# ARTICLE VI

# DEFINITIONS

## 6-101 Usage

A. 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.

B. 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".

C. 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".

## 6-102 Words and Terms Defined

Alley -- A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant -- The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premise(s).

Architect -- An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Arterial Street or Road -- A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of three thousand (3,000).

Block -- A tract of land bounded by public ways or by a public parks, cemeteries, railroad rights-of-way, or shorelines or waterways or a combination of such.

Bond -- An instrument with a sum of money fixed as a penalty, binding the party(s) to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts. The term bond may include a variety of financial instruments including insurance bonds, letters-of-credit, escrow accounts and similar sureties. The amount and form of such surety instruments shall in all regards be sufficient to guarantee to the governing body or other agency ultimately responsible for acceptance of the facilities satisfactory construction, installation, and dedication, free and clear of any encumbrances, of the incomplete portion of required improvements. Such surety instruments shall comply with all

statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission in the resolution approving the final subdivision plat and shall be incorporated in the surety instruments and shall not exceed two (2) years from date of final approval. Such surety instruments shall be approved by the governing body or other agency ultimately responsible for acceptance of the facilities as to amount and conditions. The Planning Commission may, upon proof of difficulty, recommend to the governing body or other agency ultimately responsible for acceptance of the facilities extension of the completion date set forth in such instrument for a maximum period of one additional year. The governing body or other agency ultimately responsible for acceptance of the facilities may accept at any time during the period of such surety instruments a substitution of principal.

Building -- Any structure built for the support shelter, or enclosure of persons, animals, chattels, or movable property of any kind; the term includes a mobile home.

Capital Improvements Program -- A proposed schedule of 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 of the community are included.

Collector Street or Road -- A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s), and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Common Elements -- Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

> General Common Elements -- Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.
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> Limited Common Elements -- Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Condominium -- A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code, which provides the mechanics and facilities for formal filing and recordation of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision -- The subdivision of property through the establishment of a condominium or horizontal property regime.

Condominium Unit -- A space conveyed by separate title and located within a condominium structure.

Construction Plan -- The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission.

Contractor -- An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist -- An agent designated to administer local and/or state health regulations.

Cul-de-sac -- A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead-end, turn-around, or turn-about.

Design Specifications -- Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

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

Dwelling Unit -- A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

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

Enforcing Officer -- The planning director or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Engineer -- An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Equal Degree of Encroachment -- The delineation of floodway limits so that floodplain lands on both sides of a stream are capable to 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 fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the governing body.

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

Final Subdivision Plat -- 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 for approval and which, if approved by the commission, is recorded with the county register of deeds.

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

Flood Frequency -- The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

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 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.

Floodplain Management Program -- The overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, zoning ordinance regulations, and these subdivision regulations.

Flood Profile -- A graph showing the water surface elevation or height or 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 foot above natural flood levels.

Floodway Encroachment Limits -- The lines marking the limits of floodways on official federal, state, and local floodplain maps.

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 a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General 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.

Governmental Agency -- Any public body other than the governing body.

Governing Body -- The chief legislative body of any government.

Governmental Representative -- An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade -- The slope of a public way specified in percentage terms.

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

Horizontal Property Act -- "The Tennessee Horizontal Property Act", as codified in Title 66, Chapter 2, Tennessee Code.

Individual Sewage Disposal System -- A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary -- All points within a subdivision which do not constitute external boundaries.

Joint Ownership -- Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

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

Land Development Plan -- An element of the comprehensive plan which sets out a plan or scheme of future land usage.

Land Surveyor -- A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code, to practice in Tennessee.

Legal Counsel -- The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

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

Lot, Corner -- A lot situated at the intersection of two (2) public ways.

Lot Improvement -- Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Major Street or Road -- A public way which is classified as a collector or arterial pubic way according to these regulations or by the major street or road plan for the jurisdictional area.

Major Street or Road Plan -- The plan adopted by the Planning Commission, pursuant to Section 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 -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood prone area.

Minor Street or Road -- A public way which is not classified as an arterial or collector.

Minor Subdivision -- Any subdivision containing less than five (5) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

National Flood Insurance Program -- A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program Regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

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

One Hundred-Year Flood -- A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

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.

Performance Bond -- See "Bond".

Perimeter Street -- Any existing street to which the parcel of land to be subdivided abuts on only one side.

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.

Preliminary Plat -- The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Premise(s) -- A tract of land together with any buildings or structures which may be thereon.

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 government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

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

Reach -- A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area where flood or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings typically would constitute a reach.

Regulatory Flood -- The one hundred-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 in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

Right-of-Way -- A strip of land occupied or intended to be occupied by a public way crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, 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 shall not be included within the dimensions or areas of such lots or parcels.

Sale or Lease -- Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership -- Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

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

Sketch Plat -- A sketch preparatory to the preliminary plat (or final subdivision plat, in the case of minor subdivisions).

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

Staff Assistant to the Planning Commission -- The person(s) employed by the local governing body to assist the Planning Commission in planning and land use regulation activities.

Start of Construction -- For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Structure -- Anything constructed above or below ground.

Subdivider -- Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

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 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 in an instance where only legal counsel is provided.

Surety Instrument -- See "Bond".

Temporary Improvement -- Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Twenty-Five Year Flood -- A flood having an average frequency of occurrence of once in twenty-five (25) years.

Water Surface Elevation -- The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance -- A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code, for the purpose of regulating by district, land development or use for a designated area.