

to propel internal combustion motors must be kept in subterranean storage tanks, not less than 3 feet below the surface of the ground and not less than 4 feet from any lot line; such storage tank shall be covered only with sand or gravel or other loose earth and no part shall extend under any paving or building or other permanent or semi-permanent structure or material. No one such tank shall exceed 1000 gallons in capacity and no single private garage, service garage or motor supply station shall have more than 3 such storage tanks and no such storage tank may be located on another lot.

**11. OPEN AUTOMOBILE OR TRAILER SALES OR RENTAL AREAS.** Permit the use of land for open automobile or trailer sales or rental areas in a C-2 District subject to the following conditions and safeguards:

(a) No area shall be used for open automobile or trailer sales and/or display of motor vehicles or rental areas or other similar uses, until approved by the Building Inspector. Provided, whenever the lot or area does not meet the specifications hereinafter set forth, the Building Inspector shall give notice to the property owner to repair same within a specified time, and if such repairs are not made in accordance with such notice, he shall order the lot or area closed forthwith; and such lot or area shall not be used for such purposes until repairs have been made and approved by the Building Inspector.

(b) An application for a permit to construct such a lot or area with 2 sets of plans shall be submitted to the Building Inspector. After the Building Inspector has determined that the following mandatory provisions had been provided for, he shall issue a construction permit to the applicant:

(1) All areas used for the open sales and/or display of motor vehicles, or other similar uses, shall be constructed and maintained subject to the regulations as set forth under Sections 12.04, 12.05, 12.06, 12.07, and 12.08 of Article XII.

(2) Every such lot or area shall be equipped with proper fire extinguishing apparatus subject to the approval of the Fire Department of the City of Farmington and all vehicles shall be parked or stored that they may be reached in case of fire or other emergency.

(3) Signboards erected parallel and adjacent to a line of uprights along the street-building lines of such an open lot or area, shall be at least 9 feet at their lowest point above the sidewalk level and not more than 12 feet at their highest point above the sidewalk level. They shall be adequately supported to resist dead load and windload.

12. Permit an industry, otherwise prohibited from the industrial districts, when such industry can prove that its processes have been so improved through engineering design and practice as will assure their compliance with the performance standards as set forth in Section 3.25 and 11.02 (a) to (r) inclusive, of this ordinance.

13. After an application-in-writing shall have been filed with the Building Inspector, and subject to following the required procedure for an appeal, including the holding of a public hearing, the Board may make the following variations and adjustments:

Waive the front yard depth required in a specific block and establish a different front yard requirement where front yard depths of existing buildings average more than 6 feet greater or more than 6 feet less than the front yard depth required for the district in which said block is located.

**14.11 UNNECESSARY HARDSHIPS.** Where there are practical difficulties or unnecessary hardships in complying strictly with the provisions of this Ordinance, the Board of Appeals may, in each specific case, adjust any such condition in harmony with the general purpose and intent of this Ordinance so that the public health, safety and general welfare may be secured and substantial justice done.

**14.12 CONDITIONS.** The Board may impose, in connection with any action on any appeal or variance, or the approval of any permit, conditions which may include time limits within which a permit acted upon shall be valid or a use shall be conducted, and which may establish the following and similar requirements for bringing the proposed use into conformity with the character of the district and adjoining properties, for protecting the public health, safety, convenience and welfare or for preventing traffic congestion;

1. Specific yard area, open space and height regulations that shall supersede such regulations, herein as would otherwise apply.

2. Provision of off-street parking space, and spaces or easements for protective planting screens, utility lines and necessary facilities and services supplemental to the principal or accessory use of the premises.

3. Limitation of use and specification of manner of maintaining and conducting such use or uses.

4. Structural requirements.

5. Dedication to the City of Farmington of areas required for any public purpose.

6. The execution and delivery to the City of Farmington of a written agreement, bond or other assurance of faithful performance of any approval or conditional approval by the Board of Appeals for the issuance of any permit and/or for any violation of such permit.

**7. VIOLATION OF PERMIT.** The violation of any such permit shall invalidate the permit, and shall subject the violator thereof to the penal provisions of this ordinance.

14.13. No permit authorized under this Article shall be approved unless the Board shall find, in each case, that the location of the use for which a permit is sought, the manner of conducting the same and the building, facilities and/or services which are involved will not be dangerous or detrimental to persons residing, working or congregating in the vicinity thereof, or to the public welfare, and will not adversely affect the use, enjoyment or value of any property.

#### ARTICLE XV ADMINISTRATION

**Section 15.01 ADMINISTRATIVE OFFICER.** The provisions of this Ordinance shall be administered by the City Manager or by such deputies as he may delegate. He shall make such general rules and prescribe the use of such forms and methods consistent with the intent of this Ordinance, as may facilitate the work. With the approval of the City Council, the City Manager may employ expert service to aid in the administration of the Ordinance.

**15.02 ZONING PERMITS.** No building or structure shall hereafter be erected, moved, repaired, altered or razed until a permit shall have been obtained by the owner of said building from the Building Inspector. No such permit shall be issued for the erection, moving, repair, alteration or razing of any building or structure or part thereof which is not in accordance with the provisions of this Ordinance.

**15.03 APPLICATION FOR PERMITS.** An application for a Zoning Permit shall be made to the Building Inspector. Such application shall be accompanied by a plat in duplicate, drawn in scale, showing the exact dimensions of the land and structure to which the permit is to apply, the lines of all the lots or parcels under separate ownership contained therein, width of and alignment of all abutting streets, alleys, easements of access and public open space, the area, size, position and height of all buildings or structures in duplicate, plans drawn to scale, of the proposed structure or alteration and such other information as may be deemed necessary for the proper enforcement of this Ordinance. An accessory building, when erected at the same time as the principal building on a lot and shown on the application thereof, shall not require a separate permit. Whenever the buildings, lands and uses thereof as set forth on the application are in conformity with the provisions of this Ordinance, it shall be the duty of the Building Inspector to issue a permit within 10 days after the receipt of such application. All building permits, when issued, shall be conspicuously posted upon the premises. In all cases when the Building Inspector shall refuse to issue a permit, he shall state such a refusal, in writing, with the cause and reasons for said refusal.

**15.04 SCHEDULE OF FEES FOR ZONING PERMITS.** Before any permit shall be issued, under this Ordinance, an inspection fee shall be paid in an amount fixed by a schedule established by resolution of the City Council.

**15.05 ZONING INSPECTION FOR BUILDING AND LAND USE.** It shall be the duty of the holder of every permit to notify the Building Inspector, in writing, of the time when such building or land use will be ready for inspection. Two such inspections shall be requested on all buildings. The first of these inspections shall be requested when excavation for foundations has been completed, and the second inspection shall be requested when the building is completed. In case of sheds and garages, having an area of less than 800 square feet, only one inspection by the Building Inspector shall be required, which inspection shall be requested as soon as wall studs are in place. Failure to notify the Building Inspector of the time for such inspection shall automatically cancel the permit and before reissuing such permit the Building Inspector may require the payment of a second fee. A notice to call the attention of the holders of permits to the requirements of this section shall be printed on all permits issued.

**15.06 CERTIFICATE OF OCCUPANCY.** No land or building hereafter erected or altered shall be occupied, used or changed in use until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the land or building or proposed use of a building or land complies with all the building and health laws and ordinances and the provisions of this Ordinance.

**15.07 APPLICATION FOR CERTIFICATES OF OCCUPANCY.** Certificates of Occupancy shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection or alteration of such building or the use of land shall have been completed in conformity with the provisions of these regulations. A record of all such certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application for a permit for all other certificates, or for copies of any original certificates, there shall be a charge of \$1.00 each. No permit for any excavation, or for the alteration of any building, or for any use of land, shall be issued before application has been made for a Certificate of Occupancy.

**15.08 TEMPORARY CERTIFICATE OF OCCUPANCY.** The Building Inspector may issue a Temporary Certificate of Occupancy for a part of a building prior to the occupation of the entire building, provided such temporary certificate shall not remain in force for a period in excess of 6 months nor more than 5 days after the building is fully completed and ready for occupancy, and provided, further, that the owner shall execute and sign a statement of willingness to comply with all conditions set forth in said certificate under penalty of revocation thereof.

**15.09 EXISTING USES.** Certificates of Occupancy shall be issued for existing structures or premises and uses at the time of adoption of this Ordinance when requested.

**15.10 CERTIFICATE OF OCCUPANCY FOR NON-CONFORMING BUILDINGS.** A certificate of Occupancy shall be required for each non-conforming use of buildings existing prior to the time of passage of this Ordinance. Application for such Certificate of Occupancy for Non-Conforming uses shall be filed with the Building Inspector by the owner or lessee of the building occupied by such non-conforming use within one year from the effective date of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for such non-conforming use upon such application. The failure of the owner or lessee of the building occupied by such non-conforming use to obtain such Certificate of Occupancy for same within one year from the effective date of this Ordinance shall create a conclusive presumption that such non-conforming use did not exist prior to the effective date of this Ordinance and such non-conforming use shall be discontinued within one year from the effective date hereof.

**ARTICLE XVI  
CHANGES AND AMENDMENTS**

**Section 16.01 AMENDMENT PROCEDURE.** The City Planning Commission may on its own motion or on petition, initiate recommendations for changes, amendments or supplements to this Ordinance. The Planning Commission shall receive petitions from individual property owners or groups of property owners, requesting district changes, amendments or supplements to this Ordinance. The Planning Commission shall carefully consider each petition filed and shall by resolution decide whether to recommend the granting of said petition or any part thereof. If the Planning Commission shall, by majority vote, believe that said petition or some part thereof should be granted, it shall send its recommendations to the City Council in writing. The Council shall consider said recommendations and if it believes that such changes, amendments, or supplements to be prepared in proper legal form and shall also cause to be prepared a notice in accordance with Section 4 of Act 207, Michigan Public Acts 1921, as amended, setting forth the proposed changes in regulations or lines and describing the boundaries or territories affected, which notice shall set a date for public hearing thereon. Such public hearing may be adjourned from time

to time providing notice of such adjournment shall be published at least once five days previous to the date of such adjourned hearing. Within 30 days after the public hearing or adjourned hearing thereof, the Council shall by proper action adopt such proposed amendments, supplements or changes or parts thereof as it decides proper or by proper action shall decide not to adopt such proposed amendments, supplements or changes on any part thereof.

The Council of the City or any member thereof may propose amendments, changes or supplements to the Zoning Ordinance, but in such event the proposed changes shall be submitted to the Planning Commission and the Planning Commission shall proceed to consider such proposals and make its recommendations to the Council thereon and the same procedure shall then be followed as in the first instance above set forth.

Whenever a written protest against any amendments, supplements or changes be presented, duly signed by the owners of 20% or more of the frontage proposed to be altered or by the owners of 20 per cent or more in the rear thereof, or by the owners of 20 per cent of the frontage directly opposite the frontage proposed to be altered, such amendments, supplements or changes shall not be passed except by a favorable vote of 3 of the City Council.

**16.02 TIME LIMIT OF PETITIONS THAT HAVE BEEN DENIED.** A period of not less than one year is required between presentation of petitions for a change or amendment applying to a specific piece of property, where such petition was denied in the first instance.

**16.03 FEES.** A fee of Twenty-five Dollars shall be collected with each petition presented for a change or amendment to the Zoning Ordinance. Said fee shall cover the cost of advertising and printing and shall be paid to the City Treasurer to be credited to the General Fund of the City of Farmington.

#### ARTICLE XVII VIOLATIONS AND PENALTIES

**Section 17.01 VIOLATIONS DECLARED A NUISANCE.** Any building or structure upon which construction is started, altered, enlarged or repaired or any use of land which is begun or changed after adoption of this Ordinance, and in violation of any of its provisions is hereby declared to be a nuisance per se. Any court of competent jurisdiction shall order such nuisance abated and the owner or agent in charge of such building or premises shall be adjudged guilty of maintaining a nuisance per se.

**17.02 PERSONS GUILTY.** The owner of any land, structure or building or part thereof on or in which a violation of any provision of this Ordinance occurs or exists, any lessee, tenant, part owner or person having charge or control thereof and any architect, builder, contractor, plumber, agent or any other person who knowingly assists or has assisted in the commission of an act contrary to any provision of this Ordinance shall be jointly or separately guilty of violating this Ordinance. Each separate section, subsection or provision violated shall constitute a separate violation, and each day that a violation continues shall be a separate offense.

**17.03 PENALTIES.** Any person adjudged guilty of violating any section, sub-section or provision of this Ordinance shall be punished by a fine of not to exceed the sum of \$500.00 or by imprisonment in the County Jail for a period of not to exceed 90 days or by both such fine and imprisonment in the discretion of the Court.

#### ARTICLE XVIII SEVERABILITY

Section 18.01. Should any portion of this Ordinance, or the application thereof to any person or circumstances be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications which can be given effect without the invalid portion or application, and to this end, this Ordinance is hereby declared to be severable.

#### ARTICLE XIX CONFLICTING ORDINANCES

Section 19.01. Ordinance No. C-18-39 known as the Zoning Ordinance of the City of Farmington and all amendments thereof, and all other Ordinances and parts of Ordinances in conflict with any provision of this Ordinance are hereby repealed.

#### ARTICLE XX

Section 20.01. This Ordinance was adopted and enacted by the Council of the City of Farmington, at a regular meeting of May 14, 1956, which meeting was an adjournment of the regular meeting of said Council of May 7, 1956, and was so adopted and enacted by unanimous vote of all the members of said Council, and will become effective one day after publication.

Robert B. Lindbert, Mayor  
Kathryn D. Colter, Clerk