

# The Birmingham Eccentric

BIRMINGHAM, MICHIGAN

Thursday, July 19, 1962

## TOWNSHIP OF BLOOMFIELD OAKLAND COUNTY, STATE OF MICHIGAN ZONING ORDINANCE

### ORDINANCE NO. 67

JULY 10, 1962

#### TITLE

AN ORDINANCE ENACTED UNDER ACT 181, PUBLIC ACTS OF 1946, AS AMENDED, GOVERNING THE UNINCORPORATED PORTIONS OF THE TOWNSHIP OF BLOOMFIELD, OAKLAND COUNTY, MICHIGAN, TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND FOR PUBLIC AND SEMI-PUBLIC OR OTHER SPECIFIED USES; AND TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; TO REGULATE AND TO DETERMINE THE SIZE OF YARDS, COURTS, AND OPEN SPACES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE TOWNSHIP INTO DISTRICTS AND ESTABLISHING THE REGULATIONS THEREOF; PROVIDING FOR CHANGES IN THE REGULATIONS, RESTRICTIONS AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

#### PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such cases, made and provided for by the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Bloomfield, Michigan, and to facilitate, promote, advance and secure the economic progress and development of the Township, and to promote the economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of land and undue concentration of population; providing adequate light, air, and fire escape facilities; promoting the health, safety and economic progress of transportation, water, sewer, schools, recreation and other public requirements; and by other means, all in accordance with a comprehensive plan; now therefore:

#### ENACTING CLAUSE

The Township of Bloomfield Ordinance:

#### ARTICLE I - SHORT TITLE

SECTION 100. This Ordinance shall be known and may be cited as the Township of Bloomfield Zoning Ordinance.

#### ARTICLE II - DEFINITIONS

SECTION 200. For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the plural and the singular number included the singular; the word "shall" is mandatory; the word "may" is permissive; the words "used" or "occupied" include the words "intended" or "to be used"; the word "structure" includes the word "building"; the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel". Terms not herein defined shall have the meaning customarily assigned to them.

#### 1. GENERAL ZONING TERMS

- District:** Is a portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- Family:** Is one or more persons occupying a single detached unit and using common cooking facilities, provided that unless all members are related by blood, marriage, legal adoption or guardianship, no such family shall contain more than five persons. The person has constituted a family may also include domestic employees.
- Nonconforming Building:** Is a building or portion thereof, existing at the effective date of this Ordinance or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.
- Nonconforming Use:** Is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
- Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

#### 2. BASIC TYPES OF BUILDINGS AND USES

- Accessory Use or Building:** Is a use or building on the same lot with, and of a nature customarily incidental and subordinate to those of the main use or building.
- Main Building:** Is a building in which is conducted the principal use of the lot upon which it is situated.
- Main Use:** Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.
- Temporary Use or Building:** Is a use or building permitted by the Board of Appeals for a limited period, or reconstruction of the main building or use, or for special events.

#### 3. BASIC STRUCTURAL TERMS

- Alterations:** Is any change, addition or modification in construction or type of occupancy, any change 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".
- Basement:** Is 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.
- Building:** Is 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:** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. 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.
- Building Line:** Is a line formed by the face of the building, and for the purposes of this ordinance, a building line is the same as a front setback line.
- Courtyard:** Is an open, unoccupied space other than a yard, and bounded on at least two sides by a building. A courtyard 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.

- Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operation, excavation, fill, drainage, and the like, shall be considered a part of erection.
- Floor Area:** For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unoccupied porches.
- Grade:** Is deemed to mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. 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 evenly level, the grade shall be determined by determining the average elevation of the ground for each face of the building.
- Mezzanine:** Is an intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.
- Story:** Is that portion of a building, except a mezzanine as defined herein, 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 story thus defined shall not be counted as a story when more than fifty (50) per cent, by cubic content, is below the height level of the adjoining ground.
- Story, Half:** Is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75) per cent of the floor area of the story immediately below it, and not used, or designed, arranged or intended to be used in whole or in part, as an independent housekeeping unit or dwelling.
- Structure:** Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

#### 4. LOTS AND AREAS

- Lot:** Is a parcel of land occupied, or 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 open spaces as are required under the provisions of this ordinance.
- Lot Area:** Is the total horizontal area within the lot lines of the lot (Ordinance Section 1500, subsection 1).
- Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than one hundred fifty (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 one hundred thirty-five (135) degrees.
- Lot, Interior:** Is any lot other than a corner lot.
- Lot Lines:** The lines bounding a lot as defined herein:
  - Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from that street which is designated as the front street in the plat and the request for zoning for the zoning compliance permit.
  - Rear Lot Line:** Is 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 (10) feet long, lying farthest from the front lot line and wholly within the lot.
  - Side Lot Line:** Is 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 or lot within another side lot line.
- Lot Coverage:** Is the part or percent of the lot occupied by buildings, including accessory buildings.
- Lot Depth:** Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- Lot, Double Frontage:** Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a lot of double frontage, all sides adjacent to streets shall be considered frontage, and front yards shall be provided as required.
- Lot Width:** Is the horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.
- 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 ordinance, and as defined herein:
  - Front Yard:** Is 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 line of the main building.
  - Rear Yard:** Is 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 line of the main building.
  - Side Yard:** Is 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 of the side lot line to the nearest point of the main building.

#### 5. TYPES OF DWELLINGS

- Apartment:** The dwelling units in a multiple dwelling as defined herein:
  - One Bedroom Unit:** Is a dwelling unit containing a minimum net floor area of at least four hundred and fifty (450) square feet per unit, consisting of not more than three (3) rooms, in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
  - Two Bedroom Unit:** Is a dwelling unit containing a minimum net floor area of at least six hundred (600) square feet per unit, consisting of not more than four (4) rooms, in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered as a four (4) room unit.
  - Three or More Bedroom Unit:** Is a dwelling unit wherein for each room in addition to the four (4) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred and fifty (150) square feet to the minimum net floor area of six hundred (600) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a five (5) room unit and each increase in a room count by over three (3) there shall be an increase in the room count by one (1) over the five (5).
- Dwelling Unit:** Is a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

- Dwelling, One-Family:** Is a building designed exclusively for and occupied exclusively by one (1) family.
- Dwelling, Two-Family:** Is a building designed exclusively for occupancy by two (2) families, living independently of each other.
- Dwelling, Multi-Family:** Is a building designed exclusively for occupancy by three (3) or more families, living independently of each other.
- Row House:** Is a two (2) story row of three (3) or more attached, one (1) family dwellings, not more than two (2) rooms deep, each unit of which extends from the foundation to the roof.
- Terrace:** Is a one (1) or two (2) story row of three (3) or more attached, one (1) family dwellings, not more than two (2) rooms deep, and having the total dwelling space on one (1) floor.
- Trailer (Coach Mobile Home):** Is any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

#### 6. TERMS RELATING TO COMMERCIAL STRUCTURES AND USES

- Auto Service Station:** Is a space, building or structure designed or used for the retail sales or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, and including the necessary space and facilities for the installation of such commodities in or on such vehicles, and for minor repair, but not including space or facilities for open storage, engine overhaul, and major body repair, refinishing, other service thereof.
- Repair Station:** Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicle collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.
- Billboard:** Is any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. This definition does not include any bulletin boards used to display official court or public office notices.
- Drive-In:** Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or open space for motor vehicles in or as to serve patrons while in the motor vehicle rather than within a building or structure.
- Loading Space:** Is 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 cargo.
- Motel:** Is a series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging and are intended for the public traveling community, and shall cater primarily to the public traveling community by motor vehicles.
- Open-Front Store:** Is a business establishment so developed that the structure or portion thereof is intended 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, or for parking, but not including this computation of "Usable Floor Area." Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

#### 7. PARKING TERMS

- Off-Street Parking Lot:** Is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.
- Parking Space:** Is hereby determined to be an area of one hundred and eighty (180) square feet and area shall be exclusive of the structure, or its entrance or exits, giving access thereto, and shall be fully accessible for the storage of parking of permitted vehicles.
- Usable Floor Area:** (For the purposes of computing parking) Is that area used for or intended to be used 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, or for parking, but not including this computation of "Usable Floor Area." Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

#### 8. PUBLIC RIGHTS-OF-WAY AND UTILITIES

- Alley:** Any dedicated public way affording a secondary means of circulation to an abutting property, and not intended for general traffic circulation.
- Essential Services:** Is 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 towers, poles, wires, mains, drains, gages, pipes, conduits, cables, fire alarm and police call facilities, traffic signals, hydrants, and similar accessories in connection with, 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.
- Major Thoroughfare:** Is an arterial street which is intended to serve as a large volume roadway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street system of the Township. Any street which is proposed, of one hundred and twenty (120) feet shall be considered a major thoroughfare.
- Public Utility:** Is any person, firm, or corporation, municipal department, board, commission, utility authorized to furnish and furnish under Federal, state, or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
- Street:** Is a public thoroughfare which affords the principal means of access to abutting property.

#### 9. MISCELLANEOUS TERMS

- Club:** Is an organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
- 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. However, land to be considered a farm hereunder shall include a contiguous, 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 for 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.

- Kennel Commercial:** Any lot or premises on which three (3) or more dogs are either permanently or temporarily boarded.
- Hospital, General:** An installation providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.
- Master Plan:** Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township of Bloomfield, and includes any part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or Township Board.
- Stable, Private:** A stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two horses, provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one (1) acre of land for each additional horse stabled thereon.
- Stable, Public:** A stable other than a private stable, with a capacity for more than two horses, and carried on within an unplatted tract of not less than forty (40) acres.
- Trailer Court:** Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

#### 10. ZONING EXCEPTIONS AND VARIANCES

- Exception:** An exception is a use permitted only after review of an application by the Board of Appeals, such review being necessary because the provisions of this ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by the ordinance.
- Variance:** Is a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property to which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances, and (c) application to property. A variance is not justified unless all three elements are present in the case. The "exception" differs from the "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this ordinance appear as "special approval" or review by Planning Commission, Legislative Body, or Board of Appeals. These had uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following: (a) they require large areas (b) they are infrequent (c) they sometimes create an unusual amount of traffic (d) they are sometimes obnoxious or hazardous (e) they are required for public safety and convenience

#### ARTICLE III - ZONING DISTRICTS AND MAP

#### SECTION 300. DISTRICTS:

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

- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-M Multiple-Family Residential District
- R-1 Local Business District
- R-2 Community Business District
- R-3 General Business District
- O-1 Office Building District
- E-P Research Park District
- M-L Light Manufacturing District
- P-1 Vehicular Parking District

#### SECTION 301. BOUNDARIES:

The boundaries of these districts are hereby established as shown on the Zoning Map, Township of Bloomfield Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

- Unless shown otherwise, the boundaries of the districts are lot lines, the centerlines of streets, alleys, roads, or such lines extended, and the corporate limits of the Township of Bloomfield.
- Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals after recommendation by the Planning Commission.

#### SECTION 302. ZONING OF VACATED AREAS:

Whenever any street, alley or other public way shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same Zone District as the property to which it attaches.

#### ARTICLE IV - R-1 thru R-3 ONE FAMILY RESIDENTIAL DISTRICTS

The following regulations shall apply to all R-1, R-2, and R-3 districts and shall be subject further to the provisions of ARTICLE XV, "GENERAL PROVISIONS", and ARTICLE XVI, "GENERAL EXCEPTIONS".

#### SECTION 400. PRINCIPAL USES PERMITTED:

- One-Family detached dwellings.
- Farms.
- Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- Municipal buildings and uses.
- Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit.
- Accessory buildings and uses, customarily incident to any of the above permitted uses and provided that they shall be located as required in ARTICLE XIV, "GENERAL PROVISIONS".