

Proposed Building Zone Ordinance For The Village Of Birmingham

ORDINANCE No. 126

An ordinance to regulate and restrict the location of buildings, streets 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, to regulate and determine the area of yards and other open spaces surrounding buildings, to limit and restrict the maximum number of families which may be housed, and for said purposes to divide the village into districts, to provide a method of administration and to prescribe the penalties for the violation of its provisions.

It is hereby ordered by the people of the Village of Birmingham that the following ordinance be and the same shall be in full force and effect from and after the date of its passage.

SECTION 1. Definitions.

For the purpose of this ordinance, certain terms used are hereby 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 overhanging eaves, 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 gable and gambrel roofs. For buildings

NOTICE OF HEARING. The Village Commission will hold a public hearing for suggestions and objections to the proposed Zoning Ordinance, on Wednesday, June 23, 1926, at 8 o'clock p. m. in the Commission Room at the Village Hall, corner Pierce and Martin streets.

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, provided such average elevation shall not exceed the established sidewalk grade.

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

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

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

SECTION 2. 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 occupied for any purpose, the Village of Birmingham is hereby divided into the following districts known as:

- "A" Dwelling District. "B" Dwelling District. "C" Commercial District. Industrial District.

The boundaries of said districts, shown upon the map attached hereto, and made a part of this ordinance, are hereby established and shall constitute as the "USE DISTRICT MAP"; and said map and all notations, references and other information shown thereon shall be as much a part of this ordinance as if the maps and forms set forth by said map were fully described herein.

SECTION 3. "A" Dwelling District.

- 1. Single dwellings. 2. Churches and Church Houses. 3. Farms. 4. Hospitals or Sanitariums. 5. Institutions of an educational or philanthropic character other than correctional institutions. 6. Railroad local passenger stations.

Physicians and Clergymen may practice their profession and maintain an office in their residence.

Signs pertaining to the lease, sale or use of a lot or building may be placed thereon, provided the total area of all such signs does not exceed eight square feet, and provided further that on a lot occupied by a dwelling and pertaining to the use thereof or to the name or occupation of an occupant shall not exceed one square foot.

"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 specified in Section 3. 2. Multiple dwellings. 3. Hotels, provided they conform to all the other regulations of this ordinance for multiple dwellings. 4. Lodges, Temples, Clubs. 5. Community garage. 6. Greenhouses and nurseries.

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. 2. Bottling Works. 3. Building material storage yard. 4. Carpet or rug cleaning. 5. Coal, coke or wood yard. 6. Contractor's plant or storage yard. 7. Ice plant or storage of more than twenty tons of ice. 8. Laundry employing more than ten persons. 9. Loading and transfer stations for municipal wastes. 10. Lumber yard. 11. Milk distributing station or dairy. 12. Gasoline filling stations and tanks. 13. Stone yard. 14. Storage or baling of scrap paper, rags or junk.

Any use excluded under this ordinance from an INDUSTRIAL DISTRICT—any use permitted under this ordinance in an industrial district, except an industrial district's use, clearly incidental to a retail business conducted on the premises, provided such industrial use does not occupy more than twenty per cent of the entire floor area of a building.

Twenty per cent of the entire floor area of a building may be used for industrial purposes incidental to the business, but not more than twenty per cent of the first floor shall be included in such incidental use. The room used for the storage of goods intended for sales upon the premises shall not be included in the area classed as industrial use.

The storage of goods held for purposes other than that shall be use on the premises shall be prohibited. In Commercial District, a Sales Garage may be erected with the garage entrance from the main entrance provided that the entrance conforms to the following general plan: The allowance for curb cutting shall be at least twenty feet. The center line entrance for vehicles shall be at least twenty feet into garage 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 at the entrance doors, and at least twenty feet wide at the front lot line, permitting space and triangular platform, shall be raised six inches on each side of entrance having twenty-five square feet of standing room.

SECTION 7. Industrial District.

In an industrial district no building or premises, except as otherwise provided in this ordinance, shall be erected 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. Alumina manufacture. 4. Boiler works, forge works, aluminum, brass, copper, iron or steel foundry. 5. Brick, tile or terra cotta manufacture. 6. Celluloid manufacture or treatment. 7. Cresote treatment or manufacture. 8. Disinfectant or insecticide manufacture. 9. Distillation of bones, coal, or tar. 10. Dye manufacture. 11. Dyeing at wholesale. 12. Fat rendering. 13. Fertilizer manufacture. 14. Gas (heating or illuminating) manufacture or storage in excess of one thousand cubic feet. 15. Glass, gelatin 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 accumulators and consumed on the same premises. 19. Lamination manufacture. 20. Lime, cement or plaster of Paris manufacture. 21. Olefin or linoleum manufacture. 22. Paint, oil, turpentine or varnish manufacture. 23. Pickle, sauerkraut, sausage or vinegar manufacture. 24. Storage of sulphur or its derivatives in excess of two thousand gallons, or refining of sulphur. 25. Rock crushing. 26. Rolling mill. 27. Rubber manufacture from crude material. 28. Salt works. 29. Slaughtering of animals, or fowl. 30. Smelting of iron. 31. Soap manufacture. 32. Stock yards. 33. Stone mill or quarry. 34. Storage of sulphuric, nitric or hydrochloric acid manufacture. 35. Tallow, grease or lard manufacture or refining. 36. Tanning or curing of leather, hides or skins, or storage of raw hides or skins. 37. Tar roofing or tar waterproofing 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 odors, fumes, dust, smoke or noise.

SECTION 8. 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, which is so continued, the building shall be extended throughout the building provided no structural alterations are made, and the 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 by the willful act of any other person, shall be restored 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 9. Height and Bulk District Regulation.

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 district, which shall comprise the districts shown on the map as "A" and "B" dwelling districts. Fifty foot height and bulk dwelling district which shall comprise the districts shown on the map as "C" dwelling district. Fifty foot height and bulk commercial and industrial district which shall comprise the districts shown on the map as COMMERCIAL and INDUSTRIAL districts.

Except as hereinafter provided, no building shall be erected or altered, so as to produce greater heights, smaller yards or lots unoccupied area, or house more families than herein required for such building for the height and bulk district in which it is located.

No lot shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed by this ordinance, excepting by condemnation of a portion of the property.

SECTION 10. Thirty-five Foot Height and Bulk District.

In a thirty-five foot height and bulk district:

- HEIGHT: No building shall exceed thirty-five feet or two and one-half stories in height. REAR YARDS: There shall be a rear yard on every lot. An interior yard and "B" dwelling district the rear yard shall have a minimum depth of twenty-four feet, which shall be increased by four feet for each additional story of the building above the first story. On corner lots within a residential district the above rear yard depth may be decreased by not more than six feet.

SIDE YARDS: There shall be a side yard on each side of every building, other than an accessory building, in an "A" dwelling and a "B" dwelling district. The minimum width of any side yard provided in a thirty-five foot height and bulk district shall be six feet, which shall be increased one foot for every ten feet of frontage thereof that the length of the side yard exceeds fifty feet, provided that on no lot held under separate and distinct ownership from adjacent lots and of record at the time of the adoption of this ordinance shall the buildable width be reduced by this requirement to less than twenty-four feet with side yards equally divided.

FRONT YARD: In a thirty-five foot height and bulk district on lots fronting on one side of a street between two intersecting streets, no building shall hereafter be erected or altered to be closer to the street than the minimum front yard of existing buildings within such limits, provided that the required front yard of a building shall not be greater than thirty-five feet in any case. If no buildings exist on such lots at the time of the adoption of this ordinance, no building shall hereafter be erected within such limits closer to the street line than limits five feet. Houses built crosswise of lots shall conform to same yard restrictions as other houses on the same street.

BUILDING AREA: The area of a dwelling shall not exceed twenty-five percent of the area of the lot if a corner lot or thirty-five percent, if a corner lot. The area of a building other than a dwelling shall not exceed forty percent of the area of the lot if a corner lot or fifty percent if a corner lot.

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