

ARTICLE VIII

DEFINITIONS

SECTIONS

8-101 Usage

8-102 Words and Terms Defined

8-101 USAGE

1. For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
3. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

8-102 WORDS AND TERMS DEFINED

Abutting. Lots that are touching or sharing a common point or line but does not include lots that are across a public way from each other.

Access. The place, means, or way by which pedestrians, bicyclists, and/or vehicles have safe, adequate, and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication, or easement.

Adjacent. Lots that are touching or sharing a common point or line including lots that are across a public way from each other.

Alley. A low volume lane intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Applicant. The owner or optionee of land proposed to be subdivided or his/her authorized representative, also referred to as subdivider or subdivider agent. See "Subdivider and Subdivider Agent".

Arterial Street. See "Street, Arterial."

Block. A tract of land bounded by streets or by a combination of streets and public lands, cemeteries, railroad rights-of-way, shorelines of waterways or any other barrier to the continuity of development.

Block Face. A single boundary of a block described in the definition of a block. A block face is opposing when it is across a public street.

Bond, Performance. An agreement and security to assure construction of roads, water and sewer systems or other public facilities in a form specified by Article III, of these regulations. (See Public Improvements.)

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. The term includes any permanent structure including mobile homes.

Building Envelope. The area formed by the front, side and rear building restrictions or setback lines on a lot within which the principal buildings must be located.

Building Site. Land occupied or intended to be occupied by a building and interrelated buildings, together with all open space required to meet the provisions of any applicable zoning ordinance, which is located on a lot that has been lawfully created and meets all criteria of the local government for the intended use.

Capital Improvements Program. A schedule of all future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

City Development Plan. The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections 13-3-301, 13-3-302, and 13-4-102, Tennessee Code.

Collector Street. See "Street, Collector."

Common Open Space. Any portion of a condominium site or a subdivision held in joint ownership by property owners or a homeowners' association and intended for the use or enjoyment of the occupants. Common Open Space can include property that is left in a natural state and has primarily scenic value. Land to accommodate required subdivision infrastructure, including green infrastructure such as planting strips and street medians/islands is excluded from common open space calculations

Common Open Space – Conservation Subdivision. The portion of undeveloped land within a conservation subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside under a conservation easement that is owned by a homeowners' association and is intended for their use or enjoyment. Land to accommodate required subdivision infrastructure, including green infrastructure such as planting strips, street medians/islands, and drainage fields for individual sewage disposal systems is excluded from common open space calculations.

Complete Application. The completed form or forms and all accompanying documents, maps, exhibits and fees required of an applicant, including all information required by the Submittal Checklist available from the Enforcing Officer.

Conceptual Plan. A plan drawn to scale that shows street, lot, and open space layouts, public dedications, and reservations, if any, and proposed environmental changes to the tract. It includes topographical information, existing site conditions, analysis, and off-site conditions of a minimum of three hundred (300) feet beyond the property boundaries.

Condominium. Joint domain (joint ownership) also horizontal property regime.

Conservation Easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development. The land may contain historic structures and archaeological sites.

Conservation Land. The portion of undeveloped land within a conservation subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside under a conservation easement.

Conservation Subdivision. A residential development where land area is designated as undivided, permanent open space or farmland, thereby permanently protecting agriculturally, environmentally, culturally or historically significant areas within the tract. The subdivision is characterized by compact lots, common open space, and the preservation maintenance of natural, historical, and cultural resources. Conservation Subdivisions are an alternative approach to the conventional lot-by-lot division of land in rural areas that spreads development evenly throughout a parcel with little regard to impacts on the natural and cultural features of the area.

Construction Plan. The maps or drawings indicating the specific location and design of improvements to be installed in a subdivision or development.

Cottage Subdivision. A small lot single-family residential or attached subdivision of dwelling units arranged on at least two sides of a common open space with frontage onto a street of sufficient width to allow direct pedestrian access to the street. Vehicular access is via an abutting alley. A primary pedestrian entrance to each of the dwelling units is located on the common open space with frontage onto a street.

Conventional Subdivision. A lot-by-lot division of land that spreads development evenly throughout a parcel, minimum lot size determined by underlying zoning

Critical Lots. Lots designated as critical during the concept plan review process based on soil conditions, degree of slope, flooding, or other lot features that could affect the feasibility of construction.

Cul-de-sac Street. See "Street, Permanent Dead End".

Deed Restriction. A restriction on the use of a property set forth in the deed.

Developer. The owner of land proposed to be subdivided or his authorized representative.

Drive. A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons that is not designed nor eligible to become a public right-of-way in the future.

Easement. Authorization by a property owner creating the right for the use by another, for a specified purpose, of any designated part of his property.

Engineer. See "Registered Engineer".

Equal Degree of Encroachment. The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow. A deposit of cash with the county in lieu of posting a performance or maintenance bond.

External Subdivision Boundary. All points along the periphery of a subdivision.

Final Subdivision Plan. The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission and which, if approved, may be submitted to the Register of Deeds for recording.

Flood. A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Hazard Boundary Map. An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood Prone Area. The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one (1) percent chance of being flooded in any year).

Floodplain. A land area adjoining a river, stream, watercourse, bay, or lake which is likely to be flooded. It is composed of a floodway and floodway fringe.

Flood Profile. A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway. The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one (1) foot above natural flood levels.

Floodway Fringe. The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage. That side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage Street. See "Street, Frontage."

Grade. The slope of a road, other public facility, or terrain generally specified in percentage terms.

Governing Body. The chief legislative body of the community.

Greenway. An open space conservation area approved by the local government that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or protection of sensitive natural features, farmland, scenic views, and other unique features

Greenway Conservation Easement. A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use, protecting natural resources; or maintaining air and/or water quality.

Highway, Limited Access. A freeway or expressway providing a traffic-way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the traffic-way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.

Hollow Core Turn-Around. The turn-around area of a permanent dead-end street (also, referred to as a cul-de-sac) that includes an interior landscaped island in the center of the turn-around.

Homeowners' Association. An incorporated community association responsible for the maintenance and management of commonly owned properties or facilities.

Improvements. See "Lot Improvement" or "Public Improvement".

Individual Sewage Disposal System. A septic tank and disposal field, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system, that serves an individual lot.

Internal Subdivision Boundary. All points within a subdivision such as lot corners, street lines, etc., which do not constitute external boundaries.

Jurisdictional Area. Planning boundary(s) established in keeping with Sections 13-3-102, 13-3-201, and 13-3-301, Tennessee Code.

Lands Held in Common. Lands held in common are all lands held by a Homeowners' Association or equivalent and includes: lands designated as Common Open Space (see "Common Open Space" and "Common Open Space – Conservation Subdivision"); land used for the provision of infrastructure common to all subdivisions such as roads, sidewalks, planting strips, stormwater facilities, planted portion of hollow-core turnarounds, closes and eyebrows; and land used for drainage fields for individual sewage disposal systems.

Land Surveyor. See "Registered Land Surveyor".

Landscape Buffer. A required yard located at the perimeter of the lot containing landscaping, berms, walls, or fences that shield use of adjacent properties from those uses occurring on the subject property.

Level of Service (LOS). A standard comparing a roadways traffic load to the roadways capacity. The Level of Service range, from LOS A (free flow) to LOS F (forced flow). The factors affecting LOS are numerous but include the lane widths, number of lanes, parking, bus stops, percentage of trucks, types of traffic controls, etc., LOS is determined using the procedures described in the Highway Capacity Manual (HCM) published by the Transportation Research Board.

Local Street. See "Street, Local".

Loop Street. See "Street, Loop".

Lot. A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for creation of a building site.

Lot, Corner. A lot situated at the intersection of two streets the longest dimension of which is to be considered the side.

Lot, Double Frontage. A lot other than a corner lot that has frontage on two or more streets that do not intersect at a point abutting the property.

Lot, Flag. A lot, which has a minimum frontage on a public or private street that is reached via a private drive or lane and otherwise meets the dimension standards of the Zoning Ordinance.

Lot, Through. See "Lot, Double Frontage".

Lot Improvement. Any building, structure, work of art, or other object or improvement constituting a physical betterment of real property, or any part of such betterment.

Major Street. A street that is classified as a collector or arterial street according to these regulations or by the Major Street Plan. See "Street, Arterial," "Street, Collector," and "Major Street Plan".

Major Street Plan. The plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code, showing, among other things, "the general location, character, and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Major Subdivision. See "Subdivision, Major".

Minor Subdivision. See "Subdivision, Minor".

Off-Site (Also Off-Site Improvements). Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Open Space. Open space includes, but is not limited to, parks, plazas, courtyards, playing fields, trails, greenways, and golf courses. Open space may be public or privately held and may be used for active or passive recreation.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property, including contracts to purchase.

Parcel. A single piece of land separately owned, either publicly or privately, and may be converted into a building site.

Pedestrian Access. Pedestrian accesses are accessways that provide direct and continuous pedestrian passage through blocks. They are designed to provide continuous pedestrian routes by connecting a public street to another public street or a residential area, neighborhood activity center, an industrial or commercial center, a transit facility, a park, a school, open space, or a trail facility.

Performance Bond. See "Bond".

Permanent Dead-End Street. See "Street, Permanent Dead-End".

Planning Commission. A public planning body established pursuant to Title 13, Chapters 2 or 5, Tennessee Code, to execute a partial or full planning program within authorized area limits.

Private Street. See "Street, Private".

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local governing body may ultimately assume responsibility for maintenance and operation.

Public Way. Any publicly owned street, alley, sidewalk, or right-of-way which provides for movement of pedestrians or vehicles.

Register of Deeds. The County Register of Deeds.

Registered Engineer. An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code, to practice in Tennessee.

Registered Land Surveyor. A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Section 62-1803, Tennessee Code, to practice in Tennessee.

Registered Landscape Architect. Landscape architect certified and licensed by the State Board of Landscape Architects pursuant to Section 62-203, Tennessee Code, to practice in Tennessee.

Regulatory Flood. The one-hundred (100) year flood.

Regulatory Flood Protection Elevation. The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

Resubdivision. A change of any approved or recorded subdivision plat if such change affects any street layout on such map, or any area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by public facilities such as streets, crosswalks, railroads, electric transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer lines, or for another special use. The usage of the term "right-of-way," for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

Sanitary Sewer. A system of subterranean conduits that carries liquids or other waste matter to a plant where the sewage is treated, as contrasted with storm drainage systems (that carry surface water) and septic tanks or leech fields (that hold refuse liquid and waste matter on site).

Setback. The distance between a building wall and the nearest public way right-of-way.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

Special Flood Hazard Map. The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Start of Construction. The first use of permanent construction materials on a site, such as the pouring of slabs or footings or any work beyond the state of excavation.

Street, Arterial. Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by government within their respective jurisdictions as part of a major arterial system of streets or highways.

Street, Collector. A street whose principal functions include providing access to abutting properties and collection and distribution of traffic between local streets and the Arterial Street System.

Street, Close. A "U" shaped loop street having two open ends, each end generally connecting with the same street. Property fronts on the outside of the "U" but the interior of the "U" is a natural or landscaped open space. The close street is used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

Street, Cul-De-Sac. See “Street, Permanent Dead-End”.

Street Design (Standard Specifications and Details). The standards for engineering design and construction of roads, highways, streets, alleys, and related structures within a public street right of way or in an easement created to grant public use of a street.

Street, Eyebrow. An informal open space created along a street that preserves an existing natural feature that is in the path of the street.

Street, Frontage. A minor street giving access to lots usually running parallel to an arterial street.

Street, Local. A street whose principal function is providing access to individual properties.

Street, Loop. A local service street that originates from and returns to the same street.

Street, Minor Local. A dead-end or loop street providing service to no more than fifty (50) single-family residential lots or sixty-five (65) multi-family units.

Street Plan, Neighborhood. The pattern and hierarchy of streets that provide structure to a compact, walkable neighborhood. The organic network, curvilinear network, orthogonal grid, and diagonal network are types of neighborhood street plans that provide good connectivity, multiple routes, and efficient low-speed vehicular movement.

Street, Permanent Dead-End. A street or a portion of a street with only one vehicular-traffic outlet. Also referred to as a cul-de-sac street. (See also “Hollow Core Turn-Around”.)

Street, Private. A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. A private street is not maintained by the local government.

Street Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the road.

Street, Temporary Dead-End. A local or collector, closed-end street that is only acceptable as a temporary street condition. Temporary dead-end streets are similar to cul-de-sacs except that they provide a temporary turnaround circle at their closed end. Temporary dead-end streets are designed to provide for future connections.

Street Trees. Species and varieties of trees identified and acceptable to the local government and utility providers for installation in a planting strip or sidewalk tree well within a street right-of-way. Street trees are a street architecture element and are provided to enhance the pedestrian experience and to enclose the space of the street.

Structure. Anything constructed above or below ground.

Subdivider. Any person who having an interest in land, causes it, directly or indirectly, to be divided, also referred to as applicant. See “Applicant”.

Subdivider Agent. Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal service.

Subdivision. "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Sections 13-3-401 and 13-4-301, Tennessee Code.)

Subdivision, Major. Any subdivision in which:

- (a) A public or private street is constructed or is required to be widened and no extension of public facilities is required,
- (b) Completion of public improvements (other than individual on-lot storm water management systems) or guarantee thereof is required;
- (c) Earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot; and
- (d) The dedication of a right-of-way or easement for construction of a public water or sewer distribution lines.

Subdivision, Minor. A division of land where the conditions for major subdivision review, as set out for a "Major Subdivision" are not present.

Subdivision, Partition. A division of land, fronting on an existing standard street and no new streets are proposed, creating not more than two (2) lots and not requiring public facilities or utility extensions. Partitions that require a variance or waiver from these regulations shall be deemed to be a minor or a major subdivision.

Substandard Street. Substandard meaning of less pavement, right-of-way width, construction technique, or otherwise non-conforming with current Standard Specifications and Details as is required by these regulations for the applicable class of street.

Substantial Completion. Where the stage of constructions of public facilities has progressed to the point of rendering the facility usable for the intended purpose. Project or construction activity is complete except for cleanup, minor landscaping, etc.

Temporary Improvement. Any improvement built and maintained by a subdivider during construction not intended to be a permanent structure or facility.

Tract. A specified stretch of land to be subdivided.

Unified Plat of Subdivision. A property plat(s) approved by the Planning Commission and recorded by the Register of Deeds which either creates new lots or rerecords existing lots for the purpose of achieving a coordinated and inter-related form of development and/or manner of operation, utilizing the plat to identify and establish by appropriate notes and legal cross references those development or operational opportunities and/or limitations as authorized by the Zoning Ordinance and assigned to the subject lots by the owner(s) of the property.

Water Body. A standing pool of water such as a lake or pond either natural or manmade with or without a defined inlet or outlet.

Water Course. A natural or manmade channel for the movement of water.

Yard. The area of any lot where building is restricted by the Zoning Code, including front and side yards which shall remain unobstructed by buildings, and rear yard which shall remain unobstructed by the principal building.

Zoning Ordinance. The Zoning Ordinance adopted by the local government.