

VILLAGE COMMISSION PROCEEDINGS

Adjourned regular meeting of the Village Commission held Thursday evening July 1, 1926, at 7:30 p.m. in the presence of the following members: Chairman, Commissioner...

ORDINANCE NO. 126

Proposed Building Zone Ordinance

An ordinance to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings, to regulate the density of population, to regulate and limit the percentage of lot occupancy...

SECTION 1. Definitions. For the purpose of this ordinance, certain terms used are herewith defined; words not defined herein shall be construed as used in the Housing Law of Michigan, Act 167 of the Public Acts of 1917, and amendments thereto.

ALLEY: A public thoroughfare at least eight feet wide but less than thirty feet wide.

ACCESSORY BUILDING: A building, use of which is incidental to the main building on the same premises.

BUILDING AREA OF: The maximum horizontal, projected area of a building, including covered porches. The area shall be determined by finding the total area eighteen inches inside the cornice line in case the cornice is more than eighteen inches wide.

BUILDING HEIGHT OF: 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, if a flat roof, to the deck line for mansard roofs and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs.

CORNER LOT: A parcel of land in a single ownership at the intersection of two or more streets, provided the angle at which the streets intersect does not exceed one hundred and thirty-five degrees.

SINGLE DWELLING: A "single dwelling" is a dwelling occupied by but one family alone.

TWO-FAMILY DWELLING: A "two family dwelling" is a dwelling occupied by two families alone.

MULTIPLE DWELLING: A "Multiple Dwelling" is a dwelling occupied by more than two families...

"A" Dwelling: District. "B" Dwelling: District. "C" Dwelling: District. Industrial District. The boundaries of said districts, and made a part of this ordinance, are hereby established, said map being designated as the "USE DISTRICT MAP"; and said map and all notations, references and other information thereon shall be as much a part of this ordinance as if the map and information set forth herein were all fully described herein.

GARAGE, COMMUNITY: A service garage that is used for service or storage of all makes of automobiles.

GARAGE, PRIVATE: A garage for private use, for private use, for storage only, having no public stop or service in connection therewith and housing not more than three automobiles of which not more than two may be commercial automobiles.

GARAGE, PUBLIC: A garage other than a Sales, Community or Private garage that is used for service or storage of all makes of automobiles.

GARAGE, SALES: A garage other than a Public, Community or Private garage that is used for the sale of new automobiles and has a department for servicing of only the make of cars for which it is sales representative, and in which the thirty feet nearest the street is used for sales space only.

LOT: Land in a single ownership, made for cooking in any building, and including the open spaces required therefor.

FRONT YARD: The minimum horizontal distance between the street line and the front line of the building, excluding steps, uncovered porches, and covered but unenclosed porches on the first story which do not exceed a total area of fifty square feet.

STORY, HALF: A half story is a story which is situated in a sloping roof, the floor area of which does not exceed one-half of the floor area of the story immediately below it and which does not contain an independent half story which shall not be counted as a story for the purpose of determining yard dimensions.

STREET: A public thoroughfare thirty feet or more in width.

YARD, DEPTH OF REAR: The minimum horizontal distance between the extreme rear line of a building other than building for an accessory use, and the rear lot line.

YARD, REAR: A space, unoccupied except by a building of accessory use as hereinafter permitted, extending for the full width of the lot between the extreme rear line of a building and the rear lot line.

YARD, SIDE: An open, unoccupied space on a lot occupied by a building, extending for the full length of the building between the building and the side lot line.

Use District Regulations. In order to designate districts and regulate the location of dwellings, commercial, business, trades and industries and the location of all buildings designed, erected, altered or used for the purposes specified uses, the Village of Birmingham is hereby divided into the following districts known as:

- 1. Blacksmith or horse-shoeing shop or bag cleaning. 2. Bottling Works. 3. Building material storage yard. 4. Coal, coke or wood yard. 5. Contractor's plant or storage yard. 6. Ice plant or storage of more than twenty tons of ice. 7. Laundry employing more than ten persons. 8. Loading and transfer stations for municipal wastes. 9. Lumber yard. 10. Milk distributing station or dairy. 11. Gasoline filling stations and stables. 12. Storage yard. 13. Storage or baling of scrap paper, rags or junk. 14. Public Garages, unless exempt from the provisions of this ordinance, shall be located in a residential district. 15. Single dwellings. 16. Churches and Church Houses. 17. Farms. 18. Hospitals or Sanitariums. 19. Schools. 20. Any use excluded under this ordinance from an INDUSTRIAL DISTRICT—any use except the purposes permitted in a commercial district or for industrial uses other than those listed below: 1. Ammonia, bleaching powder or chlorine manufacture. 2. Asphalt manufacture or refining. 3. Blast furnace. 4. Boiler works, forge works, aluminum, brass, copper, iron or steel foundry. 5. Brick or terra cotta manufacture. 6. Celluloid manufacture or treatment. 7. Cresote treatment or manufacture.

SECTION 3. "A" Dwelling District. In the "A" Dwelling district no building or premises except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following uses: 1. Single dwellings. 2. Churches and Church Houses. 3. Farms. 4. Hospitals or Sanitariums. 5. Schools. 6. Any use excluded under this ordinance from an INDUSTRIAL DISTRICT—any use except the purposes permitted in a commercial district or for industrial uses other than those listed below: 1. Ammonia, bleaching powder or chlorine manufacture. 2. Asphalt manufacture or refining. 3. Blast furnace. 4. Boiler works, forge works, aluminum, brass, copper, iron or steel foundry. 5. Brick or terra cotta manufacture. 6. Celluloid manufacture or treatment. 7. Cresote treatment or manufacture.

SECTION 4. "B" Dwelling District. In the "B" Dwelling district no building or premises, except as otherwise provided in this ordinance shall be erected or used except for one or more of the following uses; viz: 1. Those uses dwelling in Section 1. 2. Two-family dwellings. 3. Nurseries.

SECTION 5. "C" Dwelling District. In the "C" Dwelling district no building or premises, except as otherwise provided in this ordinance shall be erected or used, except for one or more of the following uses, viz: 1. Those uses specified in Sections 3 and 4. 2. Multiple dwellings. 3. Hotels, provided they conform to all the other requirements of this ordinance for multiple dwellings. 4. Lodges, Temples, Clubs. 5. Community garage. 6. Greenhouses and nurseries.

SECTION 6. Commercial District. In a commercial district no building or premises, except as otherwise provided in this ordinance, shall be erected or used for any purpose, except the purposes permitted in the "C" dwelling district or for commercial uses other than those listed below:

1. Blacksmith or horse-shoeing shop or bag cleaning. 2. Bottling Works. 3. Building material storage yard. 4. Coal, coke or wood yard. 5. Contractor's plant or storage yard. 6. Ice plant or storage of more than twenty tons of ice. 7. Laundry employing more than ten persons. 8. Loading and transfer stations for municipal wastes. 9. Lumber yard. 10. Milk distributing station or dairy. 11. Gasoline filling stations and stables. 12. Storage yard. 13. Storage or baling of scrap paper, rags or junk. 14. Public Garages, unless exempt from the provisions of this ordinance, shall be located in a residential district. 15. Single dwellings. 16. Churches and Church Houses. 17. Farms. 18. Hospitals or Sanitariums. 19. Schools. 20. Any use excluded under this ordinance from an INDUSTRIAL DISTRICT—any use except the purposes permitted in a commercial district or for industrial uses other than those listed below: 1. Ammonia, bleaching powder or chlorine manufacture. 2. Asphalt manufacture or refining. 3. Blast furnace. 4. Boiler works, forge works, aluminum, brass, copper, iron or steel foundry. 5. Brick or terra cotta manufacture. 6. Celluloid manufacture or treatment. 7. Cresote treatment or manufacture.

SECTION 7. Industrial District. In an industrial district no building or premises, except as otherwise provided in this ordinance, shall be erected or used for any purpose, except the purposes permitted in a commercial district or for industrial uses other than those listed below: 1. Ammonia, bleaching powder or chlorine manufacture. 2. Asphalt manufacture or refining. 3. Blast furnace. 4. Boiler works, forge works, aluminum, brass, copper, iron or steel foundry. 5. Brick or terra cotta manufacture. 6. Celluloid manufacture or treatment. 7. Cresote treatment or manufacture.

floor shall be included in such incidental use. The room used for the storage of goods intended for sale upon the premises shall not be included in the area classed as industrial use. The storage of goods held for purposes other than for sale or use on the premises shall be prohibited.

In Commercial District, a Sales Garage may be erected with the garage entrance from the main street provided that the entrance conforms to the following general plan: The allowance for curb cutting shall be at least twenty feet. The center line of entrance for vehicles into garage shall be at least twenty-five feet from a side lot line. The entrance to building shall be recessed at least ten feet from front lot line, and shall be at least ten feet wide at the entrance doors, and at least twenty feet wide at the front lot line, permitting displayed side jamba with show windows, and shall have a triangular platform raised six inches on each side of entrance drive having twenty-five square feet of standing room.

Industrial District. In an industrial district no building or premises, except as otherwise provided in this ordinance, shall be erected or used for any purpose, except the purposes permitted in a commercial district or for industrial uses other than those listed below: 1. Ammonia, bleaching powder or chlorine manufacture. 2. Asphalt manufacture or refining. 3. Blast furnace. 4. Boiler works, forge works, aluminum, brass, copper, iron or steel foundry. 5. Brick or terra cotta manufacture. 6. Celluloid manufacture or treatment. 7. Cresote treatment or manufacture.

SECTION 8. Disinfectant or insecticide manufacture. 9. Distillation of bones, coal, tar or other waste. 10. Dye manufacture. 11. Dyeing at wholesale. 12. Fat rendering. 13. Filter manufacture. 14. Gas (heating or illuminating) manufacture or storage in excess of one thousand cubic feet. 15. Glass, plain or size manufacture. 16. Gun powder manufacture or storage. 17. Fire works or explosive manufacture or storage. 18. Incineration or reduction of dead animals, garbage, offal or refuse, other than garbage, offal or refuse accumulated and consumed on the same premises. 19. Lampblack manufacture. 20. Lime cement or plaster of Paris manufacture. 21. Oleoileth or linoleum manufacture. 22. Paint, oil, turpentine or varnish manufacture. 23. Pickled sauerkraut, sausage or vinegar manufacture. 24. Storage of petroleum or its derivatives in excess of two thousand gallons, or refining of petroleum. 25. Rock crushing. 26. Rolling mill. 27. Rubber manufacture from crude material. 28. Salt Works. 29. Slaughtering of animals, or sawing of lumber. 30. Smelting of iron. 31. Soap manufacture. 32. Stock yards. 33. Stone mill or quarry. 34. Sulphuric, sulphurous, nitric or hydrochloric acid manufacture. 35. Tallow, grease or lard manufacture or refining. 36. Tanning or curing of leather, raw hides or skins, or storage

of raw hides or skins. 37. Tar roofing or the water-proofing manufacture. 38. Tobacco (chewing) manufacture. 39. Manufacturing of any description employing more than ten persons in productive labor. 40. Any other trade, industry or use that is noxious or offensive by reason of the emission of odor, fumes, dust, smoke or noise.

SECTION 9. Non-Conforming Uses. The lawful use of buildings and of premises at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof. In the case of a building such use may be extended throughout the building provided no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made, a non-conforming use may be changed to any use permitted in a district where such non-conforming use would be permitted. No non-conforming building which has been damaged by fire, explosion, act of God or by the willful act of the owner or tenant in possession or act of public enemy to the extent of more than fifty per cent of its assessed value, shall be restored, except in conformity with the regulations of this ordinance.

SECTION 10. Height and Bulk District Regulations. In order to regulate and limit the height and bulk of buildings, the area of yards and other open spaces, the percentage of lot occupancy and the maximum number of families which may be housed, the Village of Birmingham is hereby divided into the following districts: Thirty-five foot height and bulk districts which shall comprise the districts shown on the map (Continued on Page 11)

SPECIAL ELECTION To Be Held in the VILLAGE OF BIRMINGHAM PRECINCT NO. 1—Corner of Harmon and Woodward Ave. PRECINCT NO. 2—Commission Rooms in the Village Hall, corner of Pierce and Martin Streets. PRECINCT NO. 3—Humphrey's Real Estate Office, 1306 S. Woodward Avenue, Village of Birmingham (Formerly Eco City). Thur. July 29, 1926 Between the Hours of 7 o'Clock a.m. and 8:30 o'Clock p.m. (CENTRAL STANDARD TIME) Qualified Electors Shall Vote Upon the Following Propositions— PROPOSITION 1. Shall the Village of Birmingham borrow the sum of One Hundred Seventy-five Thousand (\$175,000.00) Dollars and issue bonds of the Village therefor, for the purpose of constructing and building a new Library and equipping same? YES ( ) NO ( ) PROPOSITION NO. 2. Shall the Village of Birmingham borrow the sum of Forty Thousand (\$40,000.00) Dollars and issue bonds of the Village therefor, for the purpose of building and constructing a Fire Hall in the Village of Birmingham? YES ( ) NO ( ) PROPOSITION 3. Shall the Village of Birmingham borrow the sum of Two Hundred Thousand (\$200,000.00) Dollars and issue bonds of the Village therefor, for the purpose of paying for lots 37 to 48, inclusive, and 61 to 72, inclusive, of Merrill's Plat of the Village of Birmingham, Oakland County, Michigan? YES ( ) NO ( ) TAKE FURTHER NOTICE, that the day of Registration of qualified electors for the Village of Birmingham is hereby set for Saturday, the 17th day of July, 1926, between the hours of 7 o'clock A. M. and 8:30 o'clock P. M., Central Standard Time, and the places of holding such Registration shall be Precinct No. 1, Corner of Harmon and Woodward Avenues; Precinct No. 2, Commission Rooms in the Village Hall, Corner of Pierce and Martin Streets, and Precinct No. 3, Humphrey's Real Estate Office (formerly Eco City), 1306 So. Woodward Ave., Village of Birmingham, Michigan. HAZEL E. LAWLER, CLERK OF SAID VILLAGE OF BIRMINGHAM. July 1st, 1926.

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