

ARTICLE II

DEFINITIONS

SECTION

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- 2.020 Definitions

2.010. Scope. 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 follows:

- (a) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (c) The word "shall" is mandatory.
- (d) The word "may" is permissive.
- (e) The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- (f) The word "lot" includes the words "plot" or "parcel."

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

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

ACCESSORY BUILDING: A subordinate building, or structure, the use of which is incidental to that of a principal building and located in the rear or side yard on the same lot therewith.

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

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing walls is new construction.

ADULT ORIENTED BUSINESS: Any business as defined by Sections 7-51-1101 thru 7-51-1121 and 7-51-1401 thru 7-51-1406 of the Tennessee Code Annotated, including any amendments.

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device or design used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures, or on buildings, structures, milestones, signboards, wallboard, roof board, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See *SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE*

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Lewisburg, Tennessee are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of fur-bearing animals, poultry, fish or minnow hatcheries, or dog kennels be so considered.

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

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

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

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

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

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

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

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

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

BIOFUEL: Any fuel derived from biomass (recently living organisms or their metabolic by-products), especially crops, trees, or animal waste.

BOARD: The Lewisburg, Tennessee Board of Zoning Appeals.

BOARDING HOUSE: See *DWELLING* definitions.

BOTTLE CLUB: An establishment where no alcoholic beverages are sold, but where members, guests, or customers provide THEIR own alcoholic beverages, paying a fee or other consideration for admission, membership, or setups.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of shade trees, spaced not more than twenty (20) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet. Additionally, the shade trees at the time of planting shall be at least 1 1/4" to 1 1/2" in diameter.

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

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

BUILDING ELEVATED: A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

BUILDING INSPECTOR: The building inspector for the City of Lewisburg.

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

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

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, as shown on the current, adopted Major Thoroughfare Plan Map, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way. No structure shall be placed in front of this building setback line.

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

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line. Within this area no structure shall be placed.

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

BUSINESS AND COMMUNICATION SERVICES: The provision of services of clerical, goods, brokerage, communications of a minor processing nature, including multi-copy and blue-printing services, custom printing, but excluding the printing of books, other than pamphlets and small reports.

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

CLINIC: See *MEDICAL FACILITIES*.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district as conditional uses, only when specific provisions for such use are made in this Ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-206, Tennessee Code Annotated. See *SPECIAL EXCEPTION*.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

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

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

COUNCIL: The City Council of Lewisburg, Tennessee.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, lounge.

DAY CARE CENTER (CHILDREN): Includes day care for more than eight (8) preteenage children in any kind of building.

DAY CARE HOME (CHILDREN): Includes day care in an occupied residence of not more than eight (8) children including children living in the home.

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

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

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

- (a) Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single family.
- (b) Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families, the living quarters of each of which are completely separate.
- (c) Apartment dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by multiple families each of which has separate living quarters.
- (d) Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than

six (6) occupants and without owner provided cooking and dining facilities. (See semi-transient habitation definition).

- (e) Boarding houses means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities. (See semi-transient habitation definition).
- (f) Townhouse means a residential structure containing three or more single non-detached dwelling units separated by a common vertical wall.
- (g) Condominium means an apartment building or townhouse containing three or more dwelling units being under or intended for separate ownership, in which individual living accommodations are provided for each family.
- (h) Multi-family means a building containing two (2) or more dwelling units. The term includes apartments, townhouses condominiums and duplexes.
- (i) Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when the dwelling has the same general appearance as required for site-built homes with no horizontal exterior dimensions of less than eighteen (18) feet not including porches or carports. When such a structure meets the above stated requirements as well as having attached to the structure a green tag signifying compliance with all the requirements of the Southern Standard Building Code, it shall qualify as a single detached dwelling.
- (j) Mobile home or trailer means a vehicular, portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, to include a red HUD (Housing and Urban Development) tag attached to the rear of the chassis, built on a chassis, designed for year-round occupancy, and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.
- (k) Zero lot line dwelling means a building or structure containing at least two units (duplex), each unit being located on its own lot in separate ownership.

FAMILY: One or more persons related by blood, marriage, or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family. The term family as used herein shall be construed to include groups of eight

(8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as housekeepers or guardian residing within the house (See Chapter 24 of Title 13, T.C.A.).

FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattel for the purpose of sale unless otherwise permitted by other provisions of this regulation.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD, 100-YEAR: A flood which has, on the average, a 1 percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent-chance flood". For regulatory purposes, this area is depicted in the T.V.A. Flood Report for Lewisburg published in June 1985.

FLOODPLAIN: A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural or non-structural additions, changes, or adjustments which reduce or eliminate flood damages to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

FLOODWAY: The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters.

FLOODWAY FRINGE AREAS: Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

FLOOR AREA: The sum of the horizontal areas of several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculation of the floor area:

- (a) Open exterior balconies or other covered open spaces.
- (b) Uncovered terraces, patios, porches, atriums or steps.
- (c) Garages, carports, or other areas, enclosed or unclosed, used for the parking or circulation of motor vehicles.

- (d) Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.
- (e) Areas of common special purpose used by a substantial portion of the occupants of the premises, including laundries, recreation areas, sitting areas, libraries, storage areas, common halls, lobbies, stairways and elevator shafts, attics and areas devoted exclusively to management and/or maintenance of the premises, but not including incidental commercial activities.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

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

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

HEALTH DEPARTMENT: The Marshall County Health Department.

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

HOME OCCUPATION: See *SECTION 4.040*.

HOSPITAL: See *MEDICAL FACILITIES*.

IMMOBILE: A vehicle incapable of moving under its own power.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Any lot containing Two (2) or more immobile or unlicensed cars shall be deemed a junk yard. (See immobile).

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other 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.

LAND WITH INCIDENTAL IMPROVEMENTS: A tract of land which contains improvements including buildings or other structures having a total assessed valuation of one thousand dollars (\$1,000) or less.

LOADING SPACE: An area twelve (12) feet by sixty-five (65) feet with a fourteen (14) foot height clearance provided for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal buildings, and its accessory buildings, including the open spaces required under this ordinance.

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

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

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

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

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

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

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

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

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

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

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

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

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

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

MOBILE HOME: See classification (j) under the definition of a *DWELLING*.

MOBILE HOME PARK: Any parcel of land containing at a minimum of two (2) acres of land and at least ten (10) mobile home spaces available at the time of first occupancy. Any parcel not meeting the above standard shall not be utilized as a mobile home park.

NEW CONSTRUCTION: Means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

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

NONCOMPLYING:

- (a) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- (b) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- (c) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
 - (1) Location along district boundary; or
 - (2) Accessory off-street parking and loading;

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

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

OPEN-SIDED SHED – A structure that is constructed with at least one permanently open side for the purpose of storage or display of materials in the dry. These structures are generally constructed on poles, therefore requiring very little land disturbance, rather than on

a foundation. While these structures must meet all zoning and building permit requirements for the intended use, they can be approved at the staff level rather than by the full planning commission.

OPEN SPACE: The area of all uncovered space within the gross land area attributed to a lot, plus the area of all eligible covered open space within the lot (EDITOR'S NOTE: Covered open space is usable open space closed to the sky, but having two (2) clear unobstructed open or partially open sides. Partially open is to be construed as 50 percent open or more).

OPEN SPACE, COMMON: Open space held in private ownership, recorded in the Office of the County Register, and regularly available for use by the occupants of more than one dwelling.

OPEN SPACE RATIO (OSR): The total square feet of open space for each square foot of floor area on the lot.

OPEN SPACE, UNCOVERED: Exterior space open to the sky including usable roof area.

OVERALL DENSITY: The residential density in minimum lot size per family or stated dwelling units per acre of any total lot, or development area.

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

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than one hundred sixty-two (162) square feet (9 x 18) exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

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

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

PLANNED UNIT DEVELOPMENT: A single planned area of land which is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Planned developments consist of relatively large interrelated developments located on a single tract of land. Cluster developments and mixed use developments of certain types are planned unit developments.

PLANNING COMMISSION: The Lewisburg Municipal Planning Commission.

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

PREFABRICATED DWELLING: See classification K under the definition of a *DWELLING*.

PRINCIPAL STRUCTURE: A structure which constitutes the principal activity or use located on a lot on which it is located.

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

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

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

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

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

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

QUARRYING: The excavation or extraction from the earth on a parcel of property of rock or stone or other mineral for the sole purpose of resale.

REACH: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions.

RECYCLE CENTERS: A facility designed to be a collection point where only recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products, are sorted and/or temporarily stored (not to exceed 120 days) prior to delivery to a site where they shall be remanufactured into new products.

REQUIRED YARD: That portion of a lot that is required by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

RIGHT-OF-WAY: The minimum right-of-way of all local streets shall be fifty (50) feet which measures twenty-five (25) feet from the street centerline. On all collector streets, the minimum right-of-way shall be thirty (30) feet from the street centerline. On arterial streets the right-of-way shall extend forty (40) feet from each side of the street centerline. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Lewisburg.

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

ROOMING UNIT: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time period, but with more than thirty (30) percent of time living units under the same ownership, control, or management on the same lot being occupied on less than a monthly basis.

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

SEMI-TRANSIENT HABITATION: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time period, but with more than thirty (30) percent of the living units under the same ownership, control or management on the same lot being occupied on more than a bi-weekly basis but on less than a monthly basis. (See *TRANSIENT HABITATION* definition).

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

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

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" and "poster board" as well as any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. All signs fall under the definition of a structure as cited in this ordinance. Moreover all billboards and poster boards fall under the definition of a principal structure as cited in this ordinance.

SOLID WASTE TRANSFER STATION: A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal. Solid waste can be temporarily stored at facility seven (7) days.

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

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

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

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, solar devices, antennas, and satellite or T.V. dishes.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a principal structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair or (2) before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building

commences, that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TEMPORARY SIGN: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose of sign is intended to be displayed for a short period of time only.

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

TRANSIENT HABITATION: Separate lodging or living accommodations for rent or lease of a commercial nature. Such uses as hotels, motels, tourist homes and courts, as well as commercial camp grounds (sporting and recreational vehicle camps) falls under this classification. Multi-family dwelling complexes of all types in which more than thirty (30) percent of their units are occupied on a bi-weekly basis or less shall be considered as being transient habitation.

TRAVEL TRAILER (MOTOR HOME): A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

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

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

WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above is ten (10) acres or more in extent, provided that it shall, upon the rule or order of the planning commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

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

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

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

YARD, SIDE: The required space unoccupied measured between the side lot line and the nearest point of the principal building or structure, between the front yard and the rear yard on both sides of the principal structure.

ZERO LOT LINE DWELLING: See definition of *DWELLING* types.

ZONING MAP: A map, or series of maps and special overlays (the official copy being maintained at the Lewisburg City Hall) showing districts and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

ZONING PERMIT: A written permit issued by the Building Inspector before establishing, extending, or changing any activity or use on any lot.