

# GROSSE POINTE CIVIC NEWS

OFFICIAL PUBLICATION OF CITIZENS ASSOCIATION  
OF GROSSE POINTE TOWNSHIP

Vol. 5

JULY, 1927

Special Number 1

**T**HIS Special Issue of Grosse Pointe Civic News—containing the draft of the proposed Zoning Ordinance for the Village of Grosse Pointe, is published by the Citizens Association of Grosse Pointe Township, and distributed to residents of Grosse Pointe Village. This is done with no pecuniary profit, but as a public service.

## DRAFT OF PROPOSED ZONING ORDINANCE FOR VILLAGE OF GROSSE POINTE, MICHIGAN

An ordinance to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, to regulate and determine the area of yards, courts, and other open spaces, to limit and restrict the maximum number of families which may be housed in dwellings hereafter erected or altered, and for said purposes divide the village into districts, to provide a method of administration, and to prescribe the penalties for the violation of its provisions:

Be It Ordained by the Village of Grosse Pointe:

### SECTION I.—DEFINITIONS

For the purpose of this ordinance certain terms used are herewith defined:

(1) **Street**—A Street is a public thoroughfare or way thirty feet or more in width.

(2) **Alley**—An Alley is a public thoroughfare or way less than thirty feet in width.

(3) **Lot**—A piece or parcel of land occupied or to be occupied by a building and its accessory buildings and including the open spaces required under this ordinance. A lot existing and 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 village officers, and which actually exists as so shown, or any part of such lot held in ownership of record separate from the remainder thereof.

The term "lot" as used here does not necessarily refer to a lot shown on a subdivision plat or held in a single ownership and described in a deed. It means the parcel of ground necessary for the conduct of a given activity in accordance with the yard and court requirements of the zoning ordinance. Thus, a group of five or six building lots as

shown on the village map might be acquired as the site for an apartment house, with allowance for the building itself and the yards required about it, and when so used or intended to be so used, it is a single lot in the meaning of the zoning ordinance. Or a man owning a large lot might build two or three houses on it to rent, but they would have to be so placed that each had about it the full yards required in this ordinance independent of the yards belonging to any of the others, and each parcel of land containing a house and its required yards would be considered a lot, whether in separate ownership or not.

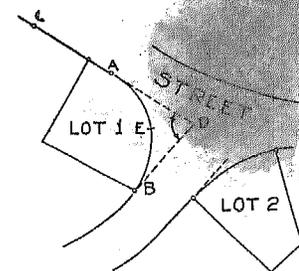
Again a man owning sixty feet of frontage in a Residence A District might build a single family two-story house thirty feet wide in the middle of it. He could sell strips from the side of his lot without changing its status under the zoning law so long as a strip 4' wide (the required side yard) remained on each side of his house. But anything less than the thirty-eight feet would not be considered a lot, and if he should sell off fourteen feet on one side of his house to give a neighbor a larger building site, that neighbor could only use the outer eleven feet in figuring the size of his lot when applying for a building permit. (This is covered in Section III (D).) In other words, the strip of land required

A public hearing on this proposed ordinance will be held July 8th, 1927, beginning at 2:30 o'clock at the Cadieux School. The map referred to may be seen any time at the Village Hall or at the hearing.

adjoining a building is considered to be a part of the lot on which that building stands even though it may have been transferred in whole or in part to a different owner.

(4) **Corner Lot**. 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  $135^\circ$ . A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this ordinance 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  $135^\circ$ . 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.

Figure 1. Lot No. 1 is a corner lot with a curved street line A-B. A is the point of beginning of the curve within the lot. The straight line C-A, produced, is the tangent to the curve at A. The curve is already started at the edge of the lot at point B, so the tangent is taken



where the side lot line intersects the street line. The two tangents meet at D, forming an angle of less than  $135^\circ$ . E is the point on the street line nearest to D and so is the "corner." Lot No. 2 is not a corner lot because the angle between the tangents is greater than  $135^\circ$ .

(5) **Interior Lot**. A lot other than a corner lot is an interior lot.

(6) **Front Lot Line**. In the case of a lot abutting upon only one street, the

## Grosse Pointe Civic News

Grosse Pointe, Mich.

P. O. Address, 51 Warren Ave., W., Detroit

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Printed once a month as the official publication of the Citizens Association of Grosse Pointe Township, under the authority of the following board of directors:

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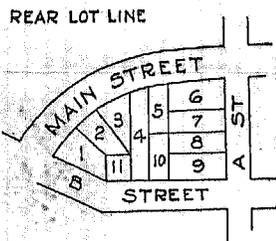
C. A. Dean, Jr.

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 on the building plans filed for approval with the Building Inspector.

(7) **Rear Lot Line.** 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 line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.

(8) **Side Lot Line.** 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.

**Figure 2.** Figure No. 2 shows an irregularly lotted block. Lot 6 would normally face A Street, but if the owner wishes to take advantage of the Main Street frontage, he may do so by calling that side of the "front lot line" at the time of filing his building plans. The side on A Street automatically becomes a side lot line, and the line running back from A Street is the rear lot line. On



lot No. 4 if the Main Street frontage is designated the front lot line, the B Street frontage automatically becomes the rear lot line. Lot No. 3 is a three-sided lot, the sides of which intersect at a point. The rear lot line is therefore, according to the definition, an imaginary line ten feet long parallel to the front lot line and placed as far back on the lot as possible.

(9) **Front Yards.** 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.

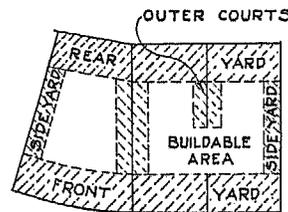
(10) **Rear Yard.** A rear yard is an open space extending the full width of a

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.

(11) **Side Lard.** 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.

(12) **Courts.** A court is an open unoccupied space, other than a yard. A court not extending to the street or front or rear yard is an inner court. A court extending to the street or front yard or rear yard is an outer court.

**Figure 3.** The yards and courts are the open spaces required to give light and air about the buildings on a lot. The width of side yards and courts and the depth of front and rear yards required for different kinds of buildings are given in the ordinance. These dimensions are uniform for the full length of the yard except where additional width is required for the rear portions of side yards beside extra deep buildings.



After the yards required for a contemplated type of building have been laid off on the lot, any part of the area remaining, or all of it if desired, can be used for the principal building. Porches, garages and other projections and accessory buildings may occupy portions of the required yards, as prescribed in the ordinance.

Where a semi-detached dwelling is permitted on two adjoining lots outer courts may be substituted for the intervening side yards as prescribed in the ordinance, the buildable area being found as before.

(13) **Height of Building.** 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 ridge for gabled, hip and gambrel roofs. For buildings set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one inch for each foot that the building sets back from the front lot line.

(14) **Half Story.** A half story is a story which is situated in a sloping roof, the usable floor area of which does not exceed one-half of the floor area of the story immediately below it. A half-story shall not be counted as a story for the purpose of determining yard dimensions.

(15) **Dwelling.** A dwelling is any house or building or portion thereof which is occupied wholly as the home, residence or sleeping place of one or more human beings, either 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.

(16) **Classes of Dwellings.** For the purposes of this ordinance, dwellings are divided into the following classes: (a) "private dwellings," (b) "terrace dwellings," (c) "two family dwellings," and (d) "multiple dwellings."

(a) A "private dwelling" is a dwelling containing but one housekeeping unit and occupied by but one family alone.

(b) A "terrace dwelling" is a series of attached private dwellings separated from one another by common or party walls of fireproof construction.

(c) A "two family dwelling" is a dwelling containing but two housekeeping units and occupied by but two families alone.

(d) A "multiple dwelling" is a dwelling occupied otherwise than as a private dwelling or two family dwelling.

(17) **Classes of Multiple Dwellings.** All multiple dwellings are dwellings and for the purposes of this ordinance are divided into two classes, viz: Class A and Class B.

**Class A.** Multiple dwellings of Class A are dwellings containing three or more independent housekeeping units and which are occupied more or less permanently for residence purposes by several families. This class includes apartment houses, bachelor apartments, studio apartments, kitchenette apartments, and all other dwellings similarly occupied whether specifically enumerated herein or not.

**Class B.** Multiple dwellings of Class B are dwellings which are occupied, as a rule, transiently, as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which as a rule the rooms are occupied singly. This class includes lodging houses, boarding houses, furnished room houses, club houses, convents, asylums, hospitals, jails and other dwellings similarly occupied, whether specifically enumerated herein or not.

(18) **Hotel.** A hotel is a multiple dwelling of Class B in which persons are lodged for hire and in which there are more than fifty sleeping rooms, a public dining room for the accommodation of at least fifty guests, and a general kitchen.

The definition of dwellings and classes are taken from the State Housing Code, with such modifications as fit them for use in this ordinance.

(19) **Garage, Private.** A private garage is a space or structure with not over eight hundred square feet of ground floor area, for private use, for storage only, having no public shop or service in connection therewith, and housing not more than four automobiles of which

not more than one may be a Commercial automobile.

(20) **Garage, Community.** A series of private garages located jointly on a parcel of land under a single ownership.

(21) **Garage, Public.** A space or structure, other than a private or a community garage, for the storage, care, repair or refinishing 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 public garage for the purposes of this ordinance.

(22) **Stable.** The word garage shall include the word stable, one draft animal being considered the equivalent of one automobile.

## SECTION II.—DISTRICTS

For the purpose of this ordinance the Village of Grosse Pointe is hereby divided into the following districts:

Residence A Districts  
Residence B Districts  
Residence C Districts  
Local Business Districts  
Commercial Districts.

The boundaries of said districts, shown upon the map attached hereto and made a part of this ordinance, are hereby established, said map being designated as the "BUILDING ZONE MAP," and said map and all notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

*[Editor's Note.—This map could not be reproduced here. It may be seen at the office of the Village Clerk, or at the public hearing announced on the first page.]*

## SECTION III.—GENERAL PROVISIONS

(A) Except as hereinafter provided, no building or premises or part thereof shall be used, altered, constructed or reconstructed except in conformity with the provisions of this ordinance which apply to the district in which it is located. However, any lawful non-conforming use existing at the time of passage of this ordinance may be continued provided that the building or premises involved shall neither be structurally altered or enlarged unless such altered or enlarged part shall conform to the provisions of this ordinance for the district in which it is located. No non-conforming use if discontinued for more than one year or changed to a use permitted in the district in which it is located shall be resumed or changed back to a non-conforming use.

(B) Nothing in this ordinance shall prevent the restoration of a building destroyed less than fifty per cent of its value, exclusive of the foundations, by fire, explosion, 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.

(C) Nothing in this ordinance shall require any change in the plans, construction or intended use of a building for which a building permit has been issued prior to the time of passage of this ordinance and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within such six months, and which entire building shall be completed according to such plans as filed within two years from the date of the adoption of this ordinance. Nothing herein contained shall prevent the ultimate erection to its full height as originally planned of a building constructed to a less height prior to the adoption of this ordinance, but the its foundation and structural members designed to carry the higher building. Nothing herein contained shall prevent the strengthening or restoration of any building or wall declared unsafe by the Building Inspector.

(D) 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.

This provision prevents the erection of buildings closer together than is intended by the ordinance through the device of selling off a strip of land already used as a yard in procuring the building permit for one building so that the same strip can be shown as the yard required for an adjoining building.

(E) No dwelling shall be built, moved or converted upon a lot having a frontage of less than twenty feet upon a public street, or upon a private street or other permanent easement giving access to a public street, such private street or easement to have a width throughout of not less than ten feet for each lot fronting upon it, but this shall not require a width for such private street or easement of more than forty feet where less than ten lots front upon it or of more than sixty feet in any case.

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

(G) Along any boundary line between two different kinds of districts any side yard, rear yard or lot line court required in the less restricted district, shall be increased in minimum width and depth to the average of the required minimum widths and depths for such yards and courts in the two kinds of districts.

(H) Where the height of a building in feet is greater than fifteen times the number of stories, such building shall be considered to be divided into stories fifteen feet in height for the purpose of

determining yard requirements under this ordinance.

(I) Outside stairways, fire-escapes, fire-towers, porches, platforms, balconies, boiler flues 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 twelve feet, nor to one such unenclosed porch which does not extend into the side yard nearer than four feet to the side lot line nor exceed twelve feet in its other horizontal dimension, or to cornices not exceeding eighteen inches in width. Provided, that the Building Inspector may permit encroachment or extensions into the front or rear yards provided such structures do not extend more than thirty inches from the main wall of the building, do not in the aggregate occupy more than twenty per cent 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 A DISTRICTS

(A) **Uses.** In a Residence A District no buildings or premises, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following purposes:

- (1) Private Dwellings.
- (2) Churches and other places of worship.

(3) Parish houses, community buildings and clubs, except those the chief activity of which is a service customarily carried on as a business and excepting those which are multiple dwellings as defined herein.

(4) Accessory uses customarily incident to any of the above permitted uses, including not more than one private garage or stable for each lot or for each ten thousand square feet of lot area, and including signs pertaining to the sale, lease or use of a lot or building placed thereon and not exceeding six square feet in area on any one lot, except as provided in Section IX. (E). 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 shall conform to all the height and yard requirements for dwellings in the district in which they are located, except that where erected above a private garage or stable, the depth of rear yard, if not abutting upon a street, may be reduced to the dimension prescribed herein for side yards.

(B) **Front Yards.** In a Residence A District there shall be on every lot a front yard, the minimum depth of which shall be 25 feet. Where at the time of passage of this ordinance, more than fifty per cent of the lots on one side of a street between two intersecting streets within a Residence District are occupied by dwellings having a front yard of greater depth than 25 feet, any building thereafter erected on any one of such lots

shall have a front yard at least equal in depth to the average front yard of such existing dwellings, but this shall not require a greater depth than sixty feet or more than one-third the depth of the lot in any case.

(C) **Side Yards.** In a Residence A District there shall be on each side of every lot a side yard, the minimum width of which shall be four feet. This width shall be increased four feet for each story by which a building erected on the lot exceeds two stories in height. Where the side wall of a building exceeds fifty feet in depth, the width of side yard opposite the portion in excess shall be not less than ten feet.

On a lot occupied by a building other than a dwelling, 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, the width of side yards shall be increased, in addition to the increases required for extra stories in height four feet for each twenty-five persons or major fraction thereof in excess of twenty-five for the accommodation of whom the building is designed, arranged, remodeled or normally used, but for any portion of such building the exterior walls and roof of which are of fire-proof construction and entirely without movable windows or other openings within such prescribed side yard such increase in the width of side yard shall not be required.

On a corner lot the width of a side yard abutting upon a street shall be not less than the minimum front yard depth required on an adjoining lot fronting upon such side street, but this shall not reduce the buildable width of any lot of record at the time of passage of this ordinance to less than twenty-five feet at the ground story level.

(D) **Rear Yards.** In a Residence A District there shall be on every lot a rear yard, the minimum depth of which shall be sixteen feet for a one story building, eighteen feet for a two story building, twenty feet for a three story building and four feet additional for each story by which the building exceeds three stories in height.

On a lot occupied by a 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 the depth of rear yards shall be increased four feet for each twenty-five persons or major fraction thereof in excess of twenty-five for the accommodation of whom the building is designed, arranged, remodeled or normally used, but where the rear wall of such building is of fire-proof construction and without movable windows or other openings, such increase in the depth of rear yard shall not be required. 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 lot fronting on such rear street.

(E) **Height.** In a Residence A District no building shall exceed three stories or fifty feet in height, except that build-

ings or portions of buildings not used for dwelling purposes and which in the aggregate do not occupy more than ten per cent of the area of the lot may be erected to a greater height, provided that no portion of such higher building shall be nearer to a lot line than one-third of its height, not to exceed 150 feet in any case.

(F) **Buildings On the Same Lot.** Accessory buildings not exceeding one story or fifteen feet in height may occupy not more than fifty per cent, and if not exceeding two stories or thirty feet in height may occupy not more than twenty-five per cent of the required rear and side yard space, but no portion thereof shall approach nearer to a side or rear lot line than three feet unless the exterior surface of all such portion within three feet of the lot line be of incombustible material and entirely without windows or other openings. Where a rear yard abuts for its full width upon a street accessory buildings shall not occupy any of the required minimum 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 nearer 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 B DISTRICTS

(A) **Uses.** In a Residence B District no buildings or premises except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified purposes:

(1) Any use permitted in a Residence A District.

(2) Terrace dwellings and two family dwellings.

(3) Public buildings and properties, hospitals, and sanatoria, and educational, philanthropic and religious institutions, except penal or correctional institutions or those for the care of the insane, provided there is not in connection therewith any activity which is noxious or offensive by reason of the emission of odor, fumes, dust, smoke, vibration or noise.

(4) Farms and gardens, provided no building for the care or shelter of animals or the storage of manure is located nearer than thirty feet to a lot line, except for one private stable.

(5) Accessory uses customarily incident to any of the above permitted uses including not more than one private garage or stable for each lot or for each ten thousand square feet of lot area, and including signs pertaining to the sale, lease or use of a lot or building placed thereon and not exceeding six square feet in area on any one lot, except as provided in Section IX. (E). 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 shall conform to all the height and yard requirements for dwellings in the district in which they are located, except that where erected above a private garage or stable, the depth of rear yard, if not abutting upon a street, may be reduced to the dimension prescribed herein for side yards.

(B) **Front Yards.** In a Residence B District there shall be on every lot a front yard, the minimum depth of which shall be twenty (20) feet. On a lot occupied by a permitted multiple dwelling of Class B, the depth of the front yard shall be increased ten feet for each twenty-five resident occupants or major fraction thereof in excess of twenty-five for the accommodation of whom such dwelling is designed, arranged, remodeled or normally used, but this shall not require a depth of front yard of more than fifty feet in any case.

Where, at the time of passage of this ordinance, more than fifty per cent by frontage of the lots on one side of a street between two intersecting streets within a Residence B or C District are occupied by dwellings having a front yard of greater depth than twenty (20) feet, any building thereafter erected on any one of such lots shall have a front yard at least equal in depth to the average front yard of such existing dwellings, but this shall not require a greater depth than fifty feet in any case.

Where the depth of a lot existing and of record at the time of passage of this ordinance is less than three times the depth of front yard required by any of the foregoing provisions for excess front yards in certain cases, the total depth of front yard required shall be reduced to one-third such lot depth, but to not less than twenty (20) feet in any case.

(C) **Side Yards.** In a Residence B District there shall be on each side of every lot a side yard, the minimum width of which shall be four feet. This width shall be increased four feet for each story by which a building erected on the lot exceeds two stories in height. Where the sidewall of a building exceeds fifty feet in depth, the width of side yard opposite the portion in excess shall be not less than ten feet.

On a lot occupied by a permitted multiple dwelling of Class B the width of side yard shall be further increased, in addition to the other requirements contained herein, four feet for each twenty-five resident occupants or major fraction thereof, in excess of twenty-five for the accommodation of whom such dwelling is designed, arranged, remodeled or normally used.

On a lot occupied by a building other than a dwelling, 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, the width of side yards shall be increased in addition to increases required for extra stories in height, two feet for each twenty-five persons or major fraction thereof in excess of twenty-five, for the accommodation of whom the building is designed, arranged,

remodeled or normally used, but for any portion of such building, the exterior walls of which are of fire-proof construction and entirely without movable windows or other openings within such prescribed side yard, such increase in the width of side yard shall not be required.

On a corner lot the width of a side yard abutting upon a street shall be not less than the minimum front yard depth required on an adjoining lot in the same or a less restricted district fronting upon such side street, but this shall not reduce the buildable width of any lot of record at the time of passage of this ordinance to less than twenty-five feet at the ground story level.

Where two or more attached private dwellings are erected on adjoining lots, to form a terrace dwelling, the yards normally required along any common side lot line may be omitted for a distance of not to exceed thirty feet provided that for any distance in excess of thirty feet outer courts shall be provided on each side of such common side lot line of the width prescribed for outer courts in the Housing Law of Michigan, and provided further that any exterior wall substantially parallel and nearer than four feet to such common side lot line shall be entirely without windows or other openings, but this shall not permit a private dwelling to be erected upon a lot having an area of less than four thousand square feet.

**(D) Rear Yards.** In a Residence B District there shall be on every lot a rear yard, the minimum depth of which shall be sixteen feet for a one story building, eighteen feet for a two story building, twenty feet for a three story building and four feet additional for each story by which the building exceeds three stories in height.

On a lot occupied by a permitted multiple dwelling of Class B the depth of rear yard shall be further increased four feet for each twenty-five resident occupants or major fraction thereof in excess of twenty-five for whom such building is designed, arranged, remodeled or normally used. On a lot occupied by a 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, the depth of rear yard shall be increased two feet for each twenty-five persons or major fraction thereof in excess of twenty-five for the accommodation of which such building is designed, arranged, remodeled or normally used, but where the rear wall of such building is of fire-proof construction and without movable windows or other openings, such increase in depth of rear yard shall not be required.

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 lot fronting on such rear street.

**(E) Height.** In a Residence B District no building shall exceed three stories or fifty feet in height, except that buildings or portions of buildings not used for dwelling purposes and which in the aggregate do not occupy more than ten

per cent of the area of the lot may be erected to a greater height, provided that no portion of such higher building shall be nearer to a side or rear lot line than one-third of its height.

**(F) Buildings On the Same Lot.** Buildings on the same lot shall be governed by the provisions of Section IV. (F).

#### SECTION VI.—RESIDENCE C DISTRICT

**(A) Uses.** In a Residence C District no buildings or premises except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified purposes:

(1) Any use permitted in a Residence A and B District.

(2) Multiple Dwellings of Class A and B except penal or correctional institutions or those for the care of the insane.

**(B) Front Yards.** In a Residence C District, there shall be on every lot a front yard, the minimum depth of which shall be twenty feet. For any portion of building in excess of four stories in height, the depth of front yard shall be increased, five feet for each story by which such portion exceeds four stories in height.

**(C) Side Yards.**—In a Residence C District there shall be on each side of every lot a side yard the minimum width of which shall be four feet. This width shall be increased two feet for each story by which a building erected on the lot exceeds two stories in height. Where the side wall of a building exceeds fifty feet in depth, courts shall be provided at intervals of not to exceed fifty feet, having a width measured to the side lot line of not less than the least dimension prescribed for inner courts in the Housing Law of Michigan and no such court, if an inner court, shall have a depth of less than its width.

On a lot occupied by a multiple dwelling of Class A, the width of side yard shall be further increased two feet for each five housekeeping units or major fraction thereof in excess of five for which the dwelling is designed, arranged, remodeled or normally used.

On a lot occupied by a multiple dwelling of Class B, the width of side yard shall be further increased two feet for each twenty-five resident occupants or major fraction thereof in excess of twenty-five for the accommodation of whom such dwelling is designed, arranged, remodeled or normally used.

On a corner lot the width of side yard abutting upon a street shall be not less than the minimum front yard depth required on an adjoining lot fronting upon such side street, but this shall not reduce the buildable width of any lot of record at the time of passage of this ordinance to less than twenty-five feet at the ground story level.

**(D) Rear Yards.** In a Residence C District there shall be on every lot a rear yard, the minimum depth of which shall

be sixteen feet for a one story building, eighteen feet for a two story building, twenty feet for a three story building and four feet additional for each story by which the building exceeds three stories in height.

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 same size and kind on an adjoining lot fronting on such rear street.

**(E) Courts.** Where courts are provided in dwellings, they shall conform to the requirements of the Housing Law of Michigan.

**(F) Height.** In a Residence C District no building shall exceed four stories or sixty feet in height except that buildings or portions of buildings, which in the aggregate do not occupy more than twenty per cent of the area of the lot may be erected to a greater height, but not to exceed one hundred and fifty feet in any case.

**(C) Buildings On the Same Lot.** Where the principal building on a lot is used in whole or in part for dwelling purposes, additional buildings erected thereon shall conform to the provisions of Section IV. (F). Where a rear yard abuts for its full width upon a street, accessory buildings shall not occupy any of the required minimum rear yard space. On a corner lot accessory buildings shall not occupy any of the required minimum side yard space abutting upon a street nor any of that portion of the rear yard lying nearer to the street than the width of side yard required on the same lot and abutting on such street. In any other case accessory buildings may be erected in addition to the principal building on the lot to occupy the total space permitted in this section for a single building erected on the same lot.

#### SECTION VII.—LOCAL BUSINESS DISTRICTS

**(A) Uses.** In a Local Business District no building or premises, except as otherwise provided in this ordinance shall be erected or used for any purpose except for one or more of the following specified purposes:

(1) Any use permitted in a Residence District.

(2) A mercantile establishment for the sale of goods at retail or a commercial or a professional service conducted for the residents of the locality which is not noxious or offensive by reason of the emission of odor, fumes, dust, smoke, waste, vibration or noise, provided there is not in connection therewith any manufacturing, repairing, converting, altering, finishing or assembling except that which is incidental to such retail business or service and on which not more than two mechanics or workers are customarily engaged.

(3) Signs, bulletins and advertising displays only if pertaining to the use of the premises on which located or to goods sold or activities conducted thereon. No such structure, if free standing, shall be more than twenty-five feet in greatest

horizontal dimension, nor more than fifteen feet in height, nor approach nearer to a lot line or other structure than three feet, and if containing more than ten square feet of display surface shall be constructed of incombustible material and supported not less than three feet above the ground. No such structure shall be erected upon a roof or shall project over any walk, street or other passage open to public travel.

**(B) Front Yards.** In a Local Business District, front yards are not required.

**(C) Side Yards.** In a Local Business District side yards are not required along any side street line, or along any interior side lot line if all walls of buildings abutting upon such interior side lot line are wholly without windows, but where a side yard is provided it shall be at all points of a width equal to the width prescribed for outer courts below.

**(D) Courts.** In a Local Business District, there shall be an outer court along the interior side lot lines of each side of each lot on which a side yard is not provided. Such courts, if opening on a rear yard shall extend to within thirty feet of the front yard or front wall of a building erected on the lot, and if opening on a front yard shall extend to within thirty feet of the rear yard or rear building wall, and shall begin not higher than three feet above the floor of the first story above the ground story, or at the ground story if used for dwelling purposes. On a lot thirty feet or less in width, the court on one side may be omitted provided all walls abutting on that side are wholly without windows.

In the case of a lot sixty feet or more in width on which is erected a building used in whole or in part as a dwelling, outer courts shall be provided in such manner that the greatest distance between them shall not exceed fifty feet. Such courts, where not contiguous to a lot boundary line, shall be of double the width prescribed herein.

Outer courts shall be not less than five feet in width and in the case of dwellings shall be not less in width than six feet for a two story dwelling, seven feet for a three story dwelling and two feet additional for each story by which the dwelling exceeds three stories in height.

**(E) Rear Yards.** In a Local Business District there shall be on each lot, a rear yard beginning at the lowest story used for dwelling purposes and not higher than three feet above the floor level of the first story above the ground story in any case. On an interior lot the depth of such rear yard shall be not less than eighteen feet for a two story building, twenty feet for a three story building, and shall be increased four feet for each story by which a building erected on the lot exceeds three stories in height. In the case of a corner lot the rear yard may be omitted for all stories not used for dwelling purposes for a distance of twenty feet measured from the side street frontage of the building, except as provided in Section III. (G), and for all stories used for dwelling purposes the depth of such rear yard may be reduced six feet below the above required mini-

mums for a distance of not to exceed seventy-five feet from the side street lot line. In case the rear of a lot abuts for its full width upon a lot in a Local Business or Commercial District the rear yard may be omitted for all stories not used in any part for dwelling purposes. Portions of buildings exceeding four stories in height and not used in any part for dwelling purposes may observe throughout the depth of rear yard required for a four story building.

**(F) Height.** In a Local Business District no building shall exceed four stories or sixty feet in height, except that buildings or portions of buildings not used for dwelling purposes and which in the aggregate do not occupy more than ten per cent of the area of the lot, or more than two thousand square feet may be erected to a greater height but not to exceed one hundred and fifty feet in any case.

**(G) Buildings On the Same Lot.** Where any building on a lot is used in whole or in part as a dwelling, additional 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, 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 VIII—COMMERCIAL DISTRICTS

**(A) Uses.** In a Commercial District no building or premises, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified purposes:

(1) Any use permitted in a Residence District.

(2) A mercantile establishment for the sale of goods at retail or a commercial or professional service conducted primarily for the residents of the locality; or the repair, conversion, alteration, finishing, assembling, fabrication or storage of goods primarily for the residents of the locality or for sale at retail on the premises; provided there is not in connection therewith the operation of any machinery or the conduct of any process or activity or the storage or display of goods in such manner as to be noxious or offensive by reason of the emission of odor, fumes, dust, smoke, waste, vibration or noise.

(3) Penal and correctional institutions.

(4) Signs, bulletins and advertising displays, except that no such structure shall be erected upon a roof nor project over any walk, street or other passage open to public travel.

**(B) Front Yards.** In a Commercial District front yards are not required for buildings four stories or less in height, but for any portion of building in excess of four stories or sixty feet in height a front yard shall be provided equal in depth to the distance by which the

height of such portion exceeds the width of the street on which it faces.

**(C) Side Yards.** In a Commercial District side yards are not required along any interior side lot line, except that where a side lot line is the boundary line between a Commercial District and a Residence District a side yard shall be provided within the Commercial District of a width equal to one-half the width prescribed for side yards for a building of the same size and height in the adjoining district. Along any side street lot line there shall be provided for any portion of building in excess of four stories or sixty feet in height a side yard of a width equal to the distance by which the height of such portion exceeds the width of the street on which it abuts.

For any building or portion of building used as a dwelling, for which a side yard is provided, such side yard shall be at all points of a width equal to the width prescribed for outer courts below.

**(D) Courts.** In a Commercial District, there shall be an outer court along the interior side lot lines of each side of each lot on which a dwelling is erected and on which a side yard is not provided, beginning not higher than three feet above the floor level of the lowest story used for dwelling purposes.

Such courts, if opening on a rear yard, shall extend to within thirty feet of the front wall of the dwelling, or to within thirty feet of another outer court extending to the front yard or front lot line, and if opening on a front yard or front lot line shall extend to within thirty feet of the rear wall of the dwelling or to within thirty feet of another outer court opening on the rear yard. On a lot thirty feet or less in width, the court on one side may be omitted, provided all walls abutting on that side are wholly without windows.

In the case of a lot sixty feet or more in width on which is erected a building used in whole or in part as a dwelling, outer courts shall be provided in such manner that the greatest distance between them shall not exceed sixty feet. Such courts, where not contiguous to a lot boundary line, shall be of double the width prescribed herein.

Where the depth of an outer court exceeds sixty feet, portions of the building not more than thirty feet in depth may project into such court to within five feet of the side lot line or center line of such court, provided all walls of such portion abutting upon such side lot line or court center line are wholly without windows, and providing further that no section of such outer court remaining shall be less in depth than three times the width prescribed for outer courts herein.

Outer courts for dwellings shall be not less in width than six feet for a two story dwelling, seven feet for a three story dwelling, and two feet additional for each story by which the dwelling exceeds three stories in height.

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

(E) **Rear Yards.** In a Commercial District there shall be a rear yard across the entire width of each lot, except that where the rear of a lot abuts upon another lot in a Commercial District the rear yard may be omitted for all buildings or portions of buildings not used for dwelling purposes. Such rear yard shall begin at the lowest story used for dwelling purposes and not higher than the first story above the ground story in any case, and shall have a depth of not less than eighteen feet for a two story building, twenty feet for a three story building and four feet additional for each story above the third story which is used for dwelling purposes.

Where the rear of a lot abuts upon a street the depth of rear yard shall be the same as that required for a front yard of a building of the same height on such rear street.

(F) **Height.** In a Commercial District no building shall exceed four stories or sixty feet in height except that buildings or portions of buildings which in the aggregate do not occupy more than twenty per cent of the area of the lot may be erected to a greater height but not to exceed one hundred feet in any case.

(G) **Buildings on the Same Lot.** Where any building on a lot is used in whole or in part as a dwelling, additional 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, 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 IX—BOARD OF APPEALS

The Village Council shall, in accordance with Act 207 of the Public Acts of 1921, act as a Board of Appeals on Zoning which in addition to the general duties and powers conferred upon it by law, may in specific cases vary or modify 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 on the same parcel of land or one 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 trade or business located in a district restricted against such use, where the enlargement or expansion of such trade or business will not be detrimental to or tend to alter the character of the neighborhood.

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

(C) Permit the erection and use of a building or the use of premises in any

location for a public service corporation or for public utility purposes, and make exceptions thereto to the height and bulk district requirements herein established, which the board considers reasonably necessary for the public convenience or welfare.

(D) Permit in a Residence District a temporary building or use 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 the case of a building only upon application accompanied by a bond and bill of sale to the city, 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 years each.

(E) Permit in a Residence District the erection of bulletins, memorials, markers or other signs not used for purposes of commercial advertising, in excess of six 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 or in other ways a detriment to the district in which located.

(F) Permit a community garage in any district or a public garage or stable in a Residence C District provided that any such garage or stable shall not be located within fifty feet of any street lot line, and provided further that no such use shall be permitted unless there are on file with the Board the written consents of the owners of eighty per cent by frontage of all lots lying within one hundred and fifty feet of any point on the lot for which such use is proposed. Any lot which lies more than fifty per cent by area within such radius shall be deemed to lie wholly within for the purpose of computing the frontage herein specified. In computing the percentage of consents required under this provision, the frontage of lots already used for public garages or stables shall be counted as consenting.

## SECTION X—UNLAWFUL USE:

### CERTIFICATE OF COMPLIANCE AND OCCUPANCY

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected or altered, or to change or enlarge the use of any building or premises or part thereof until a Certificate of Compliance with the provisions of this ordinance, properly endorsed as to occupancy as provided below, shall have been issued by the Building Inspector.

In all cases where a building permit is required, application for a Certificate of Compliance shall be made coincident with the application for such building permit, and in all other cases shall be made not less than ten days prior to the time when a new or enlarged use of a building or premises 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 premises to which the certificate is to apply, the lines of all lots or parcels under separate ownership contained therein, the width and alignment of all abutting streets, alleys, easements of access and public open spaces, the size, position and height of all buildings erected or to be erected or altered thereon 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 Certificate of Compliance. A record of all such applications shall be kept on file by the Building Inspector.

Wherever the buildings, premises, 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 within ten days after the receipt of such application a Certificate of Compliance, and when such Certificate is refused, to state such refusal in writing with cause, and no building permit shall be issued prior to the issuance of such Certificate.

Within five days after notification that the building or premises or part thereof is ready for occupancy the Building Inspector shall make a final inspection thereof and if found to be in conformity with the provisions of this ordinance shall endorse such fact on the Certificate of Compliance in a statement properly signed and dated and such statement shall have the force of a certificate of occupancy.

The Building 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 six months nor more than five days after the completion of the building ready for occupancy.

## SECTION XI—ENFORCEMENT PENALTIES

The provisions of this ordinance shall be enforced by the Building Inspector. Any person, firm or corporation who violates any of the provisions of this ordinance shall be fined not less than twenty-five nor more than one hundred dollars for each offense, or shall be punished by imprisonment for a period of not to exceed ninety days for each offense, or may be both fined and imprisoned. Any building which is erected, altered or converted or any use of premises 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 court 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. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION XII—AMENDMENTS**

The Council may from time to time on its own motion or on petition, amend, supplement or change the district boundaries or regulations herein established in the manner prescribed by Act No. 207 of the Public Acts of Michigan for 1921. Whenever the owners of fifty per cent or more of the frontage in any district or part thereof shall present to the Council a petition in writing, duly signed and which shall have been acknowledged by each of said petitioners substantially in accordance with the provisions for the acknowledgment of deeds, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Council to vote upon said petition within ninety days after the filing of the same by the petitioners with the Council. If any area is hereafter transferred to another district by a change in district boundaries by an amendment as above provided, the provisions of this ordinance, relating to buildings or uses of buildings or premises existing at the time of passage of this ordinance shall apply to buildings or

uses of buildings or premises existing at the time of passage of such amendment in such transferred area.

**SECTION XIII—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, 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 provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires

larger yards, courts or other open spaces than are imposed or required by such existing provision of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this ordinance shall control.

**SECTION XIV—VALIDITY**

Should any section, clause or provision of this ordinance be declared by a court 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 XV.**

The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the public health, peace and safety and are hereby given immediate effect.

This ordinance is ordered to take effect immediately.

Return Postage Guaranteed.

**CITIZENS ASSOCIATION**  
GROSSE POINTE, MICH.

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