

SECTION 202**CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

(As amended by Ordinance Nos. O03-12-25, O05-04-06, O09-12-25, O12-08-17, O14-04-05, O15-03-05 AND O15-04-09)

SECTION 202.1 CONSTRUCTION OF LANGUAGE

For the purposes of this Official Zoning Code, certain terms or words shall be interpreted as follows:

The word "shall" is mandatory; the word "may" is permissive. The words "used or occupied" include the words "intended, designed, or arranged to be used or occupied."

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The word "lot" includes the words "tract", "plot" or "parcel."

The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for."

SECTION 202.2 DEFINITIONS

Except where definitions are specifically included in various chapters and sections, certain words in the text of this Official Zoning Code shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

ACCESSORY STRUCTURE OR USE. Any structure or use customarily subordinate or incidental to the principal structure or use located on the premises of such structure or use. As applied to accessory structures and uses, the words "on the premises of" mean on the same lot or on a contiguous lot in the same ownership.

ADULT BOOKSTORE or ADULT VIDEO STORE. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- A. At least 35% of the establishment's displayed merchandise consists of said items, or
- B. At least 35% of the wholesale value of the establishment's displayed merchandise consists of said items, or

- C. At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
- D. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
- E. The establishment maintains at least 35% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to browse said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or
- F. The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to browse said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or
- G. The establishment regularly offers for sale or rental at least two thousand (2,000) of said items; or
- H. The establishment regularly features said items and regularly advertises itself or holds itself out, by using "adult," "adults-only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that caters to adult sexual interests; or
- I. The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

For the purpose of this definition, "floor space" means the floor area inside an adult bookstore or adult video store that is visible or accessible to patrons for any reason, excluding restrooms. (As amended by Ordinance No. O09-12-25)

ADULT CABARET. A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic beverages are served, which regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity. (As amended by Ordinance No. O09-12-25)

ADULT DAY CARE. Any facility operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of persons over eighteen (18) years of age for less than twenty-four (24) hours per day.

ADULT MOTION PICTURE THEATER. A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration. (As amended by Ordinance No. O09-12-25)

ADDITION. An extension or increase in floor area or height of a building or structure.

AGRICULTURAL USE. A land use involving the tilling of soil, the raising of crops, horticulture, viticulture, aviculture, aquaculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and/or animal husbandry. (As amended by Ordinance No. O15-04-09)

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 purposes.

ALTERATIONS. As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or any enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMENDMENT. The rezoning or reclassification of land or a change in the text of this Zoning Code.

APARTMENT HOUSE. See DWELLING, MULTI-FAMILY.

ASSISTED LIVING/RESIDENTIAL CARE FACILITY. The use of building or structure, or portion thereof, to house persons on a 24 hour basis, who because of age, mental disability or other reasons require a supervised residential environment in which personal care and supportive services are provided. The occupants are mostly capable of responding to an emergency situation without assistance from staff. (As amended by Ordinance No. O12-08-17)

BED AND BREAKFAST. A private home, inn or other residential facility offering overnight accommodations and one (1) daily meal and having not more than five (5) guest rooms, furnished for pay, with guests staying not more than seven (7) days, and where the operator resides on the premises or property immediately adjacent to it. Such bed and breakfast shall obtain a permit from the Tennessee Department of Environment and Conservation as prescribed by law.

BOARDER. An individual other than a member of the family occupying the dwelling unit or part thereof whom, for a fee, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BOARDING/LODGING OR ROOMING HOUSE. A dwelling in which the resident operator supplies for a fee sleeping accommodation with or without meals for at least two (2) persons and not more than eight (8) persons exclusive of the resident operator and members of the resident operator's family.

BREWERY, DISTILLERY, OR WINERY. A facility in which beer, wine or other alcoholic beverages are produced and bottled for wholesale distribution. (As amended by Ordinance No. O14-04-05)

DEFINITIONS

BREW PUB. A restaurant that prepares handcrafted beer, and/or other malt beverages, as an accessory use intended for consumption on the premises or sold for consumption off premises in hand-capped or sealed containers in quantities up to one-half barrel (15.5 gallons), up to a maximum total of 5,000 barrels (31 gallons per barrel) per year. No more than 25 percent of the total floor area shall be utilized for brewing, including bottling and kegging. (As amended by Ordinance No. O14-04-05)

BUFFER YARD. A landscaped area intended to separate and obstruct the view of two (2) or more adjacent land uses or properties from one another.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure.

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

BUILDING OFFICIAL. The officer or employee of the City of Cookeville charged with responsibility of enforcing the provisions of this Zoning Code.

BUILDING PERMIT. A written permit issued by the Cookeville Codes Department authorizing construction, renovations, or repairs to a structure.

CHARACTERIZED BY. Describing the essential character or quality of an item. As applied in this Chapter, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America. (As amended by Ordinance No. O09-12-25)

CHILD CARE AND/OR DAY CARE. For the purposes of this Zoning Code there are two (2) types of child care or day care operations which are further defined as follows:

- A. **HOME DAY CARE.** A home operated by a resident of the home who receives pay for the care of a maximum of four (4) children under the age of seventeen (17) years of age, who are not permanent residents of the home, for less than twenty-four (24) hours per day, without transfer of custody.
- B. **CHILD CARE CENTER.** Any facility operated by a person, society, corporation, institution, or other group that receives pay for the care of five (5) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody.

CITY COUNCIL. The City Council of the City of Cookeville, Tennessee.

CLUB, MEMBERSHIP. An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club.

CLUSTER HOUSE. A single-family dwelling, detached or semi-detached, built on a small lot and enclosed by walls or other screening to provide privacy.

COMMUNICATION TOWER. Commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and structures.

COLUMBARIUM. A place for the public storage of cinerary urns. Columbaria can be either freestanding units, part of a mausoleum or another structure. (As amended by Ordinance No. O15-03-05)

CONVENIENCE STORE. An establishment serving a limited market area and engaged in the retail sale of food, beverages, gasoline and other limited merchandise for household or automotive use.

CUL-DE-SAC. A street of which one end is closed and consists of a circular turn around.

DENSITY BONUS. The allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned. (As amended by Ordinance No. O03-12-25)

DWELLING UNIT. One or more rooms designed, occupied or intended for occupancy as separate living quarters for one (1) family providing complete, independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation. There are various types of dwelling units which includes the following:

DWELLING, SINGLE-FAMILY DETACHED. A detached building designed for or occupied exclusively by one (1) family. See Illustration 1, “Types of Dwellings – Single-Family Detached and Attached” in Section 235 of this Zoning Code.

DWELLING, SINGLE-FAMILY ATTACHED. A building divided vertically by a common wall extending from the foundation to the roof into three (3) or more attached dwelling units, each having a separate entrance at grade. This building is also referred to as a townhouse. See Illustration 1, “Types of Dwellings – Single-Family Detached and Attached” in Section 235 of this Zoning Code.

DWELLING, TWO-FAMILY. A building located on one (1) lot designed for or occupied exclusively by two (2) families living independently of each other. This building is also referred to as a duplex. See Illustration 2, “Types of Dwellings – Two and Multi-Family” in Section 235 of this Zoning Code.

DWELLING, MULTI-FAMILY. A building used or designed as residence for three (3) or more families living independently of each other, including apartment houses. See Illustration 2, “Types of Dwellings – Two and Multi-Family” in Section 235 of this Zoning Code.

DWELLING, CONDOMINIUM. Individual ownership of a unit in a multi-unit structure.

DWELLING, ZERO LOT-LINE DETACHED. A single-family, detached dwelling unit, which instead of being centered on the lot, is placed against one of the side lot lines. See Illustration 3, “Types of Dwellings - Zero Lot Line Detached and Attached” in Section 235 of this Zoning Code.

DWELLING, ZERO LOT-LINE ATTACHED. Two (2) single-family dwelling units located on separate lots, which are attached at a shared side lot line. See Illustration 3, “Types of Dwellings - Zero Lot Line Detached and Attached” in Section 235 of this Zoning Code.

DWELLING, EFFICIENCY APARTMENT. A dwelling unit consisting of one (1) room with a combination of living, bedroom and cooking area, with separate sanitary facilities.

ELDERLY GROUP HOME/RESIDENTIAL HOME FOR THE AGED. A residential/service facility designed to meet the housing needs of those over 55 years of age. Such facility may consist of one or more buildings and shall include independent living facilities that contain cooking, sleeping, and bathroom facilities. Each living unit is to be occupied by an individual or married couple. Group food service facilities are to be provided. Group living and recreation facilities may be included.

EXISTING BUILDING/STRUCTURE. A building or structure erected prior to the adoption of this Zoning Code, or one for which a legal building permit has been issued.

FAMILY. **In zoning districts permitting only single-family residential dwelling units** a family is defined as one (1) or more persons mutually related by blood, marriage, legal adoption, or legal guardianship occupying a single-dwelling unit and living as a single housekeeping unit, together with incidental domestic servants, temporary non-paying guests and with no more than one (1) additional person who is mutually unrelated by blood, marriage, legal adoption, or legal guardianship. **In zoning districts permitting two-family and/or multi-family residential dwelling units** a family is defined as one (1) or more persons mutually related by blood, marriage, legal adoption, or legal guardianship occupying a single-dwelling unit and living as a single housekeeping unit, together with incidental domestic servants, temporary non-paying guests and with no more than three (3) additional persons who are mutually unrelated by blood, marriage, legal adoption, or legal guardianship. A family is further distinguished as not consisting of a group occupying a boarding house, rooming house, lodging house, club, fraternity, sorority, or hotel.

FLOOD/FLOODING. All flood-related terms are as defined in Section 230 of this Zoning Code.

FLOOR AREA, GROSS. The area within the inside perimeter of the exterior walls of a building or structure, exclusive of any areas open and unobstructed to the sky.

FRATERNITY OR SORORITY HOUSE. A building housing the members of an organized college fraternity or sorority group living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.

GRADE, FINISHED. The final elevation of the ground surface after development measured on any side of a building or structure.

DEFINITIONS

GROUP HOME. A residence operated by a public or private agency that may provide a program of services, in addition to room and board, which has continuous supervision. Includes halfway houses, shelters and similar uses.

HEIGHT. The vertical distance between the finished grade and the highest point of the building or structure exclusive of any accessory roof construction such as a chimney, steeple or antenna.

HOME OCCUPATION. An occupation or a profession having traditional acceptance as being one customarily carried on in the home, provided that such occupation be clearly incidental and secondary to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPICE RESIDENCE HOME. A home licensed by the State of Tennessee and operated by a certified hospice agency, which is residential in character and residential in physical structure, and is operated for the purpose of providing hospice care to no more than eight (8) hospice patients. Such facilities caring for more than eight (8) patients shall be defined as a NURSING HOME. (As amended by Ordinance No. O12-08-17)

HOTEL/MOTEL. Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

JUNK/SALVAGE YARD. An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes: scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, auto-recycling yards, used auto parts yards, and temporary storage of automobile bodies or parts awaiting disposal is a normal part of a business operation when the business will continually have like materials located on the premises. The definition does not include temporary operations and outdoor storage of limited duration as determined by the Building Official. A junk yard is further defined as any lot, place, yard, or area, whether zoned or used for residential or business purposes, where tangible personal property, such as refrigerators, stoves, appliances, furniture, building materials, tires or automobiles, or parts of such items of property are kept in open storage in a state of disrepair or neglect.

KITCHEN. A place where food is prepared consisting of a minimum of a cooking stove, refrigerator, and sink.

LANDSCAPING. Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading spaces are not to be included as off-street parking space in computation of required off-street parking space.

LOT. A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Zoning Code. Types of lots are depicted in Illustration 4 in Section 235 of this Zoning Code and include the following:

LOT, CORNER. A lot abutting on and at the intersection of two (2) or more streets.

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

LOT, DOUBLE FRONTAGE. A lot which runs through a block from street to street or which has two (2) non-intersecting sides abutting two (2) or more streets. Also identified as a “through lot”.

LOT AREA. The total area of a lot lying within the lot lines, not including any portion of a street or right-of-way.

LOT FRONTAGE. 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 construed as frontage.

LOT OF RECORD. A lot which is shown as a part of a subdivision plat of record in the register's Office of Putnam County, Tennessee or otherwise legally established as of the effective date of this Zoning Code.

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

MANUFACTURED RESIDENTIAL DWELLING UNIT. A manufactured housing unit on a permanent foundation which has a minimum body width of twenty-two (22) feet and has the same general appearance as required for site-built homes, including a pitched roof, and siding and roofing materials which are customarily used on site-built homes.

MICRO-BREWERY. A facility for the production and packaging of beer, and/or other malt beverages, for distribution, retail or wholesale, on or off premises, with a maximum capacity of not more than 15,000 barrels (31 gallons per barrel) per year. A micro-brewery may include, as an accessory use, a restaurant or tasting room not to exceed 25 percent of the total floor area. (As amended by Ordinance No. O14-04-05)

MICRO-DISTILLERY/WINERY. A facility for the production and packaging of wines and liquors for distribution, retail or wholesale, on or off premises, with a maximum capacity of not more than 5,000 gallons per year. A micro-distillery may include, as an accessory use, a restaurant or tasting room not to exceed 25 percent of the total floor area. (As amended by Ordinance No. O14-04-05)

MOBILE HOME. A transportable, manufactured housing unit mounted on a single chassis suitable for year-round occupancy and containing water supply, waste disposal, and electrical conveniences.

MOBILE HOME PARK. A contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.

NATURAL STORM WATER DRAINAGE SYSTEM. The system of drainage ditches, channels, streams, creeks or rivers or any other means by which water is channeled to the low point in a drainage basin. Included in this definition are both naturally occurring and manmade drainage facilities. Also included in this definition are sinks, sinkholes, sinkhole retention areas, and floodways as defined under the rules and regulations of the National Flood Insurance Program.

NONCONFORMING USE. A building, structure, or use of land existing at the time of enactment of this Zoning Code, or at the time of its annexation into the Corporate Limits of the City of Cookeville, and which does not conform to the regulations of the district or zone in which it is situated.

NUDITY. The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola. (As amended by Ordinance No. O09-12-25)

NURSING HOME. An extended-or intermediate-care facility licensed to provide twenty-four (24) hour housing, medical and full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. This definition shall include rest home, skilled nursing facility, long-term care facility, convalescent facility, and hospice center. (As amended by Ordinance No. O12-08-17)

OUTDOOR DISPLAY AND SALES AREA. An area outside of a structure set aside for exhibiting in an orderly manner completely assembled or finished products sold by a business located on the same lot.

OUTDOOR STORAGE. The keeping of any goods, junk, material or merchandise outside a fully enclosed building or structure for more than twenty-four (24) hours. (As amended by Ordinance No. O14-04-05)

OVERLAY ZONE. A set of zoning requirements that is mapped and imposed in addition to those of the underlying district. Developments within the overlay zone shall conform to the requirements of both the district and the overlay zone or the more restrictive of the two. Examples of overlay zones include historic, floodplain and sinkhole districts.

OWNER. The property owner of record according to the Tax Assessor's Office of Putnam County.

PARKING SPACE. An off-street space available for the parking of one (1) motor vehicle and having an area of not less than 171 square feet (nine (9) feet by nineteen (19) feet) exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley. Except on lots occupied by single family and two family dwellings, parking spaces shall be arranged so that no vehicle is required to back onto a public street or alley.

DEFINITIONS

PETROLEUM DISTRIBUTOR. A facility where flammable or combustible liquids are received by tank vessel, pipeline, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vessel or container. (As amended by Ordinance No. 005-04-06)

PLANNING COMMISSION. The Cookeville Municipal Planning Commission.

PRINCIPAL STRUCTURE. The structure in which the principal use of the lot is conducted.

PRINCIPAL USE. The predominate use of the lot on which a use occurs.

PROPANE BULK SALES. A facility where propane gas is received by cargo truck, tank vehicle, railroad tank car, or pipeline, and stored in bulk, and then distributed by portable container, cargo tank vehicle, tank car or pipeline. (As amended by Ordinance No. 005-04-06)

PROPERTY LINE/LOT LINE. The legally defined boundaries for any lot.

PUBLIC STREET. Any street, alley, or way specifically identified on the City of Cookeville Official Street Map as adopted by Ordinance Number O99-12-24 or any subsequent amendments thereto.

RECYCLING CENTERS. An indoor facility for the collection of domestic or household paper, glass, plastic, metal or other materials for the purpose of temporarily storing recyclable materials as defined in this Zoning Code. Any by-products resulting directly from a manufacturing or assembly process are outside the scope of this definition. (As amended by Ordinance No. O14-04-05)

REGULARLY. The consistent and repeated doing of an act on an ongoing basis. (As amended by Ordinance No. O09-12-25)

RIGHT-OF-WAY. An area of land that is legally dedicated to the public for use as a public street. The street pavement, curbs, shoulders, and sidewalks are located within the right-of-way and generally do not represent the boundary of the street right-of-way.

SCREENING (SEE ALSO BUFFER YARD). The method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, trees, or other landscaping, berms or other features.

SEMI-NUDE or SEMI-NUDITY. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part. (As amended by Ordinance No. O09-12-25)

SEMI-NUDE MODEL STUDIO. A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

- A. By a college, junior college, or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- C. In a structure:
 - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - (2) Where, in order to participate in a class a student must enroll at least three days in advance of the class. (As amended by Ordinance No. O09-12-25)

SERVICE STATION. An establishment primarily engaged in the retail sale of gasoline or other motor fuels, that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, and the minor adjustment or repair of motor vehicles. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of vehicles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics beyond an extent normally found in service stations.

SETBACK. The horizontal distance measured at right angles to the property line of the lot from the closest leading edge of a structure on the lot.

SEXUAL DEVICE. Any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy. (As amended by Ordinance No. O09-12-25)

SEXUAL DEVICE SHOP. A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services, or any establishment that does not limit access to its premises or a portion of its premises to adults only. (As amended by Ordinance No. O09-12-25)

SEXUALLY ORIENTED BUSINESS. An “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theater,” a “semi-nude model studio,” or a “sexual device shop.” (As amended by Ordinance No. O09-12-25)

SHADE TREE. A tree whose mature height is expected to exceed thirty (30) feet with an expected crown spread of thirty (30) feet or more, with a trunk that can be maintained in a clear condition (no branches) at least five (5) feet above ground level, and is considered a shade tree in accordance with the American Standards of Nursery Stock, set forth by the American Association of Nurserymen.

SIGN. All sign related terms are as defined in Section 207 of this Zoning Code.

SPECIAL EXCEPTION. 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 neighborhood may be appropriate for the district. Special exceptions relate only to those use listed as “Uses Permitted on Appeal” within the district regulations.

SPECIFIED ANATOMICAL AREAS. This term means and includes:

- A. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (As amended by Ordinance No. O09-12-25)

SPECIFIED SEXUAL ACTIVITY. Any of the following:

- A. Intercourse, oral copulation, masturbation or sodomy; or
- B. Excretory functions as a part of or in connection with any of the activities described in (A) above. (As amended by Ordinance No. O09-12-25)

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. For the purposes of this Zoning Code a basement shall not be considered as a story when at least two (2) sides are partially below ground level.

STREET CLASSIFICATION. For the purposes of this Zoning Code the classification of public streets shall be as identified in the Cookeville 2030 Plan.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground and includes among other things: buildings, basements, gas or liquid storage tanks, signs, signs, sheds, stadiums, towers, walls or other manmade facilities or infrastructures.

TOURIST HOME. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

USE. The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” shall not be deemed to include any nonconforming use.

VARIANCE. A variance is a relaxation of the terms of this Zoning Code where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship. As used in this Zoning Code, a variance is authorized only for area and size of structures or size of yards and open space. The expansion of a use otherwise prohibited in this Zoning Code shall not be allowed by variance and a variance shall not be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

WAREHOUSING. The storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers.

WAY. A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

YARD. A required open space, unoccupied and unobstructed by any structure or portion of a structure from (thirty) 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. Types of yards are depicted in Illustration 5 in Section 235 of this Zoning Code and include the following:

YARD, FRONT. The yard, as defined above, that is situated between the front line of the building and the front line of the lot (street right-of-way line) and extending the full width of the lot.

YARD, REAR. The yard, as defined above, that is situated between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE. The yard, as defined above, that is situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.