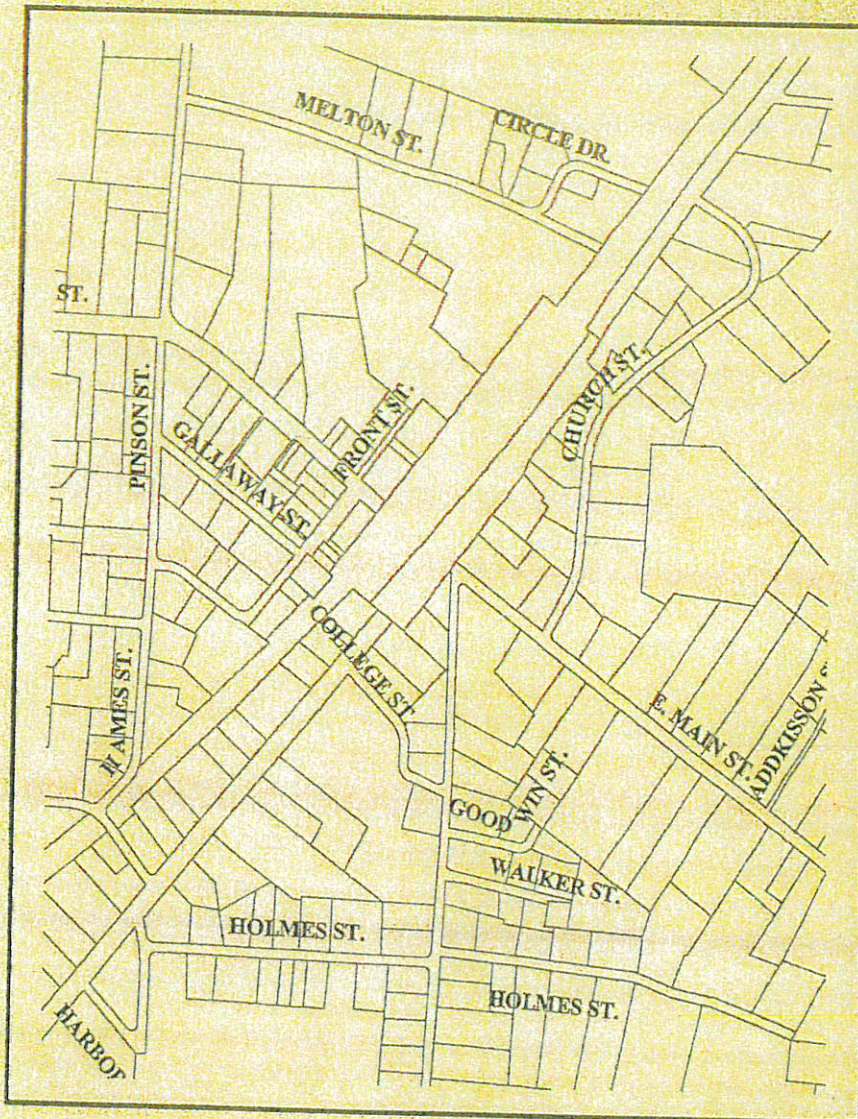


2007 ZONING ORDINANCE



TREZEVANT, TENNESSEE

MUNICIPAL ZONING ORDINANCE

TREZEVANT, TENNESSEE

Prepared for the

TREZEVANT MUNICIPAL PLANNING COMMISSION

Ricky Browning, Jr. Chairman
Ronnie Joiner, Vice Chairman
David Bryant, Secretary/Mayor
George Jennings, Alderman
Jim Moore

Prepared by the

WEST TENNESSEE LOCAL PLANNING OFFICE

**TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY
DEVELOPMENT**

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ORDINANCE NO. _____

**AN ORDINANCE TO ADOPT THE TREZEVANT MUNICIPAL ZONING ORDINANCE
WITH ACCOMPANYING OFFICIAL ZONING MAP**

WHEREAS, Section 13-7-201 through 13-7-211 of the Tennessee Code Annotated empowered the Town to enact the Trezevant Zoning Ordinance and provide for its administration, enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the Town to adopt said Ordinance; and,

WHEREAS, the Trezevant Planning Commission has reviewed said proposed Ordinance pursuant to Sections 13-7-202 and 13-7-203 of the Tennessee Code Annotated and recommends such adoption to the Trezevant Board of Mayor and Aldermen; and,

WHEREAS, the Board of Mayor and Aldermen has held a public hearing thereon, at least fifteen (15) days' notice of the time and place of which was published in a newspaper of general circulation in the municipality. and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-211 of the Tennessee Code Annotated, with regard to the adoption of a zoning ordinance and map by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN of the Town of Trezevant, Tennessee that the Trezevant Municipal Zoning Ordinance and Zoning Map be acted upon as follows:

SECTION 1. That the accompanying Trezevant Municipal Zoning Ordinance and Official Zoning Map be adopted.

CHAPTER I

MUNICIPAL ZONING ORDINANCE OF THE TOWN OF TREZEVANT, TENNESSEE

AUTHORITY, TITLE AND PURPOSE

11-101. AUTHORITY

An Ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-211 of the Tennessee Code Annotated and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to provide for the establishment of districts or zones within the Corporate Limits of Trezevant, to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF TREZEVANT,
AS FOLLOWS:

11-102. TITLE

This Ordinance shall be known and may be cited as the Municipal Zoning Ordinance of Trezevant, and the map herein referred to which is identified by the title "Official Zoning Map," and all explanatory matters thereon are hereby adopted and made a part of this Ordinance.

11-103. PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. These provisions have been made with reasonable consideration among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

CHAPTER II

DEFINITIONS

11-201. DEFINITIONS AND RULES OF CONSTRUCTION OF LANGUAGE IN GENERAL

In the construction of the language of this Ordinance, the rules and definitions contained in this Chapter shall be observed and applied, except when the context clearly indicates otherwise;

1. The particular shall control the general;
2. The word "shall" is always mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece" or "parcel".
5. The word "building" or "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", "maintain for", and "occupied for".
6. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control.
7. The word "permitted" or words "permitted as of right", means permitted without meeting the requirements of a special exception pursuant to this Ordinance, and all other applicable provisions.
8. Words used in the present tense shall include the future, words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
9. The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the Town of Trezevant. The Standard Land Use Coding Manual, provided as an supplement of this Ordinance is intended to serve as a guide in the determination of what uses are permitted in all districts.

11-202. **DEFINITIONS**

Accessory Building Or Use. A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal use or building.

An accessory use includes, but is not limited to, the following:

- a. Off-street motor vehicle parking areas and loading and unloading facilities.
- b. A garage, shed, or building for domestic storage.
- c. A children's playhouse, garden house, or private greenhouse.
- d. Private swimming pools in residential districts.
- e. Fences

Adult Oriented Businesses: A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices, as well as nude or semi-nude dancing and massages.

Agriculture: See Code 81 of the Standard Land Use Coding Manual.

Agricultural Related Activities: See Code 82 of the Standard Land Use Coding Manual.

Alley: Any public or private way set aside for public travel, twenty (20) feet or less in width.

Amusement: An establishment which provides: arcade type entertainments including such items as pinball machines, video games and pool tables; miniature golf; or other amusements. (See Code 73 in the Standard Land Use Coding Manual)

Apartment. A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single-housekeeping unit, and which contains completed kitchen, bath, and toilet facilities, permanently installed.

Apartment House. A building arranged, intended, or designed to be occupied by two (2) or more families living independently of each other. (See also Multiple Family Dwelling)

Automobile Storage Yard (also Junk or Salvage Yard): Any land use for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

Bed And Breakfast Establishment, referred to hereafter as the "establishment," means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having four (4) but not more than twelve (12) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters;

Bed And Breakfast Homestay referred to hereafter as the "homestay," means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters. These shall be considered transient lodging for the purposes of this Zoning Ordinance.

Billboards: See Signs - Off-premises.

Boarding House. A building and accessories thereof principally used, designed or adapted to provide living accommodation for not more than six (6) occupants and having common cooking and dining facilities. For the purposes of this Ordinance, boarding houses shall be considered multiple family.

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

Building. A structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such building should be considered a separate structure. A principal or main building is a building in which is conducted the principal use of the lot on which it is located.

Building Line. The line of that face of the building nearest the front, side or rear line of the lot. This face includes carports and porches, whether enclosed or open, but does not include steps.

Building Line, Established. That line parallel to and a specific setback distance from a front lot line, beyond which a building cannot be constructed within the required yard created.

Building Height. The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

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

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

Building, Main or Principal: A building in which the primary use of the lot is conducted.

Building Inspector (Building Official): The person designated to enforce the provisions of the Trezevant Zoning Ordinance and other applicable Town, state, or federal regulations relating thereto.

Business Service: An establishment which provides aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service (see Code 63 in the Standard Land Use Coding Manual).

Canopy - An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic: Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises (see codes 6511, 6512 and 6517 in the Standard Land Use Coding Manual).

Commercial: Activities related to the provision of products and services. See retail and wholesale trade; financial, business, personal and professional services.

Communication: See Code 47 in the Standard Land Use Coding Manual.

Condominium-Residential: A multiple family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

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 (see Code 71 in the Standard Land Use Coding Manual).

Density: Number of units per acre allowed by this Zoning Ordinance.

Discontinuance. The termination or abandonment of the use or occupancy of a site, facility, building or structure of any legally established permitted use.

District. A section of the municipality for which uniform regulations governing the use, height, area, and intensity of use of buildings and land, and open spaces about buildings are herein established.

Driveway: A paved or graveled way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

Dwelling: A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling-Mobile Home: See Mobile Home

Dwelling. Multiple-Family. A building or portion thereof, designed for occupancy by two (2) or more families living independently of each other (in separate dwelling units). (Also see Apartment, Condominium, and Townhouse).

Dwelling, Single-Family: A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor, (also see Condominium, Residential).

Dwelling Unit: One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of multiple family structures.

Education Services: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools (see Code 68 in the Standard Land Use Coding Manual).

Elderly Assisted Care (see also Nursing Home) A facility or development providing elderly care and housing, containing single rooms or other dwelling units which may consist of bedrooms, dinettes, and bathroom facilities, commonly containing group dining halls, recreational areas, and other communal areas provided that 24-hour medical care, medical staffing, and other services are required or provided. For the purposes of this Ordinance, these types of facilities shall be classified as multiple family complexes and apartments.

Elderly Congregate Living(see also Nursing Home) A facility or development providing elderly congregate group housing, containing individual dwelling units which may consist of one or more bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that 24-hour medical care and medical staffing is not required or provided. For the purposes of this Ordinance, these types of facilities shall be classified as multiple family complexes and apartments.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Exterior Boundary: See Exterior Yard.

Exterior Yard: A yard adjacent to the side or exterior boundaries of a mobile home park, a multiple family development or planned commercial development which is clear of any structures.

Factory Built Housing - A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consist of three (3) types: modular homes, mobile homes and manufactured homes.

Family. One (1) or more persons occupying a premises and living as a single non-profit housekeeping unit.

Finance, Insurance and Real Estate Services: Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual).

Flea Market: A place where any person or group of vendors, whether professional or non-professional, offer for sale, trade, or barter any non-agricultural goods regardless of whether they are new, used, antique, or homemade; where these items are offered for sale in the open air or in temporary structures. The term "flea market" does not include the offering for sale of goods by the owner or occupant thereof at an owner's/occupant's residence at what are commonly referred to as "garage sales" or "yard sales" as defined by this ordinance. "Sidewalk sales" may be permitted as an accessory use to an established conforming or non-conforming retail operation for a period not to exceed fourteen (14) days per calendar year, whether consecutive or non-consecutive.

Garage, Private: A building or portion thereof for the storage of motor vehicles owned or used by the residents.

Governmental Agency: An agency of the Federal, State, or the Local Government or any combination thereof.

Governmental Services: See Code 67 of the Standard Land Use Coding Manual.

Grade: The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Group Home. As defined by Tennessee Code Annotated 13-24-101 through 13-24-104, a single-family residence in which eight (8) or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. This does not apply to such family residences wherein handicapped persons reside when such residences are operated on a commercial basis.

Any group home other than the above shall be considered multiple family.

Habitable Space: Areas within the building designed and/or used as living quarters for human beings.

Hazardous Substance: Any compound or use that can pose a substantial present or potential hazard to health or the environment when improperly treated, handled, stored, transported, disposed of or otherwise managed as defined by Section 68-121-102 of the Tennessee Code Annotated, or listed as hazardous or toxic by the Tennessee Department of Public Health or the U.S. Environmental Protection Agency.

Height: See Building, height of.

Home Occupation. An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use.

Industry: See Manufacturing

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a charitable character to the public.

Junk or Salvage Yard (see also Automobile Storage Yard): Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

Landscaping: A planted and maintained area of trees, shrubs, lawns, and other ground cover or materials designated to present an aesthetic buffer between properties and adjoining uses or street areas.

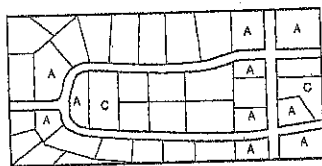
Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot. A parcel of land occupied or unoccupied in one ownership, which may include one (1) or more lots or record. All lots shall front on and have access to a public street.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection. (See A in illustration 1)

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. (See C in illustration 1)

ILLUSTRATION 1



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

Lot Coverage: The lot area covered by all buildings located therein.

Lot Line. The boundary dividing a given lot from a street right-of-way, an alley, or adjacent lots.

Lot of Record. A lot which is part of a subdivision recorded in the Office of the County Register, or lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of the Trezevant Zoning Ordinance, any subsequent Zoning Ordinance, or an amendment of the Trezevant Zoning Ordinance which applies to the lot in question.

Lot Width: The horizontal measurement at the building line.

Manufacturing: The production of a product at a fixed site (see Code 21 through 39 in the Standard Land Use Coding Manual).

Medical Services: Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine. (See Code 651 in the Standard Land Use Coding Manual)

Mixed Use Occupancy The presence of residential and nonresidential uses within the same complex or same building.

Mobile Homes: A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

Mobile Home Park. Any plot of ground upon which three (3) or more mobile homes, occupied for dwelling or sleeping purpose, are located, regardless of whether or not a charge is made for such accommodations.

Mobile Home Space. The term mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

Modular Home: A residential dwelling which is a structural unit or pre-assembled 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 ready removal to another site.

Motor Vehicle Transportation: Transportation services including bus, taxi and motor freight transportation. (See Code 42 of the Standard Land Use Coding Manual)

Non-Conforming Structure: A structure which was lawfully constructed prior to enactment or amendment to this Ordinance or any preceding Zoning Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.

Non-conforming Sign: A sign which lawfully existed prior to the adoption of the Trezevant Zoning Ordinance, any preceding Zoning Ordinance, and subsequent amendments but which no longer conforms to the regulations.

Non-conforming Use: Any use of building or premises which lawfully existed prior to the adoption of, or amendment of this Ordinance, any preceding Zoning Ordinance but which no longer complies with the use regulations of the district in which it is located.

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

Nursery: Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 71-3-501 through 71-3-533 as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services. 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:** means the home operated by any person who receives therein a minimum of five (5) and a maximum of seven (7) children under seventeen (17) years of age who are not related to such person and whose parents and guardians are not residents in the same house, for less than 24 hours per day for care without transfer of custody. As used in this [definition,] "related" means the children, stepchildren, grandchildren, siblings, stepsiblings, nieces and nephews of the primary caregiver; (A license is generally not required for a house providing care for fewer than 5 children.)
- (2) **Group Day Care Home:** means any place operated by a person, social agency, corporation, institution, or other group which receives a minimum of eight (8) and a maximum of twelve (12) children and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during summer vacation for less than 24 hours per day for care outside their own home without transfer of custody.
- (3) **Day Care Center:** means any place operated by a person, society, agency, corporation, institution or religious organization, or any other group wherein are received thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day, without transfer of custody.

Off-Street Loading and Unloading Space. An open hard surfaced area other than a street or a public way, the principal use of which is for standing, loading and unloading of vans, trucks, tractors, and trailers to avoid undue interference with the public use of streets and alleys.

Parks: 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 playgrounds, athletic or playfields and picnic areas.

Parking Lot. A parking lot shall mean any land used, provided or permitted to be used for the parking of automobiles.

Periphery Boundary: (See Exterior Yard)

Personal Services: Services which include laundry, beauty, funeral, and other services to individuals. (See Code 62 in the Standard Land Use Coding Manual).

Philanthropic Institution: An organization which distributes funds for humanitarian purposes or which is supported by public donations and which has as its principal activity the promotion of human welfare. This shall include, but not be limited to: civic clubs; organizations such as Lions, Moose, Elks, United Way, etc.

Principal Building: A building in which is conducted the primary use of the lot on which it is located.

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

Professional Services: Those services normally provided by the established professions such as, but not limited to, physician services, dental services, legal services, engineering services, architectural services and accounting services. (See Code 65 in the Standard Land Use Coding Manual).

Public Assembly Facility: Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playfields and parks.

Public Uses: Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

Public Utility: Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery of, or furnishing of heat, chilled air, chilled water, light, power or water, or sewage facilities, either directly or indirectly to or for the public (see Codes 47 and 48 except Code 4823 and 485).

Real Estate Sign: A sign indicating that a parcel is for sale or rent. This shall include sold signs and signs that indicate that a parcel or structure has been sold through words such as "future home of company b".

Recreational Activities: Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities. (See Code 74 of the Standard Land Use Coding Manual).

Recreational Vehicle: A trailer towed behind a car or a self propelled vehicle intended for use as a temporary recreational dwelling.

Repair Services: Those establishments which fix, mend or overhaul merchandise for households or businesses (See Code 64 in the Standard Land Use Coding Manual).

Retail Trade: Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. (See Code 52 through 59 in the Standard Land Use Coding Manual).

Schools, Parochial: An institution of learning owned and/or operated by a recognized church or religious institution.

Signs: Any device designed to inform, or attract the attention of persons which presents a name, symbol, logo or advertisement for services or products offered on or off-site as allowed under the regulations of this Ordinance. The term sign shall include the sign structure and all attachments, if attached to a structure, or ground mounted, shall include a base, poles, mounts or attachments from the ground level upward.

Site Plan: A plan delineating the overall scheme of the development of a tract including all items as specified in this Ordinance.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the 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 special exceptions, if specific provision for such special exceptions is made in this Zoning Ordinance.

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 used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

"Half Story": A story under a slopping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for a human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

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

Street Line: The property line which bounds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

Street Center Lines: The center of the surface roadway or the surveyed center line of the street.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something not having a permanent location on the ground.

Temporary Structure: A moveable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab or footing, or which is equipped with a permanent steel chassis.

"Total Floor Area": The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

Townhouse. A townhouse dwelling is an attached single-family dwelling constructed in a row of three (3) to eight (8) single-family dwellings, each dwelling being separated from the adjoining dwellings in each story by a two (2) hour-rated masonry fire wall with no penetrations, such wall extended through the roof two feet and each dwelling having independent access to the exterior in the ground story.

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

Transient Lodging: Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual limited to hotels and motels.

Travel Trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses, which:

- (1) is identified on the unit by the manufacturer as a travel trailer;
- (2) is not more than eight (8) feet in body width;
- (3) is of any weight provided its body length does not exceed 29 feet; or
- (4) is of any length provided its gross weight, factory equipped for the road, does not exceed 4,500 pounds.

Travel Trailer Park: Any plot of ground which two (2) or more travel trailers, occupied for temporary living purposes, are located, regardless of whether or not a charge is made for such accommodations.

Travel Trailer Space: The term travel trailer space shall mean a plot of ground within a travel trailer park designated for the accommodation of one (1) travel trailer.

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

storage or processing of merchandise or for utilities shall be excluded from this computation.

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

Use and Occupancy Permit. A written permit issued by the Building Inspector required before occupying or commencing to use any building or other structure or any lot.

Utilities: Gas, water, electricity, sewer and telephone services provided by government agencies or private companies (See Code 48 in the Standard Land use Coding Manual).

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

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

Veterinary Hospital or Clinic: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within the building. (See Code 8221 and 8222 Standard Land Use Coding Manual).

Warehouse: A structure used exclusively for the storage of merchandise or commodities.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies. (See Code 51 in the Standard Land Use Coding Manual).

"Yards": Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.