

ARTICLE II TERMS AND DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of these Regulations. The words, which are defined, are those having special or limited meanings in these Regulations. Words with self-evident meanings are not defined here. Words used in the present tense include the future; words used in the singular include the plural and the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the word "should" is preferred; the word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel"; the word "person" includes a firm or corporation as well as an individual; and the word "submission" indicates a complete filing as called for by the Ordinance. These definitions shall be first used in the interpretation of any words or phrases used in these Regulations. Any words or phrases not defined in these regulations shall be given the definition provided in KRS Chapter 100 or KRS Chapter 219. Words neither defined in these Regulations nor in KRS 100 and KRS 219 shall be given their ordinary meaning and usage.

1. Accessory Use or Structure

Any use or structure subordinate to the principal use or structure located on the same lot serving a purpose customarily incidental to the use of the principal structure or the land use.

2. Administrative Official/Enforcement Officer

The Administrative Official is that individual who shall be appointed by the Triple S Planning Commission to administer these Regulations.

3. Agricultural Use

"Agricultural Use" means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwelling for persons and their families who are engaged in the above agricultural use of the tract, but not including residential building development for sale or lease to the public. Agricultural Purpose means the same as Agricultural use.

4. Agriculture Structure

Any structure or building accessory to the principal agricultural use of the land. Farm dwellings, however, are principal buildings.

5. Agricultural Community Farm

A farm of 25 acres or more, on which the owner resides and personally operates/manages the activities. A conditional use shall be given only if traffic, noise, light pollution and waste management plans are provided and approved. Also, the uses shall compliment and enhance the agricultural nature and use of the surrounding community. No conditional use shall be granted if it will require major improvements of infrastructure or public services. Conditions shall be clear in defining the scope and limitation of these activities.

6. Alley

A minor way primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

7. Alteration

Any change or addition to the supporting members or foundation of a building or other structure.

8. Apartment

A room or suite of rooms in a multi-family building, consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities.

9. Approving Authority

The Triple S Planning Commission and/or the zoning administrator or enforcement officer, unless a different agency is specifically designated by ordinance.

10. Automotive Repair, Major

Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning.

11. Automotive Repair, Minor

Incidental minor repairs, upholstery, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1-1/2) tons capacity, but not including any operation named under "Automotive Repair, Major," or any other similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than 48 hours.

12. Automotive Wrecking

The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

13. Basement

A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

14. Bed and Breakfast

Bed and breakfast establishments, which shall be limited to four rooms to let, the owner or manager shall live on the premises, only a small, unlighted sign consistent with maintaining the residential character of the neighborhood. One (1) off-street parking space for each room to be rented shall be provided, and breakfast only shall be served and only to guests.

15. Billboard

A sign, or structure, which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises upon which the sign is located.

16. Board

The Board of Zoning Adjustment for Shelby County, Kentucky.

17. Boarding or Lodging House

A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four (4) or more persons (not transients) for compensation by previous arrangement.

18. Building

Any structure constructed or having enclosed space and a roof, or used for resident, business, industry, or the public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationery or movable.

a) Principal Building: a building, including porches in which it is understood as the principal use of the lot on which it is situated. In any residence zone any dwelling unit shall be deemed to be the principal building on the lot which the same is situated.

b) Accessory Building: a subordinate building, the use of which is incidental to that of a principal building on the same lot.

19. Building, Height of

The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Excludes structures for agricultural use.

20. Building Line

The line beyond which no building or part thereof shall project, except as otherwise provided by these regulations.

21. Buildable Lot Area

The part of a lot not included within the open areas required by these Regulations.

22. Clinic

A place used for the diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.

23. Commercial Floor Area

Building floor area devoted to the storage and display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.

24. Common Open Space

An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

25. Commission, Planning

The Triple S Planning Commission of Shelbyville, Simpsonville, and Shelby County, Kentucky.

26. Comprehensive Plan

A plan prepared to serve as a guide for public and private actions and decisions

to assure the development of public and private property in the most appropriate manner within the planning area.

27. Conditional Use

A use which is essential to or would promote the public health, safety and/or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent and character of performance are imposed in addition to those set forth by the zoning regulations.

28. Conditional Use Permit

Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Zoning Adjustment, consisting of two parts:

- a) A statement of the factual determination of the Board of Zoning Adjustment, which justifies the issuance of the permit; and
- b) A statement of the specific conditions which must be met in order for the use to be permitted.

29. Consolidation

The joining together by the recording of a new deed, of two or more contiguous lots and/or tracts to form one (1) lot and/or tract.

30. Convalescent or Nursing Home

An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. Hospital or sanatorium shall not be construed to be included in this definition.

31. Court

An open, unoccupied and unobstructed space other than a yard, on the same lot with a building or a group of buildings.

32. Consumer Services

Sale of any service to individual customers for their own personal benefit,

enjoyment, or convenience, and for fulfillment of their own personal needs.

33. City Council

Legislative body for Shelbyville, Kentucky; includes the term "City Commission" for Simpsonville, Kentucky.

34. Coverage

The percentage of the lot area covered by the building including all overhanging roofs.

35. Cutoff

The point at which all rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

36. Development Plan

A presentation in the form of sketches, maps, and drawings of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see site plan).

37. Developer

The legal owner or owners of all land proposed to be included in a development.

38. District

An area or zone of the planning unit for which regulations governing the use of premises and structures or the height and area of buildings are uniform (as per KRS 100.111 (15)).

39. Driveway, For One-and Two-Family Dwellings

A private paved vehicular access extending on the shortest reasonable path through the front yard or side street side-yard to the required off-street parking area. All other areas paved for vehicular use within any front or side street side yard shall be considered additional parking and be subject to the area limitation requirements of these Zoning Regulations.

40. Dwelling

A building or portion thereof providing shelter, sanitation, and the amenities for permanent habitation and designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, boarding

or rooming house, motel, mobile home or recreational vehicle.

- a) Dwelling Unit: One or more rooms designed for or used by one (1) family for living or sleeping purposes and having one (1) kitchen or kitchenette.
- b) Dwelling, Single-Family: A building occupied exclusively for residential purposes by one (1) family.
- c) Dwelling, Two-Family: A building designed to be occupied by two families living independently of each other, commonly known as a duplex.
- d) Dwelling, Multi-Family: A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.
- e) Dwelling Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

41. Easement

A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

42. Entertainment, Live

Any performance at a restaurant, lounge, or club by any person, including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event. Live entertainment includes, but is not limited to, singing, dancing, musical performance, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

43. Family

A person living alone or two or more persons related by blood, marriage, or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit and using common cooking facilities, for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, philanthropic institution, group home, and other like groups.

44. Filing

Filing with the County Court Clerk of Shelby County unless a different county official is designated by ordinance.

45. Final Approval

The official action of the planning commission taken on a final plan after all

conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion.

46. Floor Area, Total

The area of all floors of a building measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings including finished attics, finished basements and covered porches.

47. Garage, Private

A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

48. Garage, Public

A building or structure used for the parking of vehicles on an intended profit basis.

49. Glare

Light emitting from a luminaire with intensity great enough to reduce a viewers' ability to see and, in extreme cases, causing momentary blindness.

50. Group Home

A residential care facility, operated by a sponsoring private or governmental agency to provide services in a homelike setting for handicapped persons. "Services" means, but is not limited to, supervision, shelter, protection, rehabilitation, personal development, and attendant care.

51. Height of Structure

See "Building, Height of" page 7, Definition number 18.

52. Home Occupation

An occupation or profession as specified in the residential district and described in 50 (a.) carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes and meeting the following requirements: the use is conducted entirely within the dwelling and not in any accessory building; the use is carried on only by residents of the dwelling, with no more than one non-resident employee or agent; there is no display of merchandise and no external alteration of the dwelling

except one(1) non-illuminated sign two (2) square feet in area attached to the main building; and the use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise.

- a) Home Occupations: professional offices, studios, personal services, and the renting of sleeping rooms maintained or conducted within a dwelling. Such activities are incidental to the principal residential use and involve the employment of no more than one person who does not reside on the premises. Such activities occupy no more than twenty-five (25%) percent of the total floor area of the dwelling. The selling of any merchandise is not a home occupation. Home Occupation signs in the Historic District in the City of Shelbyville shall meet their guidelines for design only.

53. Home Occupation, Agricultural

Any occupation as defined in "Home Occupation" which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in the agricultural zone, provided that the use is clearly an agricultural use only and any product offered for sale shall be produced on property operated or owned by the person conducting the home occupation.

54. Hospital or Sanatorium

An establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis and care of two (2) or more individuals suffering from illness, injury, deformity or abnormality or from any condition requiring medical services. Convalescent homes and nursing homes are not included.

55. Industry, Heavy

Those industries whose processing of products result in the emission of any atmospheric pollutant, light flashes or glare, odor, noise or vibration which may be heard and/or felt off the premises, those industries which constitute a fire or explosion hazard, and those industries that require a large amount of water and wastewater treatment for operations. Those industries with negative off-site environmental effects shall be excluded from heavy and light industries.

56. Industry, Light

Those industries whose processing of products results in none of the conditions described for heavy industry. Light industry excludes those industries which are required to obtain a hazardous waste treatment storage or disposal permit pursuant to the Resource Conservation Recovery Act (RCRA), 42 U.S.C Section 9601 et seq. or State statutes promulgated in lieu thereof.

57. Junk Yard

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

58. Kennel, Commercial

A compound where three or more dogs over four (4) months of age are kept and where the owner is actively engaged in buying dogs for resale, training of dogs, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation.

59. Kennel, Noncommercial

A compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a noncommercial kennel does not change the character of residential property.

60. Lamp

See Luminaire.

61. Land Use Plan

Proposals for the most appropriate economic, desirable and feasible patterns for the general location, character, extent and inter-relationship of the manner in which the community and/or county should use its public and private land.

62. Legislative Body

The governing body of Shelby County, Shelbyville, or Simpsonville.

63. Light Trespass

The shining produced by a luminaire beyond the boundaries of the property on which it is located.

64. Loading Space

An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley or other appropriate means of access.

65. Lot

A piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory building, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by these Regulations and having frontage on a public street. Agricultural tracts are not included (See "Tract" definition, number 103).

66. Lot Area

The computed area contained within the lot lines.

67. Lot, Corner

A lot abutting and situated at the intersection of two streets.

68. Lot Depth

The mean horizontal distance between the front and rear lot lines.

69. Lot, Interior

A lot other than a corner lot.

70. Lot Lines

The property lines bounding a lot.

- a) Lot Line, Front: The property line separating the lot front and the street.
- b) Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- c) Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

71. Lot, Through (also known as a "double frontage lot")

A lot having frontage on two parallel or approximately parallel streets.

72. Lot Width

The mean width of the lot measured at right angles to its depth.

73. Lot of Record

Recorded lot on file in the County Court Clerk's Office.

74. Lumen

A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

75. Luminaire

A complete lighting unit of a light source and all necessary mechanical, electrical, and decorative parts.

76. Manufactured Home

See Article IX for definitions of Type I, II, and III Manufactured Homes.

77. Map

A map of the jurisdiction indicating district boundaries according to these regulations.

78. Mobile Home or Trailer

See definitions relating to the three types of manufactured homes, certified mobile homes, and mobile homes/trailers in Article IX.

79. Mobile Home Park or Trailer Park

An area of land upon which two or more occupied mobile homes are placed, either free of charge or for revenue purposes, and which is constructed in compliance with the standards of these regulations as specified in Article IX.

80. Motel or Motor Hotel

A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

81. Municipality

Any incorporated city, borough, town, township, or village.

82. Municipal Authority

The City Councils of Shelbyville and/or Simpsonville, Kentucky.

83. Nonconforming Use or Structure

An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of these Zoning Regulations, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

84. Non-retail Commercial

Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.

85. Objectionable Noise

Objectionable noise, shall be measured in decibels, (dB) not to exceed 55 dB outdoors and 40 dB indoors within 1000 feet of the property line of an Industrial land use.

86. Objectionable Odors/Odororous

Matter Odors/odororous matter within 2000 feet of the property line of an odor-emitting source.

87. Open Space

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

- a) Public Open Space: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state, county or city agency, or other public body for recreational or

conservational uses.

88. Occupancy

The condition of occupying a dwelling or structure for any length of time.

89. Original Property

Any and all lots and/or tracts of land which were described by a single deed as recorded in the office of the Shelby County Clerk prior to November 15, 1961.

90. Owner

The holder of legal title of a particular property through the deed of record.

91. Parking Space

A permanent area not less than nine (9) feet x eighteen (18) feet in residential zones, either in an enclosure or in the open, exclusively for the parking of a motor vehicle. A permanent area in commercial and industrial zones not less than ten (10) feet x eighteen (18) feet for perpendicular parking and not less than (9) feet x (18) feet for angular parking at 45 degrees, either enclosed or in the open, exclusively for the parking of a motor vehicle.

- a) Accessible Parking Spaces: Parking spaces designated for handicapped people and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for physically handicapped people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility. See Article X for dimensions of handicap parking).

92. Plan

The provisions for development of a planned unit development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this act shall mean the written and graphic materials referred to in this definition.

93. Planned Unit Development (PUD)

An area with a specified minimum contiguous acreage as imposed by the Triple S Planning Commission to be developed as a single entity according to a

development plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Regulations.

94. Planned Unit Residential Development

An area with specified minimum contiguous acreage as imposed by the Triple S Planning Commission to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses primarily for the benefit of the residential development.

95. Planning Commission

The Triple S Planning Commission as established pursuant to Chapter 100 of the Kentucky Revised Statutes.

96. Plat

A map or maps of a subdivision showing lot lines therein.

97. Principal Use of Structure

The primary use of the land or the main structure on a lot which determines the primary activity that takes place on the land or in the structure.

98. Preliminary Approval

The conferral of certain rights pursuant to this act prior to final approval after specific elements of a subdivision plat have been agreed upon by the Planning Commission.

99. Premises

A lot or other tract of lands under one ownership and all the structures on it.

100. Public Service Building

Any building necessary for the operation and maintenance of a utility.

101. Residential Cluster

An area developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space area.

102. Residential Unit

Any unit designed for use by one family for living purposes being self-contained, and being either in a detached, semi-detached, attached, multi-family or multi-story structure.

103. Retail Sales

Sale of any product or merchandise to customers for their own personal consumption and use, not for resale.

104. Road

A traffic-carrying way.

105. Setback Line

The distance between a given lot line, easement, or right-of-way line and any structure (front, rear, or side) as specified.

106. Sign

A sign which directs attention to a business, profession, product, activity or entertainment sold or offered upon the premises where such a sign is located.

- a) Sign, Flashing: A sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate time, temperature, weather, or other similar public service information shall not be considered flashing signs. Revolving signs of constant illumination shall not be considered flashing signs.
- b) Sign, Identification: A non-illuminated sign which indicates only the name, address and nature of the business which is operating as a legal home occupation on said premises. Said sign being placed flat against the building and not exceeding two (2) square feet in area. Home Occupation signs in the Historic District in the City of Shelbyville shall meet their guidelines for design only.
- c) Sign, Illuminated: Signs which are artificially lighted by direct or indirect lighting.
- d) Sign, Off Premises Advertising: A sign which directs attention to a business, product, service or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located (see billboard).

- e) Sign, Portable: Any name, identification, description, display illustration or device which is not permanently affixed, which directs attention to a product, place, activity, person, institution, or business. Maximum sign area for such device shall not exceed thirty (30) square feet.
- f) Sign, Real Estate: Any non-illuminated sign not over thirty-two (32) square feet in area, advertising the sale, leasing, or rental of the premises on which said sign is located.
- g) Sign, Revolving: A sign of constant illumination, the information area of which is not kept fixed in position.
- h) Sign, Temporary: Signs which denote events or happenings in a time frame not to exceed forty-five (45) days in duration.
- i) Sign, Agricultural: On-premises signs which denote the location and/or nature or the agricultural or horticultural activity and/or products for sale on the property.

107. Site Plan

A development plan of one or more lots on which is shown (1) the existing and proposed topography of the lots, (2) the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be pertinent in order for the Planning Commission to make an informed decision.

108. Story

That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

109. Street

A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term (See Shelby County Subdivision Regulations for further detail).

110. Structure

Any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings.

111. Subdivision

- a) Major Subdivision: The division of a parcel of land into three (3) or more lots or which does require the construction, improvement, or widening of streets; or the major construction of utility lines and other public services, singularly or in combination of any of the above.

- b) Minor Subdivisions: The subdivision of land into two (2) lots, with a minimum of two (2) acres per lot with a minimum of 250 feet of road frontage per lot which must have a minimum residual tract of fifteen (15) acres with a minimum of 100 feet of road frontage, which does not require the construction, improvement, widening of streets or other major construction of utility lines and other public services singularly or in combination of any of the above. The original parcel would be the status as existed as of November 15, 1961. Minor boundary adjustments for consolidation purposes only and not for building development are exempted from subdivision determination.

Subdivisions in Agricultural Districts with three (3) or more lots of less than five (5) acres shall not be approved without first obtaining a zone change from Agricultural to Residential.

112. Subdivision Regulations

The regulations governing the subdivision of land within the County of Shelby and any designated extra-territorial jurisdiction as adopted by the Triple S Planning Commission. (See the "Subdivision Regulations for Shelby County and Shelbyville").

113. Surface Mining/Strip Mining

The breaking of the soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include the extraction of coal by a land owner for his own non-commercial use from land owned or leased by him; the extraction of coal as an individual part of federal, state or local government financed highway or other construction under regulations established by the department nor shall it include the surface effects or surface impacts of underground coal mining.

114. Total Floor Area

See "Floor Area, Total"

115. Tract

A parcel of land with an area of five (5) acres to less than fifteen (15) acres. Tracts of land five (5) acres to ten (10) acres, unless existing, must have a minimum depth to width ratio of 4 to 1. The width shall be measured at the front property line. Tracts of land from 10 to 15 acres do not have to conform to the 4 to 1 ratio requirement but must have a minimum of 250 feet of road frontage on a public road or street and no portion of the tract may be a width of less than 250 feet. This also includes an agricultural tract as defined in the proper zone.

116. Trailer Park

See "Mobile Home Park"

117. Use

Use" broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

118. Variance, Dimensional

A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces, where such departures will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography and not as a result of actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

119. Yard

An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in these regulations.

- a) Yard, Front: That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building, which line shall be designated as the front yard line.
- b) Yard, Rear: That portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.
- c) Yard, Side: Those portions of the yard extending from the nearest part of the principal building to the side lot line.

120. Yard Sale

The short term temporary use of a yard, lot, porch, or garage in a residential zone for the sale or trading of new and/or used merchandise. The use of a yard, lot, porch, or garage for this purpose for any period exceeding five (5) consecutive days or more frequently than two (2) times per month will be considered a commercial enterprise and will require appropriate zoning.

121. Zoning Permit

A permit issued by the Administrative Officer authorizing the placement or alteration of a specific building or other structure on a specific lot.