

reason of the emission of odor, fumes, dust, smoke, waste, vibration or activity involving the use of machinery in excess of five horsepower or employing more than five mechanics or workers on the repair, conversion, alteration, finishing, assembling or fabrication of goods shall be begun or enlarged except with the approval of the Board of Appeals.

(6) A motor supply station when so arranged and maintained as not to adversely affect the normal development or use of neighboring property in the same Zone or adjoining Residence 1 Zone, Residence 2 Zone, Residence 3 Zone, and Residence 4 Zone, when permitted by the Board of Appeals.

**FRONT YARD:** In a Commercial 1 Zone there shall be on every lot a front yard, the minimum depth of which shall be forty (40) feet. Where front yards of four (4) or more buildings in existence at the time of passage of this Ordinance on one side of a street in any block are less than forty (40) feet, the depth of the front yard of the building subsequently erected on that side of the street in that block shall not be less and need not be greater than the average depth of the front yards of such existing buildings.

**SIDE YARD:** In a Commercial 1 Zone, a corner lot shall have an exterior side yard of at least twenty (20) feet unless otherwise permitted by Board of Appeals. Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fire proof construction and wholly without windows or other openings. If walls facing such side lot lines are of fire proof construction, side yards of not less than five (5) feet shall be provided. Under no condition shall the exterior walls of a commercial building be built with other than fireproof construction.

**COURTS:** In a Commercial 1 Zone, if side yards are not provided there shall be an outer court along the interior side lot lines on each side of each lot on which a dwelling is erected, such court to begin not higher than two feet above the floor level of the lowest story used for dwelling purposes, and to have a width, measured to the center line, for lot not adjoining the side lot line, to the center line, of not less than five (5) feet for a one story dwelling and eight (8) feet for a two story dwelling.

Such courts, if opening on a rear yard, shall extend to within thirty (30) feet of the front wall of the dwelling or to within thirty (30) feet of another court opening on the front yard or front lot line; and, if opening on a front yard or front lot line, shall extend to within thirty (30) feet of the rear wall of the dwelling or to within thirty (30) feet of another court opening on the rear yard. On a lot thirty (30) feet or less in width, when a court, as measured above, has a width of more than one-third of the width of the lot, the court on one side of such lot may be omitted, provided all walls erected along the side lot line are wholly without windows or other openings, but in no case shall the width of lot between two courts, or between court and side yard, or side street lot line be more than fifty (50) feet.

Variation from the above requirements relative to the arrangement and position of outer courts for dwellings, in cases where such variation does not alter total area of yards and courts as provided about each dwelling nor impair the light or ventilation of any room, may be permitted by the Board of Appeals.

Inner courts in dwellings shall comply with the provisions of the Housing Law of Michigan.

**REAR YARDS:** In a Commercial 1 Zone there shall be on each lot a rear yard the depth of which shall be not less than 15 feet. Such yard shall at all times be kept free from obstructions for the ingress and egress of fire fighting equipment. Where the rear of a lot abuts upon a street the depth of the rear yard shall be the same as that required for a front yard of a building on an adjoining lot fronting on such rear street.

**HEIGHT:** In a Commercial 1 Zone no dwelling or portion of building used as a dwelling shall exceed a height of two (2) stories or of thirty (30) feet. Buildings or portions of buildings not used for dwelling purposes shall not exceed a height of two and one-half (2½) stories or of forty (40) feet, except that towers, steeples, and similar structures may be erected to a greater height when permitted by the Board of Appeals.

**AREA:** In a Commercial 1 Zone no dwelling shall be erected or used on any lot having an area of less than four thousand (4,000) square feet for each family housed thereon.

**AREA OF BUILDING:** No building shall be erected or altered in this zone which provides less than six hundred (600) square feet at first floor level exclusive of any garage area or area in any accessory building. Excepting a motor supply station may be built with an area of not less than four hundred (400) square feet.

**BUILDINGS ON THE SAME LOT:** Where any building on a lot is used in whole or part as a dwelling, accessory buildings shall conform to the provisions of the Housing Law of Michigan for buildings on the same lot with dwellings. In any other case, accessory buildings may be erected in addition to the principal buildings on a lot in such manner as to occupy in the aggregate the total space permitted for single buildings on such lot.

**BOOTHES:** Booths for the sale of farm produce shall not be considered commercial structures when located on their owners' property and used for the sale of their owners' produce. These booths must, however, comply with the regulations for front yards provided for structures in commercial zones.

**SANITATION:** No principal commercial structures on any lot may be occupied unless equipped with running water and sanitary toilet facilities.

**SECTION IX — LIGHT INDUSTRIAL ZONES**  
Part 1. Any lawful use of land or buildings not heretofore expressly prohibited, shall be a lawful use in all industrial zones.

Part 2. In all industrial zones there shall be provided about each industrial building or buildings, an area, other than the front yard, which shall be sufficient in size to provide adequate parking facilities for the parking of the automobiles and other motor vehicles used by the persons employed or doing business thereon.

Part 3. In all industrial zones no building used exclusively as a dwelling shall be erected, altered or moved, which shall contain less than ten thousand (10,000) cubic feet of content, and six hundred (600) square feet at the ground floor level.

Part 4. In all industrial zones, no building shall be erected, altered or moved and no land shall be used for carrying on of manufacturing activities of the character of or similar to tanneries, slaughter houses, stock yards, glue factories, soap factories, oil refineries, garbage or waste disposal plants, drug ferring, or other factories by normal operation of which produce or cause noxious, offensive, unhealthful and harmful odors, fumes, dust, smoke, waste, vibration or activity.

Part 5. **AREA OF BUILDINGS:** No principal building shall be erected, altered or moved in this zone which provides less than seven hundred fifty (750) square feet of floor space at the first floor level, exclusive of any area in an accessory building, except for motor supply stations and temporary real estate offices when permitted by the Board of Appeals.

Part 6. **SIZE OF BUILDING:** No principal building shall be erected, altered or moved in this zone which provides less than seventy-five hundred (7,500) cubic feet of content, except motor supply stations and temporary real estate offices when permitted by the Board of Appeals, and buildings used exclusively as dwellings shall not be erected, altered or moved in this zone unless they

shall contain ten thousand (10,000) cubic feet of content as provided in Part 3 of this chapter.

**Part 7. BUILDING LINES:** In a Light Industrial Zone, no building or structure shall be erected, altered or moved, so that any part or portion thereof is nearer than fifty (50) feet from the street property line.

**Part 8. SIDE YARD:** In a Light Industrial Zone, side yards are not required along interior side lot lines, but all walls abutting or facing such lot lines are of fire proof construction and wholly without windows or other openings, but if the sidewalk is not of fireproof construction, or if of fireproof construction but containing windows or other openings (other than fireproof emergency exits or vents), either a side yard or outer court or courts, of not less than five (5) feet in width for a one story structure, or eight (8) feet for a two story structure shall be provided.

**Part 9. AREA OF LOT REQUIRED FOR DWELLING:** In a Light Industrial 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.

**Part 10. BUILDINGS ON THE SAME LOT:** In a Light Industrial Zone, where any building on a lot is used in whole or in part as a dwelling, accessory buildings erected thereon shall conform to the provisions of the Housing Law of Michigan for buildings on the same lot with dwellings. In any other case, accessory buildings may be erected in addition to the principal building on a lot in such manner as to occupy in the aggregate the total space permitted for a single building on such lot.

#### SECTION X — BOARD OF APPEALS

Part 1. The Township Zoning Board of Appeals, in accordance with Act No. 184 of the Public Acts of 1943, shall be composed of three members as follows:

- A. The Chairman of the Township Zoning Board.
- B. A member of the Township Board appointed by the Township Board.
- C. A third member chosen by the aforementioned two members.

Part 2. This Zoning Board of Appeals, in addition to the general duties and powers conferred upon it by law, may, in specific cases and subject to appropriate conditions and safeguards, interpret and determine the application of the regulations herein established in harmony with their general purpose and intent as follows:

A. Permit the erection of additional buildings or the enlargement of existing buildings or uses on the same parcel of land or on contiguous thereto or directly across an alley therefrom, each in the same single ownership of record at the time of passage of this Ordinance, for a business or activity located in a zone restricted against such use, where the enlargement or expansion of such business or activity will not be detrimental to or tend to alter the character of the neighborhood or the district.

B. Where the boundary line of a zone divides a lot in a single ownership at the time of passage of this Ordinance, permit the extension of a use permitted in the less restricted portion of such lot to the entire lot but not to a distance of more than fifty (50) feet beyond the zone boundary line.

C. The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation or for public utility purposes, in any district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use, if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service, provided such building, structure, or use is erected and located in accordance with the general architecture and plan of such district.

D. Permit in a Residence 1 Zone, Residence 2 Zone, Residence 3 Zone and Residence 4 Zone a temporary building or structure incidental to the residential development, including real estate sign boards located on the premises to which they apply, such permit to be granted for an initial period of not more than two years, and in case of a building, only upon application accompanied by bond and bill of sale to the Township, effective in case the building is not removed prior to the expiration of the permit. Permits may be renewed by the Board of Appeals for successive periods of not more than two (2) years each.

E. Permit in all zones the erection of bulletins, memorial markers or other signs not used for commercial advertising, in excess of eight (8) square feet in surface area, under such temporary permit or permanent conditions as will prevent them from becoming dilapidated or unsightly or a menace to the public health, safety or general welfare.

F. Permit the structures or uses requiring the approval of the Board of Appeals under previous sections of this Ordinance; provided that the applicant for a Zoning Permit for any such use shall cause a written notice of the proposed building or use to be mailed or delivered to the owners of all lots of record lying more than one-third by area within three hundred (300) feet of the lot on which it is proposed to establish such use; and provided further, that there are filed with such board within fifteen (15) days after such notice shall have been mailed or delivered, written protests from the owners of twenty per cent (20%) by frontage of the lots herein specified, the Board shall not approve such application except by affirmative vote of all members.

G. Permit exceptions to the height for buildings or portions of buildings not used for dwelling purposes and which do not in the aggregate occupy more than ten per cent (10%) of the area of the lot.

H. Permit variations in the requirements for outer courts in dwellings.

#### SECTION XI — ZONING PERMITS AND CERTIFICATES OF OCCUPANCY

It shall be unlawful to build or use any building, structure or the use of any structure or land or part thereof hereafter created, erected or altered, or to change or enlarge the use of any building or land or part thereof until a Zoning Permit in accordance with the provisions of this Ordinance properly endorsed as to occupancy in a manner herein provided shall have been issued by the Zoning Inspector hereinafter authorized. A charge to be set by the Township Board shall be made for the issuance of such permits. An application for a Zoning Permit shall be made to the Zoning Inspector not less than ten (10) days prior to the time when a new or enlarged use of a structure or land or part thereof is intended to begin. Such application shall be accompanied by a plat in duplicate drawn to scale, showing the exact dimensions of the land and structures to which the permit is to apply, the lines of all lots or parcels under separate ownership contained therein, the width of and alignment of all abutting streets, alleys, easements of access and public open spaces, the area, size, position and height of all buildings or structures erected or to be erected or altered thereon, plans in duplicate 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. Accessory buildings, when erected at the same time as the principal building on a lot and shown on the application therefor shall not require a separate Zoning Permit. A record of all such applications shall be kept on file by the Zoning Inspector. Whenever the

buildings, land, 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 Zoning Inspector to issue within ten (10) days after the receipt of such application a Zoning Permit, and when such Permit is refused, to state such refusal in writing, specifying the causes for refusal.

The Zoning Inspector shall be notified by owner when foundations are completed and inspector shall inspect same within three (3) days after notification, and if it is found to be in conformity with the provisions of this Ordinance, shall endorse such fact on the Zoning Permit, also within five (5) days after notification that the building or premises or part thereof is ready for occupancy, the Zoning Inspector shall make final inspection thereof, and if it is found to be in conformity with the provisions of this Ordinance, shall endorse such fact on the Zoning Permit in a statement properly signed and dated and such statement shall have the force of a Certificate of Occupancy.

The Zoning Inspector may issue a Temporary Certificate of Occupancy for a part of a building prior to the completion of the entire building, but such temporary Certificate shall not remain in force for a period in excess of one (1) year, nor more than five (5) days after the completion of the building ready for occupancy.

#### SECTION XII — ENFORCEMENT

The provisions of this Ordinance shall be administered by the Zoning Inspector, who shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as said Board shall determine; and the duty of enforcement hereof shall rest with such administrative official or officials as shall be authorized therewith by law.

#### SECTION XIII — PENALTIES

Any firm, corporation or person who violates any of the provisions of this Ordinance shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense, or shall be punished by imprisonment in the county jail for a period of not to exceed ninety (90) days for each offense or may be both fined and imprisoned, as provided herein. Any building which is erected, altered or converted or any use of land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared a nuisance per se.

The Zoning Inspector, the Legislative Body of the Township, the Board of Appeals, or any court having jurisdiction shall order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se. Each day that a violation is permitted to exist shall constitute a separate offense. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

#### SECTION XIV — AMENDMENTS

Amendments or supplements to this Zoning Ordinance may be made from time to time in the same manner provided in Act No. 184 of the Public Acts of Michigan for 1943 for the enactment of this Ordinance. This Ordinance may be amended:

- (a) Whenever the Township Board, upon its own motion shall have passed a resolution declaring its intent to amend this Ordinance and shall have given public notice within ten (10) days of the passage of its resolution by publication in a newspaper of general circulation in this township of its intent to amend the Ordinance;
- (b) Whenever a petition signed by a number of qualified and registered voters residing in the Township equal to not less than eight per cent (8%) of the total vote cast for all candidates for governor at the last, preceding general election at which a governor was elected, shall have been filed with the Township Clerk, praying that the Township Board amend this Ordinance. Upon the filing of such petition, the Township Board shall, at the next regular meeting, vote upon a resolution declaring its intent to amend this Ordinance.

Whether upon its own resolution or resolution after petition as aforesaid, the Township Board shall submit the proposed changes or additions to this Ordinance to the Township Zoning Board for its recommendations. The Township Zoning Board shall submit its recommendation of a tentative amendment within sixty (60) days from receipt of proposed changes or additions in or to this Ordinance, after having held a public hearing or hearings as provided in Section 9 of Act 184 of the Public Acts for 1943. At the next regular meeting or at any special meeting called for the purpose after receiving the recommended proposed amendment to this Ordinance, the Township Board shall consider such recommended amendment or amendments and vote upon the adoption thereof as provided in Section 11 of Act 184 of the Public Acts for 1943.

If any area is hereafter transferred to another zone by a change in zone boundaries by an amendment as above provided, the provisions of this Ordinance, relating to buildings or uses of buildings or land existing at the time of the effective date of this Ordinance shall apply to buildings or uses of buildings or land existing at the time of the effective date of such amendments in such transferred area.

#### SECTION XV — INTERPRETATION: PURPOSE

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing and unrepelled provisions of law or Ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or land, provided, however, that when this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the height, area or size of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or Ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control. All Ordinances or parts of Ordinances inconsistent herewith shall be hereby null and void.

#### SECTION XVI — VALIDITY

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

#### SECTION XVII — EFFECTIVE DATE

The provisions of this Ordinance are declared to be necessary for the preservation of public health, safety, morals and general welfare.

This Ordinance is ordered to take effect thirty (30) days after legal publication unless a petition is filed with the Township Clerk as provided in Section 12 of Act No. 184 of the Public Acts of Michigan for 1943, praying that this Ordinance be submitted to the electors for approval or rejection. In the event said petition is filed this Ordinance shall become effective immediately upon approval by a majority of the electors at a regular election or a special election called for that purpose.

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Farmington, County of Oakland, and State of Michigan at a regular meeting thereof duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, and ordered to be given publication in the Farmington Enterprise on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_.