rear yards within a single development. Such permission, if granted, shall be based on a development plan of a tract in single ownership at the time of development.

COLLECTOR STREETS OR ROADS: Streets or roads so designated on the Farragut Major Road Plan.

COMMUNITY FACILITY: A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

CONDOMINIUM: A clustered or multi-family dwelling designed for individual ownership of dwelling units, but joint ownership and/or responsibility for maintenance and upkeep of building, grounds, and recreational facilities.

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

COUNTRY CLUB: A chartered, nonprofit membership club, with or without dining facilities and cocktail lounge, catering primarily to its membership, providing one or more of the following recreational and social amenities: Tennis, racquetball, golf, horseback riding, swimming, outdoor recreation, clubhouse, locker room, or pro shop.

CULTURAL ACTIVITY: Any institution concerned with the appreciation of nature and the humanities, such as but not limited to museums, art galleries, historic sites and aquariums.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations.

DISH ANTENNA: An earth station antenna of parabolic or spherical design for the reception or transmission of satellite or terrestrial communication services.

DISTRICT: Any section or sections of the Town of Farragut for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform. District is also referred to herein as "zone."

DOG KENNEL: See "Kennel."

DRIVE-IN RESTAURANT: A commercial restaurant which caters primarily to vehicular trade by providing the delivery of food to the person(s) within vehicles for consumption on site.

DWELLING: A building containing one or more dwelling units. A dwelling does not include hotels, motels, boarding houses, elderly housing, nursing homes, mobile homes, or rooming houses.

DWELLING, SINGLE-FAMILY, DETACHED: A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

DWELLING, ATTACHED: A dwelling with one or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

DWELLING UNIT: One or more rooms designed as an independent living facility for no more than one family. A dwelling unit shall have permanent provisions for living, sleeping, cooking, and sanitation. A dwelling unit shall be distinguished from an elderly housing unit, lodging unit, and nursing home unit.

ELDERLY HOUSING: The grouping or clustering of three or more attached elderly housing units or attached single-family dwelling units. Elderly housing is intended for occupancy primarily by nontransient persons who are 60 years of age or older. Elderly housing shall include central dining and kitchen facilities.

ELDERLY HOUSING UNIT: One or more rooms, with a kitchen or kitchenette, including a bath, designed for nontransient occupancy primarily by persons who are 60 years of age or older. An elderly housing unit shall be distinguished from a dwelling unit or lodging unit.

FAMILY: One or more persons occupying the same dwelling unit. A family shall be deemed to include domestic servants employed by said family. This definition shall not be deemed applicable to those persons occupying a boarding house, hotel, motel, club, rooming house, or nursing home.

FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

FLOOR AREA RATIO (FAR): The gross floor area of all buildings or structures on a lot divided by the total lot area.

GARAGE, PRIVATE RESIDENTIAL: A building that is accessory to a residential use and that is used for the parking and storage of motor vehicles, boats, recreational vehicles, or any combination thereof owned and operated by the residents thereof.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is used for the retail sale of automotive accessories, gasoline or oil but not butane or propane fuels, and is used to provide incidental services including facilities for lubricating, hand or automatic (1 or 2 bays) washing and cleaning, or otherwise servicing automobiles and other motor vehicles but not including painting or major repair of automobiles and other motor vehicles.

GOVERNING BODY: Board of Mayor and Aldermen.

GRADE: A reference plane representing the average of finished ground level adjoining the building at a specific exterior wall.

GROSS FLOOR AREA: The sum of the areas of all stories of all buildings measured from the exterior face of exterior walls, including but not limited to all stories usable for human habitation, attics, basements, porches, garages, breezeways, and accessory buildings.

HEALTH DEPARTMENT: Knox County Health Department.

HISTORICAL MONUMENTS AND/OR STRUCTURES: Any antique structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building in which the relics and/or mementos of such event or period are housed and preserved.

HOME OCCUPATION: A gainful occupation conducted by members of the family only within the dwelling, provided that the space used is incidental to residential use and that no article is sold or offered for sale except such as is incidental to such home occupation.

HOTEL: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twelve (12) sleeping rooms usually occupied singly and which maintains an inner lobby for registration through which all tenants must pass to gain access.

HOUSE TRAILER: See "Mobile Home."

HOUSING, CLUSTER: See "Clustered Housing Units."

INTERIOR ISLANDS: A landscaped area located between parking spaces in a parking row

within a parking lot as shown in Illustration 5.

INTERIOR PARKWAYS: A landscaped area located between parking rows within a parking lot as shown in Illustration 5.

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

LODGING UNIT: A portion of a motel, hotel, boarding house or rooming house designed for transient occupancy on a daily, weekly, or similar short-term basis. Any structure or grouping or clustering of structures of which 25 percent or more of the lodging units contain cooking facilities shall not be identified as a motel, hotel, boarding house, or rooming house designed for transient occupancy on a daily, weekly, or similar short-term basis.

LOT: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT AREA: The total horizontal area included within lot lines.

LOT, CORNER: A lot of which at least two (2) adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than 135 degrees.

LOT COVERAGE: That portion of the lot that is covered by any non-vegetative surface, including but not limited to buildings, decks, swimming pools, asphalt, concrete, and rock of all sizes. Any surface that is the opposite of a pervious surface. On single family lots fifteen thousand (15,000) square feet or larger, however, the water surface area of a permanent swimming pool or a pond is not counted toward lot coverage

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

LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street or which has two nonintersecting sides abutting on two or more streets.

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

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

LOT LINES: The lines bounding a lot, as defined herein.

LOT LINE, EXTERIOR: For cluster housing, the lot lines defining the total development and separating the development from adjoining parcels which are not an integral part of the

development.

LOT LINE, FRONT: The lot line separating a lot from a street right-of-way.

LOT LINE, REAR: The lot boundary opposite and more distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and the farthest from the front lot line, not less than ten (10) feet long and wholly within the lot.

LOT LINE, SIDE: A side lot line is any lot boundary line not a front lot line or a rear lot line.

LOT-OF-RECORD: A parcel existing at the time of adoption or amendment of the zoning ordinance which, as a result of the ordinance, may lack sufficient space for the designated use and/or may lack adequate access to a public street.

LOT WIDTH: The width of a lot at the building setback line measured by right angles to its depth. (See Illustration 1.)

MANUFACTURED BUILDING UNIT: A structure, transportable in one (1) or more sections 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 conditions, and electrical systems contained therein. (Sometimes this unit is called a double-wide when used for single-family occupancy.)

MARINA: A facility providing a boat dock and launch ramp for which use is not limited to property owners. This may include retail sales related to aquatic activities, storage buildings, and repair work.

MOBILE HOME: A movable, self-contained living unit designed for year-round occupancy, designed for transportation such as trailer with axles and wheels attached, whether or not such axles and wheels remain attached when in place, moved, or towed by another vehicle. Sometimes such a unit is referred to as a trailer home.

MODULAR BUILDING UNIT: A structural unit, or reassembled component unit including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for removal to another site.

MORTUARY ESTABLISHMENTS: A building used for the preparation of the deceased, for the viewing of the body, and for funerals. Such establishments shall exclude crematorium facilities.

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

NONCONFORMING USE: A legitimate use of land existing at the time of enactment or amendment to this ordinance and which does not conform to the present regulations of the district in which it is situated. See Chapter 4.

NURSING HOME: A facility licensed as such by the Tennessee Department of Health and Environment or other appropriate state agency.

NURSING HOME UNIT: One or more rooms designed for occupancy by persons requiring skilled or intermediate nursing care located in a nursing home licensed by the Tennessee Department of Health and Environment or other appropriate state agency.

OFF-PREMISE OUTDOOR ADVERTISING: A sign that directs attention to or advertises a location, place, business, commodity, service, event, or entertainment conducted, sold, or offered at a location other than the premises on which the structure is located. Commonly referred to as a billboard.

PARK: An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as but not limited to walking trails, playgrounds, athletic or play fields and courts, and swimming and picnic facilities.

PARKING LOT: An off-street, ground-level open area designed for the temporary storage of motor vehicles.

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle.

PERIMETER PARKWAYS: An area with continuous cover of live landscaping materials that is located adjacent to front, side, and rear property lines or access easements.

PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Such activities include: barber, beautician, shoe repair, seamstress, tailor, laundry and dry cleaning and other similar activities as defined by the Board of Zoning Appeals.

PERVIOUS SURFACE: An area with a cover of live vegetation.

PLANNING COMMISSION: Farragut Municipal Planning Commission.

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

PREMISES: A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

PRINCIPAL BUILDING: Building(s) in which is conducted the principal use of the lot on which it is/they are located.

PRINCIPAL USE: The primary or predominant use of any lot, parcel, or tract. In the case of multiple use facilities, all uses shall be considered principal. In any residential district, the residence shall be considered the principal use.

PROFESSIONAL SERVICES: Services provided by a member of a recognized profession. Such activities include: medical, legal, dental, scientific consulting, insurance agent, architectural, engineering, land-planning, financial and business consulting services, accounting offices, and other similar activities as defined by the Board of Zoning Appeals.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under state or municipal regulations, to the public, electricity, gas, steam, two-way communication, telegraph, transportation, water, sanitary sewer, or storm sewers.

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

REASONABLE SPACE: The area on the lot or parcel of a nonconforming building or use which remains for building after all required open space and setbacks or yard areas of the existing zone are determined. Such space cannot include any floodway area.

RECREATIONAL AREAS: Country clubs, riding stables, golf courses, athletic fields and similar noncommercial recreational areas and facilities, or recreation centers including swimming pools.

RETAIL SALES: The commercial transfer of merchandise which is subject to state and local sales taxation including: Pharmaceuticals, gardening supplies, landscaping supplies, building supplies, hardware, housewares, clothing, cloth, appliances, furniture, sporting goods and grocery supplies. The board shall determine any questions of use. Alcoholic beverages as regulated by the Tennessee Alcoholic Beverage Commission and Town of Farragut ordinances shall not be considered as "retail sales."

REQUIRED SETBACK: A distance required to obtain the minimum front, side, and rear yards as required by this ordinance.

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

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

ROOMING HOUSE: A building where lodging only is provided for compensation to three or more, but not exceeding 12 persons. A building which has accommodations for more than 12 persons shall be defined as a hotel under the terms of this ordinance.

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

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

SCHOOL, PRIVATE: An institution of learning, including a college and university, that is not tax supported.

SCHOOL, PUBLIC: A tax-supported institution of learning, including a college and a university.

SHOPPING CENTER: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

STORMWATER DETENTION BASIN: A facility for the temporary storage of stormwater runoff.

STORMWATER RETENTION BASIN: An area used for retaining or holding stormwater and that has at least three (3) feet of standing water year round and a designed recirculating or aeration system.

STORY: That portion of a building included between the upper surface of a floor and upper surface at the floor or roof next above. As applied to a story, height means the vertical distance from top to top of two successive finished floor surfaces.

STREET: A public thoroughfare (street, avenue, boulevard, road, drive, parkway, lane) which may provide primary access to the fronts of buildings and is open to the public for transportation uses.

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

STREET LINE: A lot line dividing a lot from a street.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

SUBSTANTIAL IMPROVEMENT: For a structure built prior to the enactment of this ordinance, any repair, reconstruction, or improvement of such structure the costs of which equals or exceeds fifty percent (50%) of the total replacement cost of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TERMINAL ISLANDS: A landscaped area located at the end of each parking row within a parking lot as shown in Illustration 5.

TOTAL IMPERVIOUS SURFACE: The sum of all impervious surface areas on a lot.

TOURIST CABINS: See Motel.

TOURIST COURT: See Motel.

TRAILER: See Mobile Home.

TRAILER, TRAVEL OR CAMPING: A portable or mobile land based living unit used for temporary human occupancy away from the place of residences of the occupants, and not constituting the principal place of residence of the occupants.

USE: The specific activity or purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE: A variance is a relaxation of the regulations of the ordinances where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, which situation(s) or condition(s) was not created or exacerbated by the applicant, the strict application of any regulation enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.

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

WINDMILL: A machine that is powered by the energy generated by a series of blades or vanes rotated by the wind. For purposes of this ordinance, windmills are to be used to operate machinery and are not to be used for ornamental purposes. This definition is not designed to alter typical applications of windmills for agricultural purposes; however, windmills used in commercial, office, neighborhood service or whole and light industrial zones must have such a functional purpose as pumping water or producing electrical energy.

YARD: An open space that lies between the principal building(s) and the nearest lot line. The minimum required yard as set forth in this ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided for elsewhere in this ordinance.

YARD, FRONT: A space extending the full width of the lot between the principal building and the front lot line and measured parallel to the front lot line to the building at the closest point to the front lot line.

YARD, REAR: A space extending across the full width of the lot between the principal building and the rear lot line and measured parallel to the rear lot line to the building to the closest point of the rear lot line.

YARD, SIDE: A space extending from the front yard to the rear yard between the principal building(s) and the side lot line and measured parallel to the side lot line to the building to the closest point of the side lot line.

ZONE: See District.

RESERVED FOR FUTURE USE