

## CHAPTER 9 DEFINITIONS

### Sections:

14.901. General

14.902. Rules for Construction of Language and Definitions

14.903. Definitions

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### 14.901. General

The following words, phrases, and terms in this Ordinance are defined in this Section.

1. Use categories are defined in Chapter 2 Use Classification and not repeated here.
2. Overlay districts have their own definitions.

### 14.902. Rules for Construction of Language and Definitions

Rules for Construction of Language. In the construction of this Title, the rules contained in this Section 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.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece" or "parcel".
5. The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and
6. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
7. In the case of any difference of meaning or implication between the text of this Title and any caption, illustration, or table the text shall control.
8. The word "permitted" or words "permitted as of right", means permitted without meeting the requirements for a conditional use permit.
9. The words "conditionally permitted" or "permitted by conditional use permit" means permitted subject to the requirements for a conditional use by special permit pursuant to Chapter 8 of this Title, and all other applicable provisions.
10. Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
11. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:
  - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

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

12. All public officials, bodies, and agencies to which reference is made are those of The City of Lebanon, Tennessee.

### 14.903. Definitions

<b>Accessory</b>	An activity, building or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or building or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.
<b>Accessory Dwelling Unit</b>	A separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached to or detached from a primary residential unit.
<b>Activity</b>	The performance of a function or operation, which constitutes the use of land.
<b>Alley</b>	A public or private way intended to provide only secondary vehicular access to side and rear of abutting properties and no more than twenty-five (25) feet in width.
<b>Apartment</b>	One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.
<b>Attached</b>	Joined together by party wall(s).
<b>Backyard Garden</b>	An area located behind the principal structure either in the ground or in raised beds established for growing vegetables for consumption on the premises.
<b>Bar</b>	A place of business primarily devoted to the serving of alcoholic beverages and in which the service of food is incidental to the consumption of such beverages (may also be known as a tavern).
<b>Basement</b>	A story where the floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height, below the average level of the adjoining ground (as distinguished from a "Cellar" which is a story more than one-half (1/2) of its story height below such level).
<b>Bed and Breakfast Homestay</b>	An owner-occupied building or portion thereof that was formerly a single-family dwelling offering transient lodging accommodations and breakfast to guests where rent is paid in money.
<b>Boarding House</b>	A dwelling with a shared kitchen that houses more than five unrelated people or households. Any dwelling unit with more than five unrelated people or households shall have at least one resident that is an owner. Boarding houses must follow the building/fire code for group homes.
<b>Brew Pub</b>	A restaurant at which beer is brewed on site as an accessory use in small batches for on premise consumption. The brewing operation shall not exceed thirty (30) percent of the gross floor area.
<b>Building</b>	A structure permanently affixed to the ground, with a roof, and intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.
<b>Building Height</b>	The height of a building as measured in feet from grade at the principal entrance to the building to (1) the top of a flat roof or the top of a roof parapet, whichever is higher; or for pitched roofs, to the average height (the midpoint) of the highest ridge and the corresponding eave.
<b>Building Permit</b>	A written permit issued by the Building Official that is required before commencing any construction, reconstruction, or alteration of any building or structure or before establishing, extending, or changing any activity or use on

any zone lot and may be construed the same as a building permit required by the building code.

<b>Bulk</b>	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 zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot; (c) The location of exterior walls of buildings or 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.
<b>Cellar</b>	See Basement
<b>Certificate of Occupancy</b>	A written permit issued by the Chief Building Official required before occupying or commencing to use any building or other structure or any zone lot.
<b>Chicken House</b>	An accessory structure built to contain a limited number of chickens and containing nest boxes for egg laying and perches on which they can sleep.
<b>Common Open Space</b>	A parcel or parcels of land and/or an area of water within the site designated as a planned development to be permanently preserved and designed and intended for use or enjoyment of the occupants of said development or set aside as permanent undeveloped usable open space. The open space may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development and may be developed as a golf course or community garden with appropriate ancillary uses.
<b>Completely Enclosed</b>	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.
<b>Computer and Data Processing Services</b>	A physical facility, located on a parcel of less than 5 acres, designed to house computer systems, networking equipment, servers, data storage, and other IT infrastructure. It serves as a central location, providing a secure and controlled environment, for sorting, processing, and organizing data, as well as data analytical services.
<b>Conditional Use</b>	A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts 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 division or district as conditional uses, if specific provisions for such use are made in this ordinance. For the purposes of this ordinance, conditional uses shall be construed as synonymous with use on appeal or special exceptions as authorized by Section 13-7-206 Tennessee Code Annotated.
<b>Confined Animal Feeding Operations</b>	An animal feeding operation where large numbers of animals are kept and raised in confined situations that requires that feed be brought to the animals rather than the animals grazing or seeking feed in pastures or fields.
<b>Construction Trailer</b>	A factory-manufactured structure located on an approved construction site, not designed for use as sleeping quarters, but to be used in support of construction activities.
<b>Corner lot</b>	In the diagram, Corner Lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. Interior Lot is defined as a lot other than a corner lot

with only one (1) frontage of a street. Through Lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

<b>Court</b>	An open, unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.
<b>Curb Level</b>	The mean of the elevations of the side lot lines extended to the street line.
<b>Data Center</b>	A specialized physical facility, located on a parcel of 5 acres or more, designed to house computer systems, networking equipment, servers, data storage, and other IT infrastructure. It serves as a central location, providing a secure and controlled environment, for storing, processing, and managing data, as well as distributing and enabling access to applications and services critical to an organization's functioning.
<b>Development Area Per Dwelling Unit</b>	The net amount of land area of a single zone lot required for each dwelling unit to be placed on the zone lot (may also be referred to as density).
<b>Dormitory</b>	<p>A building specifically designed for long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping. Common areas and a common kitchen may be included.</p> <p>Drives, driveways or parking lots – Publicly or privately maintained vehicle access that is not built to City streets standards and cannot be used to subdivide property.</p>
<b>Dwelling</b>	A building, or portion thereof, designed or used exclusively for residential occupancy, but not including transient occupancy.
<b>Dwelling Unit</b>	A dwelling with a sleeping area, bathroom, and full kitchen including a stove/oven.
<b>Dwelling, Detached</b>	A building located on a single zone lot surrounded by yards or open area on the same zone lot.
<b>Dwelling, Residence</b>	A building or part of a building containing one (1) or more dwelling units or rooming units, including single-family or two-family dwelling, 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 nonresidential uses, except uses accessory to residential use.
<b>Family</b>	A single house keeping unit of legal relatives or a single house keeping unit of not more than 1.5 unrelated people per room. In making this determination kitchens, bathrooms and utility or unfinished rooms will not be counted in this calculation. Individuals who are determined to be a risk to the public or who are currently substance abusers are not considered a protected class for the purpose of defining a family of unrelated people. All dwelling units are subject to the building requirements in Title 12 Chapter 6 including any requirements for a fire suppression system when there are more than 5 unrelated people.
<b>Floor Area</b>	The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, but excluding the

following: (a) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto where required in this Title; and in the case of nonresidential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

<b>Floor Area Ratio</b>	The total floor area on a zone lot, divided by the lot area of that zone lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of (2.0).
<b>Fraternity / Sorority House</b>	A building used as group living quarters for students of a college or university, who are members of a fraternity or a sorority that has been officially recognized by the college or university and has a licenser or charter from the national organization.
<b>Front Setback Line</b>	A line running parallel to the street that establishes the minimum distance the principal building must be setback from the street line.
<b>Gross Area</b>	An area of land, which is inclusive of all land uses and streets, and other public areas located within the development.
<b>Group Home</b>	A building, or portion thereof, that is licensed by the Department of Human Services or the Department of Public Health as a rooming and/or boarding house for people who are mentally ill or chemically dependent and receives its residents under a contract or other arrangement with the state or local government agency.
<b>Halfway House</b>	A home that houses more than one person that have been sentenced and is currently serving time on probation or parole
<b>Hazardous Occupancy</b>	The use of a building or any part thereof, that involves the manufacture, use, or storage of highly combustible, flammable, or explosive materials or materials that constitute a high fire hazard and further defined as a type "H" occupancy in Chapter 3, Section 307, ICC International Building Code, 2003 Edition.
<b>Height (of building)</b>	The vertical distance measured from the highest point of a structure (but excluding HVAC systems on roofs) to the average finished grade across the front of the structure.
<b>Home Occupations</b>	An accessory activity of a nonresidential nature that is performed within the dwelling unit or an accessory structure thereto and which is incidental to the residential use of the property.
<b>Household</b>	An individual or a family of relatives living together.
<b>Incidental Alterations</b>	(a) Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples: (1) Alterations of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created; (2) A minor addition to the exterior of a residential building, such as an open porch; (3) Alterations of interior non-load-bearing partitions in all other types of buildings or other structures; (4) Replacement of, minor change in, capacity of utility pipes, ducts, or conduits; or (b) Changes or replacements in the structural parts of a buildings or other structure, limited to the following examples or others of similar character or extent: (1) Making windows or doors in exterior walls; (2) Replacement of building facades having non-load-bearing capacity; (3) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.
<b>Land With Incidental Improvements</b>	A tract of land that contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.
<b>Landowner</b>	The legal or beneficial owner or owners of all the land proposed to be included

in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a “landowner” for the purpose of this Title.

<b>Landscaping</b>	The planting and maintenance of trees, shrubs, lawns, and other vegetative ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.
<b>Legal Nonconformity</b>	Any existing use, lot, building or other structure that was legally established before the effective date of this zoning ordinance or that is created by amendment and that does not comply with one or more of its provisions. Any nonconforming use, nonconforming structure or nonconforming lot is defined below.
<b>Legally Nonconforming Lot</b>	A lawful lot-of-record that is below the minimum lot size for the zoning district or fails to meet dimensional requirements as of the effective date of this ordinance.
<b>Legally Nonconforming Structure</b>	A lawfully established structure that does not conform to the zoning district regulations that govern size, setbacks, or other dimensional requirements.
<b>Legally Nonconforming Use</b>	A lawfully established use that is not permitted in the zoning district. This typically applies where: 1. the use is no longer allowed in the district, or 2. the use was established without conditions and it would now require a conditional use permit, or 3. the zoning regulations changed due to actions by the city. A “legally nonconforming residential use” is a nonconforming use that is classified as residential in Chapter 3 and Appendix C of this ordinance.
<b>Lot</b>	For purposes of this Title, a lot is a parcel of land 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.
<b>Lot Area</b>	The entire area of a zone lot.
<b>Lot Area Per Dwelling Unit</b>	That portion of the lot area required for each dwelling unit located on a zone lot. This may also be known as the development area per dwelling unit.
<b>Lot Coverage</b>	That portion of a zone lot which when viewed directly from above, could be covered by a building or any part of a building.
<b>Lot Frontage</b>	The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.
<b>Lot Line</b>	A boundary of a zone lot.
<b>Lot Measurements</b>	(a) Depth of a lot shall be considered to be the distance from the midpoint of the front lot line to the midpoint of the rear lot line. (b) Width of a lot shall be considered to be the distance along a straight line connecting the side lot lines measured across the lot at the point of the required front yard setback.
<b>Lot of Record</b>	A lot that is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
<b>Lot Types</b>	The diagram, which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.  Lot Width – The width of the property at the front façade of the building.

<b>Massage Parlor</b>	An establishment or place primarily in the business of providing massage services.
<b>Mobile Home Community</b>	A development that is designed and constructed to accommodate mobile homes.
<b>Mobile Home Space</b>	A designated area within a mobile home park for the exclusive use of the occupants of a single home.
<b>Mobile Home Stand</b>	That part of an individual mobile home space that has been reserved for the placement of the mobile home.
<b>Modular Building</b>	A factory manufactured building, not self-propelled, neither designed nor constructed to allow attachment of wheels to either an axle or its frame, meeting all requirements of the applicable building or housing code, and designed for use as a residence, office, apartment, storehouse, warehouse, or any other similar purpose.
<b>Overall Density</b>	The dwelling units per gross square feet of the total area within a residential development.
<b>Party Wall</b>	A wall on an interior lot line separating two individual dwelling units which are attached at that wall and which are constructed as a fire wall extending from the footings to the roof without openings and would inhibit the spread of fire from one dwelling unit to another.
<b>Planned Development</b>	A development of land under unified control to be planned and developed as a whole according to a master plan in a single development operation or a definitely programmed series of phases. A planned development includes all principal and accessory structures and uses related to the character of development and is built according to detailed plans for all buildings, streets, utilities, drainage facilities, lots, building locations, and landscaping. The development may include areas, facilities, and improvements for common use by the property owners that are and will continue to be privately owned and maintained.
<b>Plot Plan</b>	A scaled drawing showing the locations of existing and proposed buildings on a residential lot that is used for the purpose of locating accessory structures on a lot.
<b>Principal Activity</b>	An activity or use that fulfills a primary function of an establishment, institution, household, or other entity.
<b>Principal Building</b>	A building in which is conducted the principal activity or use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the principal building on any lot on which the dwelling is situated. Carports and garages, if permanently attached to the principal building are deemed to be a part of the principal building.
<b>Recycle Center</b>	An indoor facility in which used materials are separated and processed for shipment for eventual reuse in new products.
<b>Rooming Unit</b>	A unit of occupancy of semi-permanent residential activity.
<b>Sauna</b>	A steam bath or heated bathing room used for the purpose of bathing, relaxation or reducing utilizing steam or hot air as a cleaning, relaxing or reducing agent.
<b>Sharrow</b>	A sharrow is a road marking in the form of two inverted V-shapes above a bicycle, indicating which part of a road should be used by cyclists when the roadway is shared with motor vehicles.
<b>Single Ownership</b>	Means a proprietary interest of a landowner as defined herein.
<b>Single Room Occupancy</b>	An establishment providing multiple single room rental units with or without cooking facilities on a monthly or longer basis. These facilities shall be

<b>(SRO) Residential Facility</b>	considered to be Hotel/Motel for use; provided however, that due to the duration of stay of the rentals, for zoning purposes and SRO shall be classified as a semi-permanent residential activity.
<b>Story</b>	A portion of a building between the surface of any floor and the surface of the floor next above it, or, if thereto is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story: (a) A basement or cellar if the finished floor level directly above is not more than six (6) feet above the average adjoining elevation of finished grade; or (b) An attic or similar space under a gable, hip, or gambrel roof, where the wall plates of any exterior walls are not more than two (2) feet above the floor of such space; and further provided, that a story shall not exceed fourteen (14) feet between floors.
<b>Street</b>	A publicly or privately maintained right-of-way, other than an alley, which affords a primary means of access and is built to City street standards. Public or private street frontage is required for subdividing property.
<b>Street Line</b>	A lot line dividing a lot or tract from an abutting street.
<b>Structure</b>	Any erected or constructed material or combination of materials that requires a location on the ground, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.
<b>Use</b>	The performance of a function or operation that constitutes the use of land.
<b>Yard</b>	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 from a depth or width set forth in the applicable regulations.
<b>Yard, Diagram</b>	The following diagram showing "Yard Setbacks" shall be used in clarifying the usage of the "line" and "yard" definitions of this Title:
<b>Yard, Front</b>	extending along the full length of a front lot line. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations and extending along the full length of a street line shall also be established. Each lot shall have a designated front yard.
<b>Yard, Rear</b>	An open space, except for permitted accessory structures, extending for the full length of a rear lot line. On any one parcel there is only one rear lot line (but it can be straight, curved, or meandering). On parcels that have only three lot lines the three lines are either front or side lines. The rear yard will be measured from the rear corner.
<b>Yard, required</b>	That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.
<b>Yard, Side</b>	An open unoccupied space extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard and shall meet the same requirements as a front yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard.
<b>Zone Lot</b>	A parcel of contiguous land which is or may be developed or utilized under one ownership as a 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 minimum frontage on an improved, dedicated and accepted public street, or on an approved private street, and may consist of a lot of recorded, at the Wilson County Register of Deeds office.