

Section 7 DEFINITIONS

Words in the text or tables of this Ordinance shall be interpreted in accordance with the provisions set forth in this Section. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the Planning Director or his designated agent shall have the right to interpret the definition of the word.

A. Definition of Terms

1. Abutting: Having a property line or a district line in common. Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated abut at said district line.
2. Access: The way or means by which a piece of property is approached or entered.
3. Accessory Building Use: A building or use which: (1) is subordinate to and serves a principal building or principal use: (2) is subordinate in area, extent, or purpose to the principal building or principal use served: (3) contributes to the comfort, convenience, or necessity of occupants of the principal use.
4. Addition: Any construction that increases the size of a building such as a porch, attached garage or carport, or a new room or wing.
5. Alley: A permanent public service way, which affords only a secondary means of access to abutting property.
6. Apartment: See Dwelling, Multiple.
7. Authorized Agent: A person or persons authorized by the landowner to act on his behalf.
8. Basement: A story partly underground and having at least one-half 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.
9. Buffer: A strip of land established to protect one type of land use from another with which it is incompatible. A buffer strip is landscaped and kept in open space. The term buffer zone may be used more broadly to describe any zone that separates two unlike zones such as a multi-family zone between a single-family zone and a commercial zone.
10. Bufferyard: Land area typically containing trees, shrubs and other plants, berms, fences or walls and used to visibly separate one use from another or to block noise, lights or other nuisances.
11. Buildable Area: The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, and coverage) have been met.

12. Building: Anything constructed or erected or installed by man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks. Used interchangeably with the term “structure.”
13. Building, Attached: A building which shares a continuous wall, roof, floor, or other structural element with another adjacent building.
14. Building, Detached: A building having no wall, roof, floor, or other structural element with another adjacent building.
15. Building, Façade: The area of a single building elevation that encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.
16. Building, Height: The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of the roof line or parapet wall.
17. Building Line: A line, usually fixed parallel to a lot line, beyond which no part of a building may extend under the terms of the Zoning Ordinance. It is equivalent to the setback line or yard line and these phrases may be used interchangeably.
18. Building, Nonconforming: An existing building which fails to comply with the regulations (for height, size, area, yards and location) set forth in this ordinance applicable to the district in which this building is located.
19. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
20. Certificate of Occupancy: Official certification that a premise conforms to provisions of the zoning ordinance, the building code, and all adopted codes, and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures, and any change of occupancy is existing building. Unless a certificate is issued, a structure cannot be occupied.
21. City: The City of Rogers, Arkansas.
22. Commission: The City of Rogers Planning Commission.
23. Common Usable Open Space: That portion of land or an area of water or a combination of land and water within the site designated and intended for use and enjoyment of residents and owners of the planned unit development, and easily accessible to all the residents. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and

enjoyment of residents and owners of the unit development, but shall not include parking lots, streets and other areas designed primarily for other than common recreational or open space use.

24. Conditional Use: Uses permitted in zones where they are specifically listed as conditional uses, and are subject to special conditions as determined by the Planning Commission and City Council as outlined in Section 33 of this Ordinance.
25. Corner Lot: A lot located at the intersection of two streets not sharing the common centerline.
26. District: See Zoning District.
27. Dwelling, Attached: Adjoining dwelling units, each of which is separated from the others by one or more unpierced common walls extending from the ground to the roof.
28. Dwelling, Multiple Family: A dwelling for or occupied by more than two families.
29. Dwelling, Single Family Detached: A dwelling designed for and occupied by not more than one family.
30. Dwelling, Two Family Detached: A dwelling designed for and occupied by not more than two families.
31. Dwelling or Dwelling Unit: Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and sanitation by one family.
32. Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usages given by the owner of land to another party.
33. Eave: The weather protective overhanging lower edge of a roof.
34. Family: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than eight unrelated mentally retarded or physically handicapped persons which may include two additional person, acting a house parents or guardians, who need not be related to each other, or to any of the mentally retarded or physically handicapped persons in the group.
35. Fence: A man-made barrier constructed to provide privacy or visual separation between one ownership and another. No fencing is allowed on drainage easements.

36. Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.
37. Flood Insurance Rate Map (FIRM): An Official Map of a community, on which the Federal Insurance Administration has delineated both the areas as of special flood hazards and the risk premium zones applicable to the community.
38. Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface evaluation of the base flood, as well as the Flood Hazard Boundary Floodway Map.
39. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
40. Floor Area: The total area of all floors or a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, and balconies.
41. Front Yard: The portion of a lot upon which no building may be erected between the front of building and the planned right-of-way line as indicated on the Master Street Plan.
42. Gross Acreage: The total acreage of development including areas designated for internal streets and other public facilities.
43. Gross Leasable Area: Revenue producing portion of a structure.
44. Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade, no outside storage or equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation, and does not generate additional volumes of vehicular or pedestrian traffic. Such uses as barbershop, beauty parlor, tearoom, tourist home, animal hospital, and dancing school shall not be deemed to be home occupations.
45. Interior Lot: Any lot located between corner lots within the same block and is any lot other than a corner lot.
46. Loading Space (Off-Street): An unobstructed, hard surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.

47. Lot: A parcel of land legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. Said lot shall establish on building site and comply with the Subdivision Rules and Regulations in effect for the City of Rogers.
48. Lot Area: The total horizontal area included within the lot.
49. Lot Coverage: The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.
50. Lot Depth: The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot and the midpoint of the rear lot line.
51. Lot, Double Frontage: A lot having frontage on two non-intersection streets.
52. Lot Line, Front: The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lots from the street shall be considered a front lot line.
53. Lot Line, Rear: That property boundary line which is generally parallel to and most distant from the front lot line of the lot.
54. Lot Line, Side: A lot line other than a front or rear lot line.
55. Lot Line: The property boundary lines.
56. Lot of Record: A parcel of land that is a lot in a subdivision recorded on the records of Benton County, Arkansas Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the Subdivision Regulations in effect, or lots exempt from those regulations.
57. Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.
58. Mobile Component Residential Structure: Shall mean a detached single family dwelling unit with one or more of the following characteristics:
- 1) Designed for full time occupancy and containing sleeping accommodations, flush toilets, tub or shower, electrical connections provided for attachment to outside systems.
 - 2) Designed to be transported after fabrication on its own wheels, or on flatbed or by other means, or
 - 3) Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on and connection to foundation supports, connection to

utilities and the like. Anchorage must comply with design load requirements of the building code of the City of Rogers, Arkansas.

59. Nonconforming Building or Structure: Any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this ordinance for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provide, however, any building containing more dwelling units than the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.
60. Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of this ordinance, as amended, which does not comply with all the regulations of this ordinance governing use for the zoning district in which such land, building or structure is located.
61. Nonresidential: A building intended for non-habitable use and not as a residence. See Residence.
62. Parking Lot: Any area subject to wheeled traffic including access areas used for parking, except for single family or two family development.
63. Parking Space, Off-Street: A space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space. Said space shall meet all dimension and angle criteria in the offstreet parking and loading regulations approved by the Planning Commission and City Council.
64. Plan: A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, prepared by a registered land surveyor, architect, or engineer, appropriately certified.
65. Plan, Preliminary: An engineering drawing which provides for all data by a land surveyor or civil engineer, illustrating the details as necessary to establish a development format with physical land features and usage.
66. Plat: An engineering drawing which provides for all development of land and certified as to accuracy by a land surveyor or engineer.
67. Plat, Preliminary: An engineering drawing which provides for all data related to a development of land certified as to accuracy by a land surveyor or civil engineer, illustrating the details as necessary to establish a development format with physical land features and usage.

68. Plat, Final: An engineering drawing which provides for all data related to development of land certified as to accuracy by land surveyor or civil engineer, illustrating details necessary, convey ownership, dedication, etc. However, no information as to physical features or use is reflected. Final plat is prepared in a form suitable for recording.
69. Principal Use: The use that fulfills the primary function of an establishment, institution, household, or other entity.
70. Rear Yard: The portion of a lot upon which no building may be erected between the rear of a building and the public right-of-way or property line, whichever is further from the centerline of the street.
71. Rezoning: An amendment to or change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map.
72. Residence: A building or part of a building containing one or more dwelling units or rooming units. However, residence do not include:
- (a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments; or
 - (b) Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishment containing group living or sleeping accommodations; or
 - (c) Nurses residences, sanitariums, nursing homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses.
73. Right-of-Way: An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County, or the state for public use.
74. Side Yard: The portion of a lot upon which no building may be erected between the side of a building and the property line to the side of a building.
75. Site Plan Review: The process whereby the Planning Commission and staff review the site plans and maps of the developer to assure that they meet the stated purposes and standards of Article I of this ordinance.
76. Street: A publicly maintained right-of-way, other than an alley, which affords a primary means of access to property.
77. Structural Alterations: Any external change in either the supporting members of a building, such as dimension or configuration of the roof or other exterior wall.
78. Structure: See Building.

79. Unit, Dwelling: A living space for one family or household. A dwelling unit may be part of a building containing two or more dwelling units or it may be a detached building for a single family.
80. Use: A purpose to which land is committed.
81. Variance: An exception from the strict application of the provisions of this ordinance.
82. Yard, Front: see Front Yard.
83. Yard, Rear: see Rear Yard.
84. Yard, Side: see Side Yard.
85. Yard, Exterior: Any yard which is adjacent or parallel to a public or private right-of-way.
86. Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private right-of-way.
87. Zoning District: A section of a city designated in the zoning ordinance text in which requirements for the use of land and building and development standards are prescribed.
- Zoning District Boundary: That boundary line which separates unlike zoning districts.