

Chapter 18.08

DEFINITIONS

Sections:

18.08.010	Generally.
18.08.020	Accessory building.
18.08.030	Accessory use.
18.08.040	Advertising sign, outdoor.
18.08.050	Advertising structure, outdoor.
18.08.060	Alley.
18.08.070	Apartment.
18.08.080	Apartment house.
18.08.090	Basement.
18.08.100	Boarding house.
18.08.110	Building.
18.08.120	Building, alteration of.
18.08.130	Building, front line of.
18.08.140	Building, height of.
18.08.150	Buildings, principal.
18.08.160	Business.
18.08.170	Carport.
18.08.180	Cellar.
18.08.190	Clinic.
18.08.200	Club.
18.08.210	Conforming use.
18.08.220	Court.
18.08.230	Curb break.
18.08.240	Curb level.
18.08.241	Day Care Facility.
18.08.249	Dwelling (Dwelling Unit).
18.08.250	Dwelling, one-family sitebuilt.
18.08.260	Dwelling, two-family sitebuilt.
18.08.270	Dwelling, multiples sitebuilt.
18.08.280	Family.
18.08.290	Floor area.
18.08.300	Frontage.
18.08.310	Garage, private.
18.08.320	Garage, storage.
18.08.330	Garage, public.
18.08.340	Group houses.
18.08.350	Home occupation.
18.08.360	Hotel.
18.08.370	House trailer.
18.08.380	Junkyard.
18.08.390	Lodging house.
18.08.400	Lot, corner.
18.08.410	Lot, interior.
18.08.420	Lot lines.
18.08.430	Lot of record.
18.08.440	Lot, through.

ZONING**DEFINITIONS**

18.08.445	Manufactured Homes.
18.08.450	Mobile Homes.
18.08.455	Modular Homes.
18.08.460	Motel.
18.08.470	Nonconforming use.
18.08.480	Nursery.
18.08.490	Nursery school.
18.08.500	Parking area, semi-public.
18.08.510	Place.
18.08.515	Permanent Foundation.
18.08.520	Public utility.
18.08.530	Public utility facility.
18.08.540	Servants' quarters.
18.08.550	Stable, private.
18.08.560	Stable, public.
18.08.570	Story.
18.08.580	Story, half.
18.08.590	Street.
18.08.600	Structure.
18.08.610	Tourist court.
18.08.620	Tourist home.
18.08.630	Trailer camp.
18.08.640	Yard.
18.08.650	Yard, front.
18.08.660	Yard, rear.
18.08.670	Yard, side.

18.08.010 Generally

- A. For the purpose of this title, certain terms, phrases, words and their derivatives are herewith defined as follows:
- B. Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.
- (Ord. 213 Sec. 201(part), 1969)

18.08.020 Accessory building

"Accessory building" means a subordinate building or portion of a main building, the use of which is clearly incidental to that of the main building. (Ord. 213 Sec. 201(part), 1969)

18.08.030 Accessory use

"Accessory use" means a use subordinate in nature, extent or purpose to the principal use of a building or lot.

(Ord. 213 Sec. 201(part), 1969)

18.08.040 Advertising sign, outdoor

"Outdoor advertising sign" means a structural poster panel or painted sign, either freestanding or attached to the outside of a building for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located. (Ord.213 Sec. 201(part), 1969)

18.08.050 Advertising structure, outdoor

"Outdoor advertising structure" means anything constructed or erected, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located. (Ord.213 Sec. 201(part), 1969)

18.08.060 Alley

"Alley" means a way which affords only a secondary means of access to abutting property. (Ord. 213 Sec. 201(part), 1969)

18.08.070 Apartment

"Apartment" means a portion of a residential building used as a separate housekeeping unit. (Ord.213 Sec. 201(part), 1969)

18.08.080 Apartment house

For a definition of "apartment house," see Sec. 18.04.270. (Ord. 213 Sec. 201(part), 1969)

18.08.090 Basement

"Basement" means a story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes. (Ord., 213 Sec. 201(part), 1969)

18.08.100 Boardinghouse

"Boardinghouse" means a building other than a hotel where lodging and meals for five or more persons are served for compensation. (Ord. 213 Sec. 201(part), 1969)

18.08.110 Building

"Building" means a structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels. (Ord. 213 Sec. 201(part), 1969)

18.08.120 Building, alteration of

"Alteration of a building" means any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, any addition to a building or movement of a building from one location to another. (Ord. 213 Sec. 201(part), 1969)

18.08.130 Building, front line of

"Front line of a building" means a line parallel to the street, intersecting the foremost point of the building, excluding steps. (Ord. 213 Sec. 201(part), 1969)

18.08.140 Building, height of

"Height of a building" means the vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge for a gable, hip or gambrel roof; provided however, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building. (Ord. 213 Sec. 201(part), 1969)

18.08.150 Building, principal

"Principal building" means a building in which is conducted the main use of the lot on which said building is located. (Ord. 213 Sec. 201(part), 1969)

18.08.160 Business

"Business" includes the commercial, light industrial and heavy industrial uses and districts as herein defined. (Ord. 213 Sec. 201(part), 1969)

18.08.170 Carport

For a definition of "carport" see Sec. 18.08.310. (Ord. 213 Sec. 201(part), 1969)

18.08.180 Cellar

"Cellar" means a story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement. (Ord. 213 Sec. 201(part), 1969)

18.08.190 Clinic

"Clinic" means a building used by a group of doctors for the medical examination or treatment of persons on an out-patient or non-boarding basis only. (Ord. 213 Sec. 201(part), 1969)

18.08.200 Club

"Club" means a building owned, leased or hired by a non-profit association consisting of bona fide dues paying members, the use of said building being restricted to said members and their guests for charitable, educational or social purposes. (Ord. 213 Sec. 201(part), 1969)

18.08.210 Conforming use

"Conforming use" means any lawful use of a building or lot, which complies, with the provisions of this title.
(Ord. 213 Sec. 201(part), 1969)

18.08.220 Court

"Court" means an open, unoccupied space other than a yard, on the same lot with a building and which is bounded on two or more sides by the building. (Ord.213 Sec. 201(part), 1969)

18.08.230 Curb break

"Curb break" means any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
(Ord. 213 Sec. 201(part), 1969)

18.08.240 Curb level

"Curb level" means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall authorize and approve the establishment of such curb or its equivalent of; the purpose of this title. (Ord. 213 Sec. 201(part), 1969)

18.08.241 Day Care Facility

Any building, lot, or portion thereof used for the care, custody, education, nurturing, and training of children and adults on a daily basis. (Ord. 1045 Sec. 2, 1995.)

18.08.249 Dwelling (Dwelling Unit)

Any room or group of rooms, including those contained in manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one (1) family. (Ord. 1149 Sec. 1, 2001)

18.08.250 Dwelling, one-family sitebuilt

"One-family sitebuilt dwelling" means a detached sitebuilt building designed, arranged or used for or occupied exclusively by one family.
(Ord. 213 Sec. 201(part), 1969: Ord. 699 Sec. 1, 1983.)

18.08.260 Dwelling, two-family sitebuilt

"Two-family sitebuilt dwelling" means a sitebuilt building designed, arranged or used or occupied exclusively by two families, living independently of each other.
(Ord. 213 Sec. 201(part), 1969: Ord. 699 Sec. 1, 1983.)

ZONING

DEFINITIONS

18.08.270 Dwelling, multiple sitebuilt

"Multiple sitebuilt dwelling" means a sitebuilt building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments and apartment motels.

(Ord. 213 Sec. 201(part), 1969; Ord. 699, Sec. 1, 1983.)

18.08.280 Family

"Family" means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, hotel, club, fraternity or sorority house. (Ord. 213 Sec. 201(part), 1969)

18.08.290 Floor area

"Floor area" means the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, meaning from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanine, cellars, basements and similar areas devoted to such uses.

(Ord. 213 Sec. 201(part), 1969)

18.08.300 Frontage

"Frontage" means all the property abutting an one side of a street between two intersecting streets, measured along the street line. (Ord. 213 Sec. 201(part), 1969)

18.08.310 Garage, private

"Private garage" means an accessory building or portion of a principal building used for vehicular storage only and having a capacity adequate to accommodate the automobiles or light trucks owned and registered in the name of the occupants of the principal building. The term includes carport and, when related to the contents shall relate to the storage of one or more vehicles.

(Ord. 213 Sec. 201(part), 1969)

18.08.320 Garage, storage

"Storage garage" means a building or portion thereof other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles. (Ord. 213 Sec. 201(part), 1969)

18.08.330 Garage, public

"Public garage" means a building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale. This includes premises commonly known as filling stations or service stations. (Ord. 213 Sec. 201(part), 1969)

ZONING

DEFINITIONS

18.08.340 Group houses

"Group houses" means a group of detached or semi-detached dwellings facing upon a place as herein defined.
(Ord. 213 Sec. 201(part), 1969)

18.08.350 Home occupation

"Home occupation" means an occupation or profession customarily carried on by the occupant of a dwelling as a secondary use, which is clearly incidental to the use of the dwelling for residential purposes. Home occupations include, in general, education or personal services such as furnished by a tutor, seamstresses etc., when performed by persons occupying the building as a residence. (Ord. 213 Sec. 201(part), 1969)

18.08.360 Hotel

"Hotel" means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than fifteen sleeping rooms usually occupied singly and with no provision made for cooking in any individual room or apartment. (Ord. 213 Sec. 201(part), 1969)

18.08.370 House trailer

"House trailer" means a non-self-propelled vehicle containing living or sleeping accommodations, which is designed and used for highway travel. (Ord. 213 Sec. 201(part), 1969)

18.08.380 Junkyard

"Junkyard" means an open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard also includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.
(Ord. 213 Sec. 201(part), 1969)

18.08.390 Lodging house

"Lodging house" means a building, other than a hotel, where lodging for five or more persons is provided for compensation.
(Ord. 213 Sec. 201, 1969)

18.08.400 Lot, corner

"Corner lot" means a lot situated at the junction of two or more streets. (Ord. 213 Sec. 201(part), 1969)

18.08.410 Lot, interior

"Interior lot" means a lot other than a corner lot.
(Ord. 213 Sec. 201(part), 1969)

18.08.420 Lot lines

"Lot lines" means the lines bounding a lot as defined herein.
(Ord. 213 Sec. 201, 1969)

274

ZONING

DEFINITIONS

18.08.430 Lot of record

"Lot of record" means a lot which is part of a subdivision, the map of which has been recorded in the office the Chancery Clerk of Pulaski County. (Ord. 213 Sec. 201(part), 1969)

18.08.440 Lot, through

"Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 213 Sec. 201(part), 1969)

18.08.445 Manufactured Homes

Manufactured Homes: A structure transportable in two (2) or more sections, which, in traveling mode, are twelve feet (12') or more in width and/or forty feet (40') or more in length or, when erected on site, has a minimum of Nine Hundred Sixty interior square feet (960SF). Said structure shall be built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation after being connected to the required utilities so as to operate the plumbing, heating, air conditioning, and/or electrical systems contained therein. This shall include those structure(s) which meet all requirements of this paragraph and of which the manufacturer voluntarily files a certification as required by the Secretary of the Department of Housing and Urban Development, meets the requirements of the National Manufactured Home Association Construction Code, and complies with all applicable federal construction standards. (Ord. 1149 Sec. 1, 2001) A dwelling unit built in a factory after 1976 and bearing a seal of compliance to the H.U.D. construction code. Manufactured homes are further divided into 3 categories. They are:

Single Section Manufactured Home - This home looks for all practical purposes like the pre-1976 mobile home in its shape and configuration. The difference is that it is built to the H.U.D. code assuring a better quality construction. The single sectioned manufactured house is assembled on its own steel structural frame, which can become its permanent foundation and is pulled to the site as one unit.

Multi-Section Manufactured Home - A home built, usually, in two sections that looks for all aesthetic purposes like a site built house. It's pitched roof and siding are of materials customarily used for site constructed homes. The multi-section manufactured home is assembled on its own steel structural frame, which can become its permanent foundation and is pulled to its site in two, three or more sections.

Modular Home (Manufactured) - see **Sec. 18.18.455** (Ord. 1049 Sec. 1, 2001) (Ord. 699 Sec. 2, 1983.)

ZONING**DEFINITIONS****18.08.450 Mobile Home**

Mobile Homes: A structure transportable in one (1) section built as a dwelling unit in a factory or plant prior to June 15, 1976, the effective date for the Federal Manufactured Housing Construction Safety Standards Act of 1974, that may or may not comply with the construction provisions of said Act. A mobile home commonly consist of a single section either Twelve feet (12') or Fourteen feet (14') in width and exceeds Three hundred twenty square feet (320 SF) interior minimum space. It is designed to be used as a residential dwelling. (Ord 1149 Sec. 1, 2001)

It's roofing or siding are not of materials customarily used for site constructed homes and is, traditionally, the most common type seen. (It is rectangular, flat-roofed, and metal sided.) (Ord. 699 Sec. 1, 1983.)

18.08.455 Modular Homes

A multi-section dwelling unit constructed partially in a factory setting and partially on-site. Construction of such a swelling is in compliance with Housing and Urban Development guidelines, Federal Housing Administration guidelines, the Southern Building Code, and local housing codes. The structure is placed upon a permanent site-built foundation and, once construction is complete, will have little to no difference in appearance to site-built homes. (Ord. 1149 Sec. 1, 2001)

18.08.460 Motel

For a definition of "motel," see Section 18.08.610. (Ord. 213 Sec. 201(part), 1969)

18.08.470 Nonconforming use

"Nonconforming use" means any use of a building or lot, which does not comply, with the provisions of this title. (Ord. 213 Sec. 201(part), 1969)

18.08.480 Nursery

"Nursery" means any building or lot or portion thereof used for the cultivations or growing of plants and including all accessory buildings. (Ord. 213 Sec. 201(part), 1969)

18.08.490 Nursery school

"Nursery school" means any building used routinely for, the daytime care or education of preschool age children and including all accessory buildings and play areas. (Ord. 213 Sec. 201(part), 1969)

18.08.500 Parking areas semi-public

"Semi-public parking area" means an open area other than a street, alley or place, used for temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers. (Ord. 213 Sec. 201(part), 1969)

18.08.510 Place

"Place" means an open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property. (Ord. 213 Sec. 201(part), 1969)

18.08.515 Permanent Foundation

A foundation consisting of a solid perimeter wall constructed of masonry materials (concrete, concrete blocks, etc.) with concrete footings (pre-cast or poured-in-place) that extends below the frost line. (Ord 1149, Sec. 1, 2001)

18.08.520 Public utility

"Public utility" means any person, firm or corporation regulated by a city or state regulatory authority, or a governmental agency furnishing water, sewer, electric, gas, telephone, steam and other similar utility services to or for the public.
(Ord. 213 Sec. 201(part), 1969)

18.08.530 Public utility facility

"Public utility facility" means buildings, structures, materials and property owned or operated by any public utility and used for furnishing any utility service.
(Ord.213 Sec. 201(part), 1969)

18.08.540 Servants' quarters

"Servants' quarters" means an accessory building located on the same lot or grounds with the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.
(Ord. 213 Sec. 201(part), 1969)

18.08.550 Stable, private

"Private stable" means a separate accessory building with a capacity for not more than one horse for each three thousand square feet of lot area whereon such stable is located and where such horses are owned by the owners or occupants of the premises and not kept for remuneration, hire or sale.
(Ord. 213 Sec. 201(part), 1969)

18.08.560 Stables public

"Public stable" means a stable other than a private stable.

(Ord. 213 Sec. 201(part), 1969)

277

ZONING

DEFINITIONS

18.08.570 Story

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. (Ord. 213 Sec. 201(part), 1969)

18.08.580 Story, half

"Half story" means a story under a gables hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story. (Ord. 213 Sec. 201(part), 1969)

18.08.590 Street

"Street" means a public or private thoroughfare which affords principal means of access to abutting property. (Ord. 213 Sec. 201(part), 1969)

18.08.600 Structure

"Structure" means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground. (Ord. 213 Sec. 201(part), 1969)

18.08.610 Tourist court

"Tourist court" means a group of attached or detached buildings containing individual sleeping or living units for overnight guests, with garage attached or parking facilities conveniently located to each unit. The term includes motel when related to the context specified herein. (Ord. 213 Sec. 201(part), 1969)

18.08.620 Tourist home

"Tourist home" means a dwelling in which overnight sleeping accommodations are provided or offered for not more than five transient guests for compensation. (Ord.213 Sec. 201(part), 1969)

18.08.630 Trailer camp

"Trailer camp" means any lot on which are parked two or more trailers, or one or more trailers for a longer period of time than forty-eight hours. (Ord. 213 Sec. 201(part), 1969)

18.08.640 Yard

"Yard" means an open space other than a court, on the same lot with the building, unoccupied and obstructed from the ground upward except as otherwise provided herein. (Ord. 213 Sec. 201(part), 1969)

ZONING

DEFINITIONS

18.08.650 Yard, front

"Front yard" means a yard extending across the front of the lot between the inner side yard lines and measured between:

- A. The front line of the lot and front line of the building;
and
- B. The front line of the lot and the nearest line of any open porch or paved terrace.

(Ord. 213 Sec. 201(part), 1969)

18.08.660 Yard, rear

"Rear yard" means a yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. (Ord. 213 Sec. 201(part), 1969)

18.08.670 Yard, side

"Side yard" means a yard between the building and the side line of the lot and extending from the front to the rear yard.

(Ord. 213 Sec. 201(part), 1969)

277-2