

BUILDING ZONE ORDINANCE

DISTRICT NO. 1

BLOOMFIELD TOWNSHIP

AN ORDINANCE to promote, protect, and provide for, in the interest of the public health, safety, comfort, convenience, prosperity and general welfare, in Bloomfield Township, the conservation of property values and natural resources and the general trend and character of building and population development, to regulate the location of buildings and structures designed for specified uses, to regulate and determine the areas of given forms of land utilization, to regulate and limit the uses, the height, the area, the size and location of buildings and structures hereafter erected; to prohibit the use of tents and automobile trailers or similar portable dwellings for dwelling purposes in said township; to regulate and restrict the use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation and the uses for which buildings or structures shall be erected or altered and designating the trades, residences and industries which shall be permitted in such township, to regulate and determine the area of yards, courts and other open spaces, to limit and restrict the number of families which may be housed in dwellings hereafter erected or altered and to provide a Building Zone Map as part of this Ordinance, to provide a method of administration and to provide penalties for the violations thereof for carrying out the aforementioned regulations, to divide the township into zones of such number, shape and area as appear upon the said building Zone Map.

Be it Ordained by the Township Board of the Township of Bloomfield, County of Oakland, State of Michigan, by authority of Act No. 302 of the Public Acts of Michigan for 1937 and as subsequently amended and which Act was adopted by the electors of Bloomfield Township.

SECTION I—DEFINITIONS

That for the purpose of this Ordinance certain terms used are herewith defined:

DISTRICT NO. 1: The District being all the area in Sections: 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of the Township of Bloomfield, Oakland County, Michigan, excepting therefrom any part of portion of said lands lying within any incorporated city.

A **STREET** is a thoroughfare or way, other than a public alley, dedicated to the use of the public and open to public travel.

AN **ALLEY** is a narrow passage-way open to public travel.

A **LOT** is the parcel of land on which a principal building and its accessories are placed, together with the required open spaces.

A **LOT OF RECORD** is a lot the dimensions of which are shown on a document or map on file with the register of deeds or in common use by county or township officers, and which actually exists as so shown, or any part of such lot held in ownership, or record separate from the remainder thereof.

AN **ACCESSORY BUILDING** is a building subordinate to the main or principal building on a lot and used for purposes customarily incidental to those of the main building.

A **CORNER LOT** is a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135°. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an angle of not over 135°. In the case of a corner lot with a curved street line the corner shall be considered to be that point on the street lot line nearest to the point of intersection of the tangents herein described.

AN **INTERIOR LOT** is a lot other than a corner lot.

THE **FRONT LOT LINE:** In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of any other lot one such line shall be elected to be the front lot line for the purposes of this Ordinance provided it is so designated by the building plans filed for approval with the Building Inspector.

THE **REAR LOT LINE** is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

A **SIDE LOT LINE** is any lot boundary line not a front lot line or a 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 or lots is an interior side lot line.

A **FRONT YARD** is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the front lot line, unoccupied from the ground upward except as hereinafter specified.

A **REAR YARD** is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the rear lot line and unoccupied from the ground upward except as hereinafter specified.

A **SIDE YARD** is an open space extending from the front yard to the rear yard and of a uniform width measured horizontally at right angles to the side lot line and unoccupied from the ground upward except as hereinafter specified.

A **COURT** is an open unoccupied space, other than a yard, and bounded on at least two sides by a building. A court extending to the front yard or front lot line or to the rear yard or rear lot line is an **OUTER COURT**. Any other court is an **INNER COURT**.

THE **HEIGHT OF A BUILDING** is the vertical distance from the established side-walk 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 between eaves and ridges for gables, hip and gambrel roofs. Where there is no established side-walk grade, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

A **STORY** is that portion of a building between one floor level and the floor level next above it, or between the uppermost floor and the roof. Any story lying more than fifty per cent (50%) by volume below the higher level of the adjoining ground, and any mezzanine, balcony or similar story having a floor area of less than fifty per cent (50%) of the floor area of the story immediately above it shall not be counted as a story in measuring the height of buildings under this Ordinance.

A **HALF-STORY** is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five per cent (75%) of the floor area of the story immediately below it, and not used, or designed or arranged or intended to be used, in whole or part, as an independent housekeeping unit or dwelling.

A **FAMILY** is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood or marriage, and including the domestic employees thereof. Any group of persons not so related, but inhabiting a single house shall, for the pur-

pose of this Ordinance, be considered to constitute one family for each five persons, exclusive of domestic employees, contained in such group.

A **DWELLING** is any house or building or portion thereof which is occupied wholly as the home, residence or sleeping place of one family whether permanently or transiently. In cases of mixed occupancy where a building is occupied as a dwelling in part so occupied shall be deemed a dwelling for the purposes of this Ordinance and shall comply with the provisions thereof relative to dwellings. Garage space whether in an attached or detached garage shall not be deemed a part of a dwelling; nor shall automobile trailers or similar portable dwellings or tents be considered dwellings.

A **FARM** is all of the unplatted contiguous or neighboring land which is directly farmed by one farmer by his own labor or with the assistance of members of his household or hired employees. Provided, however, land to be considered a farm hereunder shall include a continuous unplatted parcel of not less than forty (40) acres in extent; provided further, farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, apiaries; but establishments keeping, or operating, fur bearing animals, game, fish hatcheries, stock yards, recreational parks, stone quarries, or gravel or sand pits shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land.

A **PRIVATE GARAGE** is a structure for the storage principally of non-commercial motor vehicles, having no public shop or service in connection therewith, and occupying a building which is not to exceed six hundred (600) square feet or a larger area if for the private use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees.

A **COMMUNITY GARAGE** is a structure, or series of structures, for the storage of motor vehicles, having no public shop or service in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use of two or more owners or occupants of property in the vicinity.

A **PUBLIC GARAGE** is a structure, other than a private or a community garage, for the storage, care, repair or refinishing of motor vehicles, except that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance or refinishing service or storage of vehicles other than those displayed, shall not be considered a garage for the purposes of this Ordinance.

A **MOTOR SUPPLY STATION** is a building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including space or facilities for the storage, repair, refinishing or other servicing thereof.

SECTION II—ZONES

For the purpose of this Ordinance the Bloomfield Township is hereby divided into the following zones:

RESIDENCE 1 ZONES

RESIDENCE 2 ZONES

RESIDENCE 3 ZONES

COMMERCIAL 1 ZONES

The boundaries of said zones, shown upon the map marked and designated Building Zone Map of Bloomfield Township which is attached hereto and which is a part of this Ordinance are hereby established; said map and all notations, references and other information shown thereon shall be as such a part of this Ordinance as if the matters and information set forth by said map were all fully set out and described herein.

SECTION III—GENERAL PROVISIONS

Except as hereinafter provided, no building or land or part thereof shall be used, altered, constructed or reconstructed in Bloomfield Township except in conformity with the provisions of this Ordinance which apply to the zone in which it is located. However, any lawful non-conforming use existing at the time of passage of this Ordinance may be continued except as herein prohibited or restricted provided that the building or land proposed or enlarged part shall conform to the provisions of this Ordinance for the zone in which it is located. No non-conforming use if changed to a use permitted in the zone in which it is located shall be resumed or changed back to a non-conforming use.

Nothing in this Ordinance shall prevent the continued occupancy of any existing dwelling whose area is four hundred (400) square feet or greater at the first floor level, but any dwelling occupied at the time of the passage of this Ordinance and having an area less than four hundred (400) square feet at the first floor level, may at the discretion of the Board of Appeals hereinafter provided, be granted for a period not to exceed two years an unrenewable temporary Certificate of Occupancy.

Nothing in this Ordinance shall prevent the restoration of a building destroyed less than fifty per cent (50%) of its value, exclusive of the foundations, by fire, explosion, act of God or by the action of the public enemy, subsequent to the passage of this Ordinance; or shall prevent the continuance of the use of such building or part thereof as such use existed at the time of such impairment of such building or part thereof.

Nothing in this Ordinance shall require any change in the plans, construction or intended use of a building having an area of at least four hundred (400) square feet at the first floor level, which has been started prior to the time of passage of this Ordinance and the construction of which shall have been diligently prosecuted. Nothing herein contained shall prevent the strengthening or restoration of any building or wall declared unsafe by the Building Inspector hereinafter provided. No yard, court or other open space provided above any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court or other open space for another building existing or intended to exist at the same time.

No dwelling shall be built upon a lot having a width at the front of less than sixty (60) feet and fronting upon a public street, or upon a permanent unobstructed easement of access to a public street, such as, and at the end thereof and at intermediate intervals of five hundred (500) feet a turn-around not less in width than forty (40) feet.

Wherever there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of any abutting rear yard required under this Ordinance may be made to the center-line of such alley.

THE **CUBIC CONTENT** shall be computed on the following basis: The cubic content of the actual space enclosed within the outer and bottom of the outside walls and contained between the outside of roof and bottom of the outside walls or floor slab. Bays, oriels, dormers, chimneys, pent house, enclosed porches are to be taken in full volume. Non-enclosed porches if built within the residence proper and having no screens or sash are to be taken at 1/2 volume. Non-enclosed porches if built as extension to a house and having screens and sash are to be taken at full volume. The cubage shall not include a private garage either attached or detached, outside steps, terraces, light shafts, cornices, footing, piles, caissons, deep foundations and exterior garden walls.

Outside stairways, fire-escapes, fire-towers, porches, platforms, balconies and other projections shall be considered as part of the building and not as a part of the yards or courts, or unoccupied spaces. This provision shall not apply to unenclosed outside porches not exceeding one story in height which do not extend into the required front or rear yard further than the side yard near to five (5) feet to the side lot line nor exceed twelve (12) feet in its other horizontal dimension, or to cornices not exceeding eighteen (18) inches in width. Provided, that the Building Inspector may permit encroachment or extensions into the front or rear yards provided whenever such structures do

not extend more than thirty (30) inches from the main wall of the building, do not in the aggregate occupy more than twenty per cent (20%) of the length of such wall, and do not interfere with the light or ventilation of any room used as a dwelling.

SECTION IV—RESIDENCE 1 ZONES

USES: In a Residence 1 Zone no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified purposes:

- (1) Dwellings.
- (2) Farms.
- (3) Churches, public schools, public libraries, museums, private schools and educational institutions.
- (4) Public hospitals (but not including institutions for the care of the feeble minded or insane), when permitted by the Board of Appeals.
- (5) Community buildings, country clubs, fraternal lodges, or similar civic or social clubs (but not a residential club or one operated as a commercial enterprise), when permitted by the Board of Appeals.
- (6) The use of open land and waters for privately owned and operated parks, picnic groves, golf courses, or similar facilities for outdoor exercise and recreation (not including boat livers and bathing facilities), which may not be operated for profit and provided such use does not impair the natural appearance of such land or tend to produce noise or annoyance to surrounding properties, only when permitted by the Board of Appeals.
- (7) Community garages when permitted by the Board of Appeals.
- (8) Accessory uses customarily incident to any of the above permitted uses including but not more than one private garage in which there is housed therein not more than one commercial vehicle of not to exceed one and one-half (1 1/2) tons capacity for each lot, and including signs pertaining to the sale, lease or use of a lot or building placed thereon, and not exceeding eight (8) square feet in area on any one lot, except by authorization of the Board of Appeals. Dwellings for the use of domestic employees of the owners, lessees or occupants of the principal dwelling on a lot shall be considered accessory buildings but if containing a complete housekeeping unit or units, shall conform to all the height and yard requirements for dwellings in the zone in which they are located; but automobile trailers or similar portable dwellings, or tents used for dwelling purposes shall not be considered as a legal accessory use hereunder.

AREA OF BUILDING: No dwelling shall be erected or altered in this zone which provides less than five hundred twenty-five (525) square feet of floor area per family at the first floor level, exclusive of any garage area or area in any accessory building.

SIZE OF BUILDING: No dwelling shall be erected or altered in this zone which provides less than ten thousand (10,000) cubic feet of content.

FRONT YARDS: In a Residence 1 Zone, unless otherwise permitted by the Board of Appeals, there shall be on every lot, a front yard the minimum depth of which shall be forty (40) feet. Where a front yard of greater or less depth than the above specified exists in front of a dwelling or dwellings in existence at the time of passage of this Ordinance, on one side of a Street or other side of the street in front of any building subsequently erected on that side of the street that block shall not be less and need not be greater than the average depth of the front yards of such existing dwellings, but this shall not be deemed to require in Residential 1 Zone, a front yard of greater depth than fifty (50) feet or permit a less depth than twenty-five (25) feet in any case.

SIDE YARDS: In a Residence 1 Zone, there shall be on each side of every lot a side yard, the minimum width of any side yard shall be thirteen (13) feet.

On a lot occupied by a church or other building in which persons congregate, or which is designed, arranged, remodeled, or normally used for the congregation of persons in numbers in excess of twenty-five (25) the width of each side yard shall be not less than fifty (50) feet.

The width of a side yard abutting upon a street shall be not less than the minimum front yard depth required on an adjoining interior lot fronting upon such street, but this shall not reduce the buildable width of any lot as recorded at the time of passage of this Ordinance to less than thirty (30) feet at the ground story level.

REAR YARDS: In a Residence 1 Zone, there shall be on every lot a rear yard, the minimum depth of which shall be twenty (20) feet for a one-story building, twenty-five (25) feet for a two-story building. On a lot occupied by a church or other building in which persons congregate or which is designed, arranged, remodeled or normally used for the congregation of persons in numbers in excess of twenty-five (25) the depth of the rear yard shall be not less than fifty (50) feet.

The depth of a rear yard abutting upon a street shall be not less than the depth of front yard required for a building of the same size and kind on an adjoining interior lot fronting on such rear street.

HEIGHT: In a Residence 1 Zone, no building shall exceed two and one-half (2 1/2) stories or shall exceed thirty-five (35) feet in height.

AREA OF LOT: In a Residence 1 Zone, no dwelling shall be erected or used on any lot having an area of less than seventy-five hundred (7,500) square feet for each family housed thereon; except that this shall not prevent the use for one family of any lot existing and of record at the time of passage of this Ordinance and having an area of less than seventy-five hundred (7,500) square feet, but not less than five thousand (5,000) square feet.

BUILDINGS ON THE SAME LOT: Accessory buildings and portions thereof not exceeding one story or fifteen (15) feet in height may occupy not more than ten per cent (10%) of the lot area, nor exceeding two stories or twenty-five (25) feet in height may occupy not more than eight per cent (8%) of the lot area, but no portion thereof shall approach nearer to a side or rear lot line than five feet unless the exterior surface of all such portion within five (5) feet of the lot line be incombustible material and entirely without windows or other openings. Where a rear yard is required for a building on a lot, upon a rear yard buildings shall not occupy any of the minimum required rear yard space. On a corner lot accessory buildings shall not occupy any of the minimum required side yard space abutting upon a street nor any of that portion of the rear yard lying nearest to the street than the width of side yard required on such lot and abutting on such street. Where any building or portion of a building on a lot is used as a dwelling, there shall be left between it and all other buildings on such lot, a space of the size prescribed in the Housing Law of Michigan.

SECTION V—RESIDENCE 2 ZONES

USES: In a Residence 2 Zone no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified purposes:

- (1) Dwellings.
- (2) Farms.
- (3) Churches, public schools, public libraries, museums, private schools and educational institutions.
- (4) Public hospitals (but not including institutions for the care of the feeble minded or insane), when permitted by the Board of Appeals.
- (5) Community buildings, country clubs, fraternal lodges, or similar civic or social clubs (but not a residential club or one operated as a commercial enterprise), when permitted by the Board of Appeals.
- (6) The use of open land and waters for privately owned and operated parks, picnic groves, golf courses, or similar facility for outdoor exercise and recreation (not including boat