

THE FARMINGTON ENTERPRISE

FARMINGTON, MICHIGAN, THURSDAY, MAY 24, 1951

PROPOSED ZONING ORDINANCE FOR THE TOWNSHIP OF FARMINGTON, MICHIGAN

An ORDINANCE for the establishments of Zoning Districts in the unincorporated portions of Farmington Township, Oakland County, Michigan, based upon a plan designed to promote the public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land; to avoid the overcrowding of population by providing uniform minimum requirements within said zoning districts for the use of lands for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation, water supply conservation by limiting the location, height, number of stories and size of buildings and structures that may hereafter be erected or altered; and the specific uses of dwellings, buildings and structures which may hereafter be erected or altered; the area of yards, courts and other open spaces, and the sanitary safety and protective measures that shall be required of such dwellings, buildings and structures; the maximum number of families which may be housed in them; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; to prohibit the use of tents, automobile trailers and similar portable dwellings for dwelling purposes; to conserve the expenditure of public funds for public improvements and services to conform with the most advantageous use of land; to provide for the protection of the citizens; to conserve property values and natural resources and the general and appropriate trend and character of land, building and population development; to provide a Building Zone Map as part of this ordinance; to provide for the method of administration and to provide penalties for violations thereof and to divide the Township into zones of such number, shape and area as appear upon the Building Zone Map.

BE IT ORDAINED by the Township Board of Farmington Township, County of Oakland, State of Michigan, by and under authority of Act 184 of the Public Acts of 1943 as amended:

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 Section 1 to 36 inclusive, of the Township of Farmington, Oakland County, Michigan, excepting therefrom any part or portion of said lands lying within any incorporated city or village.

A STREET is a thoroughfare or way, other than a public alley, dedicated to the use of the public and/or 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 space.

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 separates 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 degrees. 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 more than 135 degrees. 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 is 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 purpose of this Ordinance provided it is so designated by the building plans, filed for approval with the Zoning 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 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 lines 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 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 ridges for gables, hip and gambrel roofs. Where no established sidewalk 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 level and the roof. Any story lying more than fifty per cent (50%) by volume below the average level of the adjoining ground, and any mezzanine balcony or any 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 de-

signed, 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 purpose 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 in part as a dwelling the 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 the dwelling; nor shall automobile trailers or similar portable dwellings or tents be considered dwellings.

A FARM is all of the unimproved or improved 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 ten (10) acres in extent; provided further, farms may be considered as including establishments operated as green houses, nurseries, orchards, chicken farms and hatcheries, apiaries; but establishments keeping, or operating, fur bearing animals, commercial dog kennels, riding and boarding stables, 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 service shop or service in connection therewith, and occupying a ground floor area of 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 private 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 refueling 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 refueling service of vehicles other than those displayed, shall not be considered a garage for the purpose 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, refueling or other servicing thereof.

SECTION II — ZONES

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

RESIDENCE 1 ZONE

RESIDENCE 2 ZONE

RESIDENCE 3 ZONE

RESIDENCE 4 ZONE

COMMERCIAL 1 ZONE

LIGHT INDUSTRIAL ZONE

The boundaries, as shown on the map marked and designated Building Zone Map of Farmington Township which is attached hereto and made a part of this Ordinance are hereby established; said map and all notations, references and other information shown thereon shall be a part of this Ordinance as if the matters and information set forth by said map were all fully set forth 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 Farmington 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 such building or land is not altered or structurally altered, or enlarged unless such altered 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 restoration of a building destroyed less than fifty per cent (50%) of its value, exclusive of the foundation, by fire, explosions, act of God, or act 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; provided the restoration is made within one year from the time of destruction and the same use is made thereafter.

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 proper authorities.

No yard, court or other open space provided about 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 easement to have a width throughout of, not less than thirty (30) feet, and at the end thereof and at intermediate intervals of five hundred (500) feet a turnaround not less in width than forty (40) feet, except on lots of narrower front width than have been platted previous to this Ordinance.

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.

No outside toilets or vaults shall be used or constructed excepting on farms, as defined in this Ordinance.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance

by public utilities or municipal departments or commissions, or underground or overhead gas, electrical, steam or water distribution or transmission systems, collection, communications, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories necessary for the furnishing of adequate service by such public health or safety or general welfare, shall be permitted as authorized and regulated by law and other ordinances of the Township of Farmington in any use district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance.

THE CUBIC CONTENT shall be computed on the following basis: The cubic content of the actual space enclosed within the outer surfaces of the outside walls and contained between the outside of roof and bottom of first floor joist or floor slab. Bay, oriel, dormers, chimneys, pent houses, are to be taken in full volume. If built within the residence proper or enclosed porches, built as extensions to the house are to be taken at 2/3 volume. The cubage shall not include a private garage either attached or detached, outside steps, terraces, light shafts, cornices, footings, 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 farther than eight (8) feet, nor to one such unenclosed porch which does not extend into the side yard nearer than 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 Zoning 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: For compliance with the statute authorizing this Ordinance and the protection of citizens living in Residence 1 Zones, the following uses of lands and the erection of buildings thereon are permitted and no other:

- (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 clubs (but not including a residential club or one operated as a commercial enterprise), when permitted by the Board of Appeals.
- (6) The use of open land or waters for privately owned and operated parks, picnic grounds, golf courses, (not including boat liveries and public bathing beaches), or similar facilities for outdoor exercises and recreation, provided, however, 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 incidental 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 three (3) tons capacity for each lot, and including signs pertaining to the sale, lease or use of lot or building placed thereon, and not exceeding eight (8) square feet in area on any one lot 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 dwelling, or tents used for dwelling purposes shall not be considered as a legal accessory use hereunder. On a parcel of land of less than ten (10) acres, the growing and selling of produce, animals and fowl and the keeping of bees, is permitted provided same is produced on said parcel of land and does not become a nuisance or obnoxious to the health, morals, general welfare of the public or the surrounding neighborhood. Animals, including fowl, other than pets, shall be housed in accessory buildings and no such building shall be built or used for such purpose on the front half of any lot or tract of land, nor nearer than seventy-five (75) feet to any adjoining dwelling, nor nearer than fifty (50) feet to the dwelling of the owner. No animals which are in any way noisy, vicious, some, destructive, dangerous, or offensive shall be kept.

Occupations carried on for profit in the homes are permitted provided:

- (1) The work is done entirely by members of the family residing in a particular dwelling.
- (2) Nothing is sold from the premises except that which is produced thereon.
- (3) The occupation does not require a sign larger than eight (8) square feet.
- (4) The occupation does not require the use of a commercial vehicle or vehicles.
- (5) The occupation does not require the use of more than the equivalent of one room in the home which would otherwise be considered as residential living space.
- (6) The occupation does not involve the use of an accessory building larger than four hundred (400) square feet of yard space outside the dwelling or accessory building.

The selling of the produce of any farm from the premises is permitted.

AREA OF BUILDING: No dwelling shall be erected or altered in this zone which provides less than five hundred (500) 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, altered or occupied in this zone which provides less than seven thousand five hundred (7,500) cubic feet of content.

FRONT YARDS: In a Residence 1 Zone, unless otherwise permitted by the Board of Appeals, there shall