

Proposed Building Zone Ordinance For The Village Of Birmingham

ORDINANCE No. 126

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, to regulate and determine the areas 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 measuring and to prescribe the penalties for the violation of its provisions.

It is hereby ordered by the people of the Village of Birmingham:

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 meaning of Michigan, A.S. 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 corner 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. For buildings

NOTICE OF HEARING

The Village Commission will hold a public hearing for 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.

Signed: HAZEL LAWLEY,
Village Clerk.

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 at the center of the front of the building by more than one inch for each foot that the building sets back from the front lot line.

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 otherwise than as a private dwelling or two family dwelling.

MIXED OCCUPANCY: In cases of mixed occupancy, where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the pur-

poses of this ordinance and shall conform with the provisions thereof relative to dwellings.

GARAGE, COMMUNITY: A series of private garages located jointly on one lot, which building or buildings will not over eight hundred square feet of floor area for private use, for service in connection therewith, and housing not more than three units, shall be commercial automobiles.

GARAGE, PUBLIC: A garage other than 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 service only.

HOTEL: A building occupied as the more or less temporary abiding place of persons who are lodged with or without meals, in which, as a rule, the rooms are occupied singly in fit from the front lot line unless in the same building to which the use is accessory.

PHYSICIANS AND CLERGYMEN: Signs pertaining to the lease, sale or use of a building shall not be placed thereon, provided the total area of all such signs does not exceed eight square feet, and provided further than on a lot occupied by a dwelling and pertaining to the use thereof or bearing 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. Single dwellings.
2. Churches and Church Houses.
3. Farms.
4. Hospitals or Sanitaria.
5. Institutions of an educational or philanthropic character other than correctional institutions.
6. Railroad local passenger stations.
7. Accessory uses customarily incident to any of the above uses, including not more than one private garage, which may or may not have living quarters for servants, but not including the conduct of a business.
8. Physicians and Clergymen may practice their profession and maintain an office in their residence.

"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 Section 3.
2. Multiple dwellings.
3. Hotels, provided they conform with the other requirements of this ordinance for multiple dwellings.
4. Lodging houses, Clubs.
5. Community garages.
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 ordinance 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 bag 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 waste.
10. Lumber yard.
11. Milk distributing station or dairy.
12. Gasoline filling stations and stables.
13. Stone yard.
14. Storage or baling of scrap paper, rags or junk.
15. Public Garages, unless access to the garage is from an alley in the rear, or from a street other than Woodward avenue, Maple avenue, Southfield avenue, and Adams avenue.
16. Any use excluded under this ordinance from an INDUSTRIAL DISTRICT—any use permitted under this ordinance in an industrial district except an industrial use as clearly indicated to a retail business conducted on the premises, shown upon the map attached hereto, and made a part of this ordinance, are hereby established, said map be-

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

- "A" Dwelling District.
- "B" Dwelling District.
- "C" Dwelling District.
- 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, said map be-

ing designated 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 matters and information set forth by said map were fully described herein.

Except as hereinafter provided, no building shall be erected or altered or shall any building or premises be used, for any purpose other than a use permitted in the use district in which such building or premises is located.

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 Sanitaria.
5. Institutions of an educational or philanthropic character other than correctional institutions.
6. Railroad local passenger stations.
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"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.
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4. Lodging houses, Clubs.
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- "B" Dwelling District.
- "C" Dwelling District.
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- Industrial District.

The boundaries of said districts, shown upon the map attached hereto, and made a part of this ordinance, are hereby established, said map be-

2. Asphalt manufacture or refining.
3. Blast furnace.
4. Boiler works, large works, aluminum, brass, copper, iron or steel foundry.
5. Brick, tile or terra cotta manufacture.
6. Celluloid manufacture or treatment.
7. Chemical treatment or manufacture.
8. Disinfectant or insecticide manufacture.
9. Distillation of bones, coal, tar or wood.
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. Glue, 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, or other accumulated and consumed on the same premises.
19. Lampblack 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 petroleum or its derivatives in excess of two thousand gallons or reduction of petroleum.
25. Rock crushing.
26. Rubber manufacture from crude material.
27. Rubber manufacture from crude material.
28. Slaughtering of animal, or fowl.
29. Smelting of iron.
30. Soap manufacture.
31. Stock yards.
32. Stone mill or quarry.
33. Sulphuric, sulphurous, nitric or hydrochloric acid manufacture.
34. Tallow, grease or lard manufacture or refining.
35. Tanning or curing of leather, raw hides or skins, or storage of raw hides or skins.
36. Tar, roofing or tar waterproofing manufacture.
37. Tobacco (chewing) manufacture.
38. Manufacturing of any description employing more than ten persons in productive labor.
39. Any other trade, industry or use that is noxious or offensive by reason of the emission of odor, fumes, dust, smoke or noise.

SECTION 4. 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, riot 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 5. 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 districts: 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 district 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 or shall any building or premises be used, for any purpose other than a use permitted in the use district in which such building or premises is located.

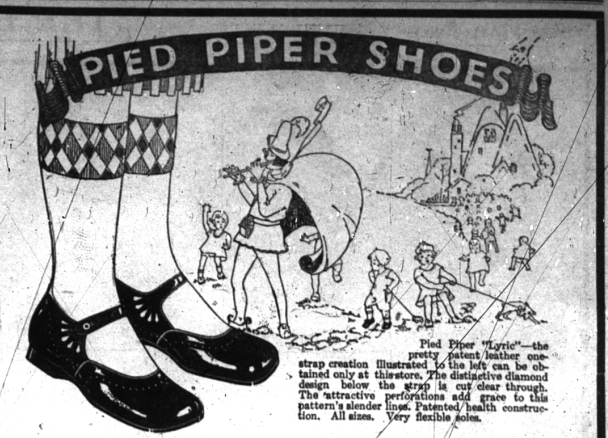
No lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed by this ordinance, excepting by condemnation of a portion of the property.

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. On interior lots with an "A" dwelling district the rear yard shall have a minimum depth of twenty-four feet, which shall be increased by one foot for each additional story of the building above one story. On corner lots with a residential district, the rear yard shall have a minimum depth of twenty-four feet, which shall be increased by one foot for each additional story of the building above one story. On corner lots with a residential district, the rear yard shall have a minimum depth of twenty-four feet, which shall be increased by one foot for each additional story of the building above one story.
- SIDE YARDS: There shall be a side yard on each side of every building, other than an accessory building, in an "A" 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 the side yard which exceeds fifty feet, provided that on no lot held under a separate and distinct ownership from adjacent lots and of record at the time of the adoption of this ordinance shall the building 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 be-

Continued on Page 11



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