

Introduced: April 10, 2017
Adopted:
Effective:

CITY OF CHARLOTTE

ORDINANCE NO. 2017-XX

AN ORDINANCE TO AMEND CHAPTER 82 ZONING BY
AMENDING SECTION 82-4 DEFINITIONS TO CLARIFY THE
MEANING OF "FRONT YARD" AND "REAR YARD."

Councilmember _____ moved that the following ordinance be passed to a second reading:

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. PURPOSE. The purpose of this ordinance is to clarify the meaning of the terms "FRONT YARD" and "REAR YARD" as applied to corner lots.

SECTION 2. Section 82-4 Conditional Uses of the Code of the City of Charlotte is hereby amended to read as follows:

§ 82-4 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ACCESSORY USE or ACCESSORY. A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When ***ACCESSORY*** is used in this text, it shall have the same meaning as ***ACCESSORY USE***. An ***ACCESSORY USE*** includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers;
- (2) Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence or their guests;
- (3) Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure;
- (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays;
- (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;

(6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;

(7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;

(8) Uses clearly incidental to a main use, such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex;

(9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;

(10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located;

(11) Common household gardening in a residential district when located only in the rear yard and/or nonrequired side yard areas;

(12) Solar panels, wind generators, television reception antennas, satellite dish antennas and air conditioning units.

ADULT ENTERTAINMENT BUSINESS. One or a combination of more than one of the following types of businesses: adult bookstore, adult cabaret, or adult motion picture theater.

(1) ***ADULT BOOKSTORE.*** An establishment as defined in § 15-26 of this Code.

(2) ***ADULT CABARET.*** An establishment as defined in § 15-26 of this Code.

(3) ***ADULT MOTION PICTURE THEATER.*** An establishment as defined in § 15-26 of this Code.

(4) ***SUBSTANTIAL PORTION.*** A use or activity accounts for more than 20% of any one or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

(5) ***SPECIFIED ANATOMICAL AREAS.*** Any one or more of the following:

(a) Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(6) ***SPECIFIED SEXUAL ACTIVITIES.*** Any one or more of the following:

(a) The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) Human sex acts, normal or perverted, actual or simulated, including but not limited to, intercourse, oral copulation, and sodomy;

(c) Human masturbation, actual or simulated;

(d) Human excretory functions, as part of or as related to, any of the activities described above; and

(c) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS. Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as **ALTERED** or **RECONSTRUCTED**.

APARTMENT, EFFICIENCY. A dwelling unit consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities.

APARTMENTS. A suite of rooms in a multiple-family building, arranged and intended for use as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

ARCADE. A building or structure, or any part thereof, which is devoted to the commercial use of amusement devices, pinball machines, electronic tables featuring pool, billiards, bowling, basketball, football, or the like, or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations, and the like, automatic sport devices or tables or similar activities for hire, or for amusement.

ARCHITECTURAL FEATURES. Steps, window sills, belt courses, brick and/or wrought iron wing walls, chimneys, architraves or pediments.

AUTOMOBILE REPAIR, MAJOR. The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and painting of automobiles.

AUTOMOBILE REPAIR, MINOR. Repairs other than major repair, including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.

BASEMENT. That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story. (See Appendix A).

BED AND BREAKFAST OPERATIONS. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, and a use in which transient guests are provided a sleeping room and board in return for payment.

BERM, OBSCURING. An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this chapter.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARD. The Zoning Board of Appeals as established under this chapter.

BUILDING. Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING HEIGHT. The vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, and the mean height between the eaves and the ridge for gable, hip and gambrel roofs. Penthouses, towers, cupolas, steeples, antennas and other roof structures used only for mechanical operation of the building shall not be included as the height of the building. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Appendix A.)

BUILDING LINE. A line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line. (See Appendix A.)

BUILDING, MAIN OR PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

CONDOMINIUM DEFINITIONS. The following definitions are related to condominiums.

(1) **CONDOMINIUM ACT.** Public Act 59 of 1978, being M.C.L.A. §§ 559.101 *et seq.*, as amended.

(2) **CONDOMINIUM DOCUMENTS.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

(3) **CONDOMINIUM SUBDIVISION PLAN.** The drawings and information prepared in accordance with § 66 of the Condominium Act.

(4) **CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

(5) **CONSOLIDATING MASTER DEED.** The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

(6) **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the Condominium Act.

(7) **CONVERSION CONDOMINIUM.** A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under § 7 of the Condominium Act.

(8) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added in accordance with this chapter and the Condominium Act.

(9) **MASTER DEED.** The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the project, and all other information required by § 8 of the Condominium Act.

(10) **NOTICE OF PROPOSED ACTION.** The notice required by § 71 of the Condominium Act, to be filed with the city and other agencies.

(11) **SITE CONDOMINIUM.** A development concept for a condominium development containing residential, commercial, office, industrial or other structures for uses permitted in the zoning district in which it is located, in which each co-owner owns exclusive rights in a condominium unit, as described in the master deed.

(12) **YARDS, CONDOMINIUM SUBDIVISIONS.**

(a) **FRONT YARD SETBACK.** Equal to the distance between the front yard area line and the condominium dwelling.

(b) **REAR YARD SETBACK.** Equal to the distance between the rear yard area line and the condominium dwelling.

(c) **SIDE YARD SETBACK.** Equal to the distance between the side yard area line and the condominium dwelling.

CONDOMINIUM SUBDIVISION. A method of subdivision where land ownership of sites is regulated by the Condominium Act, as opposed to the Subdivision Control Act of 1967 (M.C.L.A. §§ 560.101 *et seq.*). **CONDOMINIUM SUBDIVISION** shall be equivalent to the term **SUBDIVISION** as used in this zoning chapter and the city subdivision regulations.

CONDOMINIUM SUBDIVISION PLAN. The site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the land.

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

DAY CARE CENTER. A group facility for more than six children which gives care to children away from their homes.

DAY CARE HOME (FAMILY). A one-family dwelling which receives not more than six children for care during the day.

DAY CARE HOME FOR ELDERLY ADULTS. A one-family dwelling which receives not more than six elderly or infirmed adults, for care during the day.

DAY CARE HOME (GROUP). A one-family dwelling which receives not more than 12 children for care during the day.

DEVELOPMENT. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT. A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-IN. An establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

DRIVE-THROUGH. An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carrying out and consumption or use after the vehicle is removed from the premises.

DWELLING, MULTIPLE-FAMILY. A building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY. A building designed exclusively for and occupied exclusively by one family.

DWELLING, TWO-FAMILY. A building designed exclusively for occupancy by two families living independently of each other.

DWELLING UNIT. A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

ERECTED. Built, constructed, altered, reconstructed or moved upon. Any physical operations on the premises which are required for construction, excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

EXCAVATION. Any breaking of ground, except common household gardening and ground care.

FAMILY. Either of the following:

(1) A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling;

(2) The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building Official in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Planning Commission for a special land use based upon the applicable standards in this chapter.

FARM. The carrying on of any agricultural activity and the raising of livestock or small animals as a source of income.

FENCE. A manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

FENCE, ORNAMENTAL. A manmade structure, the surface area of which is more than 50% open. Ornamental fences do not include chainlink fences or fences of wire construction. (See Appendix A).

FLOOR AREA, USABLE. For the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. (See Appendix A).

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles and such other lawn and home care equipment owned and used by the occupant of the building to which it is accessory.

GARAGE SALE. Any sale of personal effects, jewelry or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

GASOLINE SERVICE STATION. A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT. A planting of trees and shrubs to serve as a screening device between abutting land uses.

GUARANTEE. A cash deposit, certified check, irrevocable bank letter of credit or such other instrument acceptable to the city.

HARDSHIP. Situations created by circumstances unique to an individual property that do not generally occur to land or buildings in the neighborhood or zoning district of the property in question and which circumstances make the use of such property infeasible under conditions imposed by this chapter. **HARDSHIP** shall not include personal or financial hardship or economic disadvantage nor shall it constitute circumstances that are self-created.

HOME OCCUPATION. An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

HOSPICE. A lodging place for the ill where persons are housed and furnished meals and attendant care.

HOTEL. A building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A **HOTEL** may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

IMPROVEMENTS. Those features and actions associated with a project which are considered necessary by the municipality to protect natural resources or the health, safety and welfare of the residents of the city, and future users or inhabitants of the proposed project or project area, including parking areas, landscaping, roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project which is subject to zoning approval.

JUNKYARD. An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. **JUNKYARD** includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping or abandonment of junk.

KENNEL, COMMERCIAL. Any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded or bred and raised for remuneration.

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A **LOT** may or may not be specifically designated as such on public records. **LOT** shall mean the same as homesite and condominium unit in site condominium developments.

LOT AREA. The total horizontal area within the lot lines of the lot. (See Appendix A.)

LOT, CORNER. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street shall be considered a **CORNER LOT** for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. (See [Appendix A](#) .)

LOT COVERAGE. The part or percent of the lot occupied by buildings, including accessory buildings and pools, but excluding porches, patios and decks.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

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

LOT LINES. The lines bounding a lot as defined in divisions (1) through (3) following.

(1) **FRONT LOT LINE.** In the case of an interior lot, means that line separating the lot from the street. In the case of a through lot, **FRONT LOT LINE** means that line separating the lot from either street.

(2) **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot is an interior side lot line. A **SIDE LOT LINE** separating a lot from a street is an exterior lot line.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by city or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT, THROUGH. Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a double frontage lot, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT WIDTH. The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines. (See Appendix A.)

LOT, ZONING. A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A **ZONING LOT**, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record. (See Appendix A.)

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE. The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAJOR THOROUGHFARE. An arterial street which is intended to serve as a large volume traffic- way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

MASTER PLAN. The comprehensive community plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MECHANICAL AMUSEMENT DEVICE. Any machine or device which, upon the insertion of a coin, currency, slug, token, plate or disc, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical or electronic baseball, football, basketball, hockey and similar sports-type games, mechanical, electrical or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

MEZZANINE. An intermediate floor in any story occupying not less than one third of the floor area of such story.

MINI STORAGE UNITS. Storage buildings for lease to the general public for storage of personal and household effects and for dry storage of office or business effects, not including the warehousing of products or supplies.

MOBILE HOME. Any building or structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and

electrical systems contained in the structure. Mobile home does not include recreational equipment.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MOTEL. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. This definition does not include apartments.

MUNICIPALITY. The City of Charlotte, Michigan.

NONCONFORMING LOT. A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE. A structure or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

NONCONFORMING USE OR STRUCTURE - CLASS A. A nonconforming use or structure which has been designated to be allowed to be perpetuated and improved under the provisions of this chapter.

NONCONFORMING USE OR STRUCTURE - CLASS B. A nonconforming use or structure which has been designated to be allowed to be continued within the restricted provisions of this chapter.

NUISANCE FACTORS. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;
- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congregation of people, particularly at night;
- (14) Passenger traffic;
- (15) Invasion of nonabutting street frontage by traffic;
- (16) A burned structure;
- (17) A condemned structure.

NURSERY, PLANT MATERIALS. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of ***NURSERY*** within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

NURSERY SCHOOL. A daytime facility which has as its main objective a development program for preschool children and whose staff meets the educational requirements established by the state.

NURSING HOME. A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

OFF-STREET PARKING LOT. A facility providing off-street vehicular parking spaces and drives or aisles for the parking of more than three vehicles.

OPEN STORAGE. The storage of any materials or objects outside the confines of a building.

PARKING SPACE. An area of definite length and width; such area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERFORMANCE STANDARDS. Criteria developed to control nuisance factors.

POOL OR BILLIARD HALL. A commercial establishment which provides two or more pool and/or billiard tables for use by patrons.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.

PUBLIC UTILITY. A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public gas, steam, electricity, sewage disposal, communications, telegraph, transportation or water.

RECREATIONAL EQUIPMENT. Trailer coaches, travel trailers, utility trailers, pick-up campers or coaches, motorized dwellings, tent trailers, boats, and boat trailers, snowmobiles, horse trailers, dune buggies, race cars, demolition derby cars and other similar equipment and conveyances.

ROOM. For the purpose of determining lot area requirements and density in a Multiple-Family District, means a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways and storage areas. Plans presented showing one, two or three bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

SATELLITE DISH ANTENNA. A structure designed, intended or used to receive communications or other signals from geostationary, communications satellites or other extraterrestrial sources.

SETBACK. The distance required to obtain minimum front, side or rear yard open space provisions of this chapter. Setbacks for buildings shall be measured from the foundation wall.

SHOPPING CENTER/SHOPPING PLAZA. A privately owned commercial area having four or more stores that share a common parking lot or common driveways.

SIGN DEFINITIONS. The following definitions are related to signs. (See Appendix A.)

(1) **SIGN.** Any announcement, declaration, display, billboard, illustration and insignia, when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. Sign shall include any banner, bulbs or other lighting devices, streamer, pennant, inflated or deflated membrane device, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind, whether bearing lettering or not.

(2) **ACCESSORY SIGN.** A sign which pertains to the principal use of the premises.

(3) **BANNER SIGN.** A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.

(4) **BILLBOARD.** A sign which advertises an establishment, product, service or activity not available or not conducted on the lot on which the sign is located.

(5) **CHANGEABLE COPY, READER BOARD SIGN.**

(a) *Manual.* A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials.

(b) *Automatic.* An electronically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used as a message center reader board.

(6) **COMMERCIAL ESTABLISHMENT.** A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up, and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business, and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

(7) **COMMUNITY EVENT SIGN.** A sign erected within the city, which is used to call attention to special events of interest to the general public, which may be sponsored by government agencies, schools, service clubs, civic or religious organizations, or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.

(8) **CONSTRUCTION SIGN.** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.

(9) **CONTINUED READABILITY.** Continuing to be read easily, with all letters, images and other aspects of the sign face remaining as initially depicted and displayed, ordinary wear and tear excepted.

(10) **DIRECTIONAL SIGN, ON-SITE.** A sign which gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs.

(11) **ESSENTIAL SERVICES SIGN.** A sign which identifies an essential service use as defined in the City Zoning Ordinance.

(12) **FLAG SIGN.** A flag which is attached to a pole and which contains the name, logo or other symbol of a business, company, corporation or agency of a commercial nature.

(13) **FLASHING SIGN.** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.

(14) **FREESTANDING SIGN.** A sign that is not attached to a building or wall, and is supported by one or more poles or braces, which are less than 50% of the width of the sign, or that rests on the ground or on a foundation resting on the ground.

(15) **GOVERNMENT SIGN.** A sign erected, or required to be erected, by the City of Charlotte, Eaton County, state or Federal government, or any agency thereof.

(16) **GROUND SIGN.** A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign in order to be a ground sign.

(17) **INCIDENTAL SIGN.** A small sign, emblem or decal informing the public of facilities or services available on the premises, for example, a building entrance sign, a credit card sign, or restroom sign or sign indicating hours of business.

(18) **MANSARD.** A sloped roof or roof-like facade architecturally comparable to a building wall.

(19) **MARQUEE/CANOPY/AWNING SIGN.** A sign painted on, attached to, or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of the building.

(20) **MEMORIAL SIGN.** A sign, tablet, or plaque memorializing a person, event, structure or site.

(21) **MURAL.** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

(22) **NAMEPLATE.** A non-illuminated, on-premise sign, giving only the name, address and/or occupation of an occupant or group of occupants.

(23) **NON-ACCESSORY SIGN.** A sign structure advertising a service, establishment, merchandise, or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located.

(24) **NON-COMMERCIAL SIGN.** A sign, either portable or non-portable, not advertising commerce, trade or location, and not otherwise defined herein. A political sign is a noncommercial sign.

(25) **PLACARD.** A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing," "No Hunting," or "Gas Mains" signs.

(26) **PORTABLE OR TEMPORARY SIGN.** A sign and sign structure designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing.

(27) **PROJECTING SIGN.** A display sign attached directly to the building wall, extending more than 12 inches from the face of the wall, and projecting in such a way that its message is not parallel to the wall to which it is attached.

(28) **REAL ESTATE SIGN.** A temporary sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

(29) **RESIDENTIAL IDENTIFICATION SIGN.** A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development.

(30) **ROOF LINE.** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

(31) **ROOF SIGN.** A sign erected above the roof line of a building.

(32) **SIDEWALK SIGN.** An A-frame sign which is portable and designed to be placed on the sidewalk in front of the use it advertises.

(33) **SIGN AREA.** The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display, or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are not more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two faces shall be counted as the one face.

(34) **SIGN HEIGHT.** The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign.

(35) **SPECIAL EVENT SIGN.** A sign for a sale or grand opening.

(36) **VEHICLE SIGN.** A vehicle primarily located or used to serve as a sign rather than as transportation. This includes trailers either attached or detached from a vehicle.

(37) **WALL SIGN.** A sign painted or attached directly to and parallel to the exterior wall of a building, extending no greater than 12 inches from the exterior face of a wall to which it is attached, and located below the roof line. This includes signs attached to a mansard.

(38) **WINDOW SIGN.** A sign installed inside a window and intended to be viewed from the outside.

SPOT ZONING. Rezoning a lot or parcel of land for a use incompatible with surrounding uses.

STORY. That part of a building, except a mezzanine, as defined in this section, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. (See Appendix A.)

STORY, HALF. An uppermost story lying under a sloping roof, at least 200 square feet in area, with a clear ceiling height of seven feet, six inches. For the purposes of this chapter, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

STREET. A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SUBDIVISION. The partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of the sale or lease for more than one year, or of building development, where the act of division creates five or more parcels of land, each of which is ten acres or less in area; or where five or more parcels of land, each of which is ten acres or less in area, are created by successive divisions within a period of ten years.

TEMPORARY USE OR BUILDING. A use or building permitted to exist during a specified period of time.

TRANSITION or TRANSITIONAL. A zoning district which may serve as a district of transition, i.e., a buffer zone between various land use districts or land use types. (See Appendix A.)

USE. The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

WALL, OBSCURING. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

YARDS. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter and as defined below.

(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of a corner lot, the front yard will be one of the two sides of the lot fronting on a street that is designated as the front yard by the property owner at the time of applying for a zoning permit. Once a front yard has been so designated, it shall remain the front yard for purposes of future zoning permits.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be the yard opposite the front yard.

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

(4) **SIDE YARD, EXTERIOR.** A side yard abutting a street.

(5) **SIDE YARD, INTERIOR.** A side yard abutting a yard on another lot or parcel.

(See Appendix A.)

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 20 days after adoption.

Second, _____, Carried. () Yeas. () Nays. _ Absent (_____)

Dated: _____, 2017

Timothy Lewis, Mayor

Ginger Terpstra, Clerk