

ARTICLE 2

DEFINITIONS

SECTION

2.010. Scope

2.020. Definitions of General Terms

2.010. Scope. For the purpose of this Resolution 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 defined hereinafter. Words used in the present tense shall include the future tense; words in the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to and land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

2.020. Definitions of General Terms. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Resolution. Terms not herein defined shall have the meaning customarily assigned to them 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, located on the same lot as the main building, which is not used as living quarters and is incidental in use to the main building.

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

ADULT BOOKSTORE: A business which offers as its principal or predominant stock or trade sexually oriented material, devices or paraphernalia, whether determined by the total number of sexually oriented materials, devices or paraphernalia offered for sale, or by the retail value of such materials, devices or paraphernalia, or by the wholesale value of such materials, devices or paraphernalia, or that the majority of the businesses' interior floor space is dedicated to the display or sale of such materials, devices of paraphernalia, specified sexual activities or any combination or form thereof, whether printed, filmed, recorded, or live, which restricts or purports to restrict admission to adults, or to any class of adults, and such definition shall specifically include items sexually oriented in nature regardless of how labeled or sold, such as adult novelties, risqué gifts or marital aids. (Amended 8/1/05)

ADULT MOTION PICTURE THEATER: Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for the observation by patrons therein.

ADVERTISING: Includes any writing, printing, painting, display graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, sign boards, billboards, wall board, 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 resolution.

ADVERTISING SIGN OR STRUCTURE: See sign.

AGRICULTURE 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 Loudon County 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, fish or minnow hatcheries, riding stables, livery or boarding stables 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 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 YARD: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicle of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, or found.

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.

BOARD: The Loudon County Board of Zoning Appeals.

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

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

BUILDING COMMISSIONER: The zoning and codes officer or his authorized representative appointed by the Loudon County Quarterly Court.

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 of 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 of an official 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.

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.

CABARET: Any restaurant, bar, dance hall, nightclub or other such public place which features exotic dancers, strippers, male or female impersonators or similar entertainers.

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

CLINIC: See medical facility.

COMMERCIAL FEED LOT: Any parcel of land on which two hundred fifty (250) or more cattle, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

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

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.

COUNTY COURT: The Loudon County Quarterly Court.

DAY NURSERY: Any place, home, or institution, which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

DISTRICT: Any section or sections of the area lying within Loudon County but outside the corporate limits of any municipality, for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are in force.

DOG BOARDING FACILITY: Any building(s), structure(s), or location(s) where five (5) or more dogs more than four (4) months of age are boarded, bred, groomed, trained, or sold for commercial purposes.

DOG KENNEL: Any building(s), structure(s), or location(s) where five (5) or more dogs more than four (4) months of age, are housed, bred, groomed, trained or sold for commercial purposes. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses or other agricultural livestock are housed or located shall not be included in the definition of a kennel. (*Added by Loudon County Commission June, 2009*)

DWELLING: A building or portion thereof, used for residential purposes.

- A. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

- B. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, 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 three (3) or more households 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 having common cooking and dining facilities.
- E. Boarding house 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.
- F. Town house 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 for each household living accommodations.
- H. Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed 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 resolution when they have a minimum gross floor area of 600 square feet and having no horizontal exterior dimensions of less than 15 feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.
- I. Mobile home or trailer means a vehicular, portable structure build 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.

FAMILY: One or more persons related by blood, marriage, or adoption or a group of not to exceed five (5) persons 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 board or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family.

FLOOD: An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity. For the purpose of this resolution, land subject to flood shall be:

- A. Along Sweetwater, Steekee, Muddy, Little Tennessee River, Baker Creek, Clinch River, Bacon Creek, Towne Creeks, and the Tennessee River, any land which is below the elevation of the 100-year Flood as defined in the plates which have been made a part of this resolution.
- B. Along other streams and those portions of Steekee, Muddy, Sweetwater, and Towne Creeks, which are not shown on the above mentioned plates, any land which is below the elevation reached by an overflow rising five feet above median streamflow elevation, unless it can be shown in a study by a registered engineer that a lower elevation would be a reasonable elevation for carrying out the intent of this resolution.

FLOOD, 100-YEAR: A flood having an average frequency of occurrence of one in 100 years, although the flood may occur in any year, as defined in TVA flood studies.

FLOOD, REGIONAL: A hypothetical flood whose level has been derived from consideration of the largest floods known to have occurred on streams of similar physical characteristics in the same general geographical region.

FLOODWAY: The natural channel and the portion of the floodplain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream, which in this resolution shall be:

- A. Along Sweetwater, Steekee, Muddy, and Towne Creeks, and the Tennessee River, the floodways shown on the plates which have been made a part of this resolution.
- B. Along other streams and along those portions of Steekee, Muddy, Sweetwater, and Towne Creeks which are not shown on the above mentioned plates, an area extending to each side of the stream equal to five (5) times the width of the stream at top of banks unless it can be shown in a study by a registered engineer that a smaller area would be a reasonable requirement.

FLOODWAY FRINGE AREA: Areas lying outside the Floodway District but within the area which would be flooded by the 100-year flood.

FLOOR AREA: The sum of gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

FORESTRY USE: Those land uses devoted to the extraction of forestry products, such as timber or timber products, but excluding any activity involving the rearing, trapping, or slaughter of animals.

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.

GARBAGE: Means food waste, animal waste (except for agricultural related operations), dead or decomposing animal matter, and dead or decomposing vegetable matter, and any dead or decomposing matter whether or not it originally constituted human or animal food.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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 Loudon 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.

JUNK: Rubbish and wasted or discarded items, including metal, wood, paper, glass and other objects and including junk motor vehicles. The term shall not include items held for sale in a business establishment which holds a valid Tennessee business license.

JUNK MOTOR VEHICLE: Any automobile, motor vehicle, or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building. The term shall not include items on the premises or establishments constituting automobile graveyards within the meaning of Tennessee Code Annotated, Section 54-20-201, et seq., or establishments having facilities for processing scrap metal.

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.

LIGHT INDUSTRY: Is defined, for the purpose of this resolution, 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 motor vehicle traffic.

LITTER: Particles or items of trash, rubbish, wastepaper, or garbage lying or scattered about.

LIVERY OR BOARDING STABLE: Any parcel of land which is utilized to board ten or more horses which are owned by persons not residing on the premises.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms.

LIVESTOCK FEEDING YARDS: An enclosure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

LOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing 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 principal building and its accessory buildings including the open spaces required under this ordinance.

LOT, AREA: The total 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 resolution.

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.

MASSAGE: Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, body paint or other such embrocation to any person.

MASSAGE PARLOR: Any premise, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage service or procedure. This definition shall not apply nor be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, osteopath or licensed message therapist, licensed through the State of Tennessee Division of Health Related Board. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist.

MEDICAL FACILITIES:

- A. Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- B. 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.
- C. Hospital: An institution providing health services primarily for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out patient facilities, emergency medical services and staff offices which are an integral part of the facility.
- D. 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 PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

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

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.

OBSCENE: The basic guidelines for the trier of fact must be: (a) whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this resolution.

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 two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PATENTLY OFFENSIVE: That which goes substantially beyond customary limits of candor in describing or representing such matters.

PLANNING COMMISSION: The Loudon County Regional Planning Commission.

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

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 the collection and treatment and/or disposal of wastewater, as approved by the local health office.

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

PRURIENT INTEREST: A shameful or morbid interest in sex.

PUD (PLANNED UNIT DEVELOPMENT): A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) 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.

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 or utility district sewerage treatment and disposal system approved by the State Department of Public Health and the Public Service Commission.

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

REFUSE: means all items constituting garbage, litter, and rubbish.

RIDING STABLE: Any parcel of land which is available for individuals to ride or train horses and on which ten (10) or more horses are boarded for these purposes.

ROADSIDE STAND: A structure used or intended to be used solely by the owner or tenants for the sale of only seasonal farm products of the farm on which it is located.

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.

RUBBISH: Means useless, rejected, or abandoned waste, waste matter, trash, junk, debris, and fragments of buildings, masonry or wood and building materials of structures which are determined to be unsafe as a result of their dilapidated condition.

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 Public Health.

SEXUALLY ORIENTED ADULT BUSINESSES: Non-obscene retail uses devoted to the sale, distribution, viewing or provision of services that involve the performance of or depiction of "specified sexual activities" or "specified anatomical areas", hereinbelow defined. Sexually oriented adult businesses include, but are not limited to, adult bookstores, adult nightclubs/bars, adult motion picture theaters, cabarets, massage parlors, adult theaters, and all other businesses which regularly feature materials, acts or displays involving sexual excitement or enticements.

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.

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" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

SIGN, OFF-PREMISE: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

SIGN, ON-PREMISE: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

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

SPECIFIED ANATOMICAL SEXUAL AREAS:

1. 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
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

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 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, and fences.

STRUCTURE PROFILE: Profile equivalent to one that would be reached if the maximum known flood in this general region were to occur on the drainage areas downstream from the major flood storage reservoirs, increased approximately 15 percent for a safety factor, and further increased by an appropriate minimum discharge from the storage reservoirs. the elevation of the structure profile shall be determined by the charts, "High Water Profiles, Tennessee River, Vicinity of Lenoir City," (TVA, April, 1964); "High Water 1963"; "High Water Profiles, Sweetwater Creek, Vicinity of Loudon and Philadelphia, Tennessee," (TVA, January, 1963); and "High Water Profiles, Towne and Muddy Creeks, Vicinity of Lenoir City, Tennessee," (TVA, April, 1964), and flood profiles for the Little Tennessee River, Baker Creek, Clinch River and Bacon Creek as shown in the Flood Insurance Study dated June, 1986, which charts are made a part of this resolution.

SUBDIVISION: The division of a tract, or parcel of land into two or more lots, plots, sites or other division of land for the purpose or sale, or building development, whether immediate or future. It includes re-subdivision and, when appropriate to the context, relates to the process of subdivision of the land or territory subdivided, provided, however, that subdivision does not include a division of any tract or parcel when such as created are five (5) acres or larger in size.

SWIMMING POOLS: An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth of any point greater than one and one-half (1 1/2) feet.

TENANT HOUSE: A residential structure and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than two families who work on the operating farm on which the structure is located.

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

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

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

UNSAFE BUILDING: Any building or structure that has any one of the following conditions, to the extent that the life, health, property or safety of the general public is endangered:

1. Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the working stresses which are generally acceptable in the course of building construction.
2. Whenever a building, structure, or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than the minimum required by acceptable engineering practices.
3. Whenever any building, structure or portion thereof as a result of decay, deterioration, or dilapidation, as a result of fire, flood, wind, earthquake or other exterior force, is likely to fully or partially collapse.

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.

VACANT DILAPIDATED BUILDING: Any unoccupied building or structure which is in a state of disrepair to the extent that it is unsafe.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this resolution, 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, 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, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.