

ORDINANCE No. 171-D

(File in container and make notation after Chapter 169 on page 342)

AN ORDINANCE to establish districts in the City of Detroit; to regulate the use of land and structures therein; to regulate and limit the height, the area, the bulk and location of buildings; to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; to regulate and determine the area of yards, courts and other open spaces; to regulate the density of population; to provide for the administration and enforcement of this Ordinance; to provide for a Board of Appeals, and its powers and duties; and to provide a penalty for the violation of the terms thereof.

WHEREAS, the Common Council of the City of Detroit has appointed the City Plan Commission of said City as a Zoning Commission to recommend the boundaries of districts and appropriate regulations to be enforced therein, and said Zoning Commission did make a preliminary report and did hold public hearings at such times and places as required by the said Common Council, and did submit its final report to the said Common Council, and

WHEREAS, the said Common Council having published a notice of the time and place of a public hearing, which notice was published in an official paper in said City, not less than fifteen days prior to the time of said hearing, and did hold a public hearing at which any and all citizens, parties, or any other party or person of interest did have opportunity to be heard in relation to the said report, its regulations, restrictions, maps, districts and boundaries: Now, Therefore,

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. Intent, Purposes and Methods

The Comprehensive plan of this Ordinance is for the purpose of promoting public health, safety, morals, convenience, comfort, amenities, prosperity, and general welfare of the community and of a wholesome, serviceable and attractive municipality, by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values, that provide for a more uniformly-just land-use pattern and tax-assessment ba-

sis; that facilitate adequate provisions for increased safety in traffic and for transportation, vehicular parking, parks, parkways, recreation, schools, public buildings, housing, light, air, water supply, sewerage, sanitation, and other public requirements; that lessen congestion, disorder and danger which often inhere in unregulated municipal development; that prevent overcrowding of land and undue concentration of population; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends.

In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this comprehensive plan, the City is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly, harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy, and uses of buildings and other structures, including the percentage of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces. Sec. 1.1. Zoning Ordinance

This Ordinance shall be known and cited as the Zoning Ordinance.

Section 2. Definitions

For the purposes of this Ordinance certain terms used are herewith defined.

When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory.

Sec. 2.1. Accessory Use

A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

Sec. 2.2. Accessory Building

A subordinate building, or structure on the same lot, or a

part of the main building, occupied by or devoted exclusively to an accessory use.

Sec. 2.3. Alley

A public thoroughfare or way, not more than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

Sec. 2.4. Block

For the special purposes of this Zoning Ordinance a block shall mean all land fronting on one side of a street between the nearest streets, alleys, rights of way, or waterways, intersecting, meeting or crossing the aforesaid street and bounding such land.

Sec. 2.5. Board

The word "Board" shall mean the Board of Zoning Appeals.

Sec. 2.6. Building

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

Sec. 2.7. Building, Height of

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. Penthouses, scenery lofts, towers, cupolas, steeples and domes, collectively not exceeding in gross area thirty (30) per cent of the roof area, flag poles, aeroplane beacons, radio broadcasting towers, chimneys, stacks, tanks and roof structures used only for ornamental or mechanical purposes, need not be included in determining the height of a building or structure. Parapet walls may extend not more than five (5) feet above the allowable height of a building.

Sec. 2.8. Commission

The word "Commission" shall mean the City Plan Commission.

Sec. 2.9. Dwelling

Any building, or part thereof, occupied, in whole or in part, as the home, residence, or sleeping place of one or more persons, either continuously, permanently, temporarily or transiently.

One Family Dwelling

A dwelling, occupied by not more than one family.

Two Family Dwelling

A dwelling occupied by not more than two families.

Multiple Dwelling

A dwelling occupied by three or more families, or as a rooming house, lodging house or hotel.

Sec. 2.10. Erected

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Sec. 2.11. Essential Services

The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Sec. 2.12. Established Grade

The elevation of the sidewalk grade as fixed by the City.

Sec. 2.13. Family

One person, or a group of two or more persons living together and inter-related by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

Sec. 2.14. First Floor

The floor of a building approximately at or first above the mean level of the ground at the front of the building.

Sec. 2.15. Garage—Private

A building, or part thereof, not over one story or fifteen (15) feet in height for storage of self-propelled private passenger vehicles or private passenger or house trailers, wherein no servicing for profit is conducted.

Sec. 2.16. Garage—Community

A building or part thereof, used for the storage of self-pro-

pelled private passenger vehicles or private passenger or house trailers for the use of residents in the vicinity and providing only incidental service to such vehicles as are stored therein.

Sec. 2.17. Garage—Commercial

A garage other than a private or community garage.

Sec. 2.18. Hotel

A building, or part thereof, occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singly for hire and in which rooms no provision for cooking is made, and in which building there is a general kitchen and public dining room for the accommodation of the occupants.

Sec. 2.19. Lodging House

A building or part thereof, other than a hotel, where lodgings are provided for hire more or less transiently, without provisions for meals.

Sec. 2.20. Lot

A piece or parcel of land occupied or to be occupied by a building, structure or use, or by an accessory building, structure or use, including the yards required by this Ordinance.

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 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

Sec. 2.21. Lot Lines

The boundary lines of a lot are:

Front Lot Line

The line dividing a lot from a street. On a corner lot only one street line shall be considered as a front lot line and the shorter street line shall be considered the front lot line.

Rear Lot Line

The lot line opposite the front lot line.

Side Lot Line

Any lot lines other than front lot line or rear lot line.

Sec. 2.22. Non-Conforming Structure

A structure conflicting with the provisions of this Ordinance ap-

plicable to the district in which it is situated.

Sec. 2.23. Non-Conforming Use

The use of a structure or premises conflicting with the provisions of this Ordinance.

Sec. 2.24. Occupancy, Change of

The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution thereof of a use of a different kind or class.

Sec. 2.25. Occupied

The word "occupied" includes arranged, designed, built, altered, converted to, rented, or leased, or intended to be occupied.

Sec. 2.26. Person

The word "person" includes association, firm, co-partnership or corporation.

Sec. 2.27. Public Utility

Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water.

Sec. 2.28. Rooming House

A building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished, usually on a weekly or monthly basis.

Sec. 2.29. Story

That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the distance from the average established grade to the ceiling of a story partially below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

Sec. 2.30. Story—Half

A story which is situated within a sloping roof, the area of which at a height four feet above the floor does not exceed two-thirds of the floor area directly below it, wherein living quarters are used only as a part of a dwelling situated in the story below.

Sec. 2.31. Street

A public thoroughfare which affords a principal means of access to abutting property.

Sec. 2.32. Structure

A structure is any production or piece of work artificially built up or composed of parts joined together in some definite manner; any construction.

Sec. 2.33. Use

The purpose for which land or

building thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied or maintained.

Sec. 2.34. Used

The word "used" includes arranged, designed, or intended to be used.

Sec. 2.35. Yard

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted in Section 4.6, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

Yard—Front

A yard extending across the full width of the lot between the front lot line and the nearest line of the main building.

Yard—Rear

A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Yard—Side

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.

Section 3. General Provisions

Sec. 3.1. Conflicting Regulations

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern.

Sec. 3.2. Scope

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no building, structure, or land, or part thereof, shall be used except in conformity with the provisions of this Ordinance.

Sec. 3.3. Non-Conforming Buildings and Uses

The following regulations shall apply to all non-conforming buildings and structures or parts thereof, and uses existing at the effective date of this Ordinance:

(A) Any such non-conforming building or structure may be continued and maintained provided there is no physical change other than necessary maintenance and repair in such building or structure except as permitted in Sections 3.5, 3.6 and 3.7.

(B) Any such non-conforming use may be maintained and continued, provided there is no in-

crease or enlargement of the area, space or volume occupied by or devoted to such non-conforming use.

(C) Any part of a building, structure or land occupied by such a non-conforming use which is changed to or replaced by a use conforming to the provisions of this Ordinance shall not thereafter be used or occupied by a non-conforming use.

(D) Any part of a building, structure or land occupied by such a non-conforming use, which use is abandoned, shall not again be used or occupied for a non-conforming use. Any part of a building, structure or land occupied by such a non-conforming use, which use is discontinued for a period of two years or more, shall not again be used or occupied for a non-conforming use.

Sec. 3.4. Buildings Under Construction

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said building permit was granted.

Sec. 3.5. Reconstruction of Damaged Non-Conforming Buildings

Nothing in this Ordinance shall prevent the reconstruction, repairing or rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60) per cent of the assessed valuation of the building or structure at the time such damage occurred.

Sec. 3.6. Repair or Alteration of Non-Conforming Buildings

Nothing in this Ordinance shall prevent the repair, reinforcement or reconstruction of a non-conforming building, structure or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation provided the cost of such work shall not exceed thirty (30) per cent of the assessed valuation of such building or struc-

ture at the time such work is done, nor prevent compliance with the provisions of the Building Code or Housing Law of Michigan relative to the maintenance of buildings or structures.

Nor shall anything in this Ordinance prohibit the alteration, improvement or rehabilitation of a non-conforming building or structure existing at the effective date of this Ordinance provided such work does not involve any increase in height, area or bulk or change of use.

Sec. 3.7. Ultimate Erection

A building or structure constructed to a less height, area or bulk than originally planned, prior to the effective date of this Ordinance, may be erected to its full height, area and bulk, provided the Board, after public notice and hearing, approves such extension, enlargement or addition as being in accordance with the original intent when such building or structure was erected.

Sec. 3.8. Location of Dwellings

Except where otherwise provided for in this Ordinance, every dwelling shall face or front upon a street or permanent means of access to a street, other than an alley. No dwelling shall be built upon a lot having a frontage of less than twenty (20) feet upon a street or upon a permanent means of access to a street, such means of access to have a width throughout of not less than thirty (30) feet or not less than ten (10) feet in width for each lot fronting upon it, except that no width of means of access greater than sixty (60) feet shall be required hereby.

Sec. 3.9. Boundaries of Districts

Unless otherwise shown, the district boundaries are street lines, alley lines or the subdividing or boundary lines of recorded plats, or the extensions thereof, and where the districts designated on the maps accompanying and made a part of this Ordinance, are approximately bounded by street lines, alley lines, or the subdividing or boundary lines of recorded plats, such lines or the extensions thereof shall be considered to be the district boundaries.

Where the district boundaries are not shown as being street lines, alley lines, or the subdividing or boundary lines of recorded plats, either exactly or approximately, unless otherwise indicated, such district boundaries shall be construed to be parallel to and one hundred (100) feet

from the nearest street, provided that if a subdividing or boundary line of private property or an alley line shall hereafter be platted and recorded paralleling and within thirty (30) feet of such district boundary, such line shall thereupon be construed as the district boundary.

Sec. 3.10. Vehicle Storage for Dwellings

Facilities for the storage or parking of self-propelled passenger vehicles for the use of occupants of one and two-family dwellings hereafter erected, shall be provided and maintained on the lots occupied by such dwellings, on the basis of at least one space of two hundred (200) square feet of accessible storage or parking area for such storage or parking for each such family unit.

Sec. 3.11. Vehicle Storage for Assembly Buildings

For every building, structure, or part thereof, principally used as a theater, auditorium or other similar place of public assembly, except as a church, hereafter erected, which is provided with seating facilities for an audience or congregation of people, there shall be provided and maintained accessible off-street parking space for the storage of self-propelled passenger vehicles on the basis of two hundred (200) square feet of such space for each ten (10) persons of the total seating capacity of such building, structure, or part thereof. Such parking space shall be located on the same lot with such building, structure, or part thereof, or within one thousand (1,000) feet thereof. The driveway area shall not be considered as parking space.

Sec. 3.12. Parking Lots for Business Uses

The Department of Buildings and Safety Engineering is authorized to issue a permit for the use of premises in Residential Districts as an open parking lot for the storage of self-propelled passenger vehicles as an adjunct to a business, such permit to terminate on a date specified in the permit which date shall not exceed two (2) years from the issuance of the permit, provided:

1. That the parking lot shall be contiguous to a district zoned for business.
2. That the parking lot use shall be only for automobile parking with no repair work or servicing of any kind.

3. That the parking lot area shall be not less than four thousand (4,000) square feet and that the entrances and exits shall be over business zoned area or from streets or alleys on the boundaries between business and residential zoned districts, or if over residential zoned property it shall be immediately adjacent to a district zoned for business.
4. That wherever the parking lot boundary adjoins property zoned for residential use, a solid masonry wall five feet in height shall be constructed and maintained thereon.
5. That no advertising signs shall be erected upon such lot except not more than one sign on each street side to indicate the operator and purpose of the lot. Such sign shall not exceed twenty (20) square feet in area and shall not extend more than ten (10) feet in overall height above the ground.
6. That adequate lighting shall be provided and so arranged and reflected away from residential areas as to cause no annoying glare.
7. That there shall be a reasonable need for such parking facilities and that the proposed parking lot will not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.

It is provided further that it shall be the duty of the City Plan Commission to investigate and ascertain whether the proposed use of the premises complies with the provisions of this Section. A report of the findings of said Commission shall be furnished to the Department of Buildings and Safety Engineering and only in cases where the findings are in accord with the provisions of this Section shall a permit be issued. Such permits may in its discretion be renewed by the said Department for a like period only provided the said City Plan Commission find the aforesaid conditions still prevail.

Sec. 3.13. Districting of Vacated Streets

Where a street or alley shown on the District Maps is hereafter vacated, the land formerly in such street or alley shall be included within the District of adjoining property on either side of said

vacated street or alley and in the event such street or alley was a district boundary between two or more different districts, the new district boundary shall be the former center line of such vacated street or alley.

Sec. 3.14. Dwelling and Other Occupancies

Where a dwelling is erected, located, or placed above another type of use, in districts other than R1, R2, RM, RM4, or RMU, no yards shall be required for the dwelling except a rear yard which may begin at the lowest floor occupied for dwelling purposes.

Sec. 3.15. Group Housing

Where two or more separate buildings for dwelling purposes are erected or placed on the same lot, the distance between any two such dwellings shall not be less than one-half the height of the higher of those two dwellings.

Front and rear yards shall be provided on such lots in accordance with the requirements of this Ordinance for districts in which such dwellings are first or primarily permitted.

Side yards shall be provided on both sides of such lots and such side yards shall not be less in width, between any such dwelling and the nearest side lot line, than the width of side yard which is required under this Ordinance for such dwelling on a lot in a district in which such dwelling is first or primarily permitted.

Sec. 3.16. Loading Space

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution by vehicles, of materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys. Such space, unless otherwise adequately provided for, shall include a 10-foot by 25-foot loading space with 14-foot height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building-floor-use for above mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3,000

square feet of land-use for above mentioned purposes.

Sec. 3.17. Transferral of Residential Requirements

Where a building or structure for dwelling purposes is erected or altered on a lot in a district other than the district in which such building or structure for dwelling purposes is first or primarily permitted under this Ordinance, such lot shall be subject to the same requirements for yards, minimum lot area and percentage of lot coverage as are specified in this Ordinance for a lot in the district in which such building or structure for dwelling purposes is first or primarily permitted, except as specified in Section 3.14 and except in the case of hotels erected or altered in districts other than RMU districts.

Sec. 3.18. Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City of Detroit, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Section 4. Districts

For the purposes of this Ordinance the City of Detroit is hereby divided into the following Districts:—

R1. Two and a Half Story—One Family Dwellings.

R2. Two and a Half Story—Two Family Dwellings.

RM. Two and a Half Story—Multiple Dwellings.

RM4. Fifty (50) foot height—Multiple Dwellings.

RMU. Unlimited Height—Multiple Dwellings.

B2. Thirty-five (35) foot height—Business.

B6. Seventy (70) foot height—Business.

BL. Limited Bulk—Business.

BC. Limited Bulk—Central Business.

C6. Eighty (80) foot height—Commercial.

ML. Forty (40) foot height—Light Manufacturing.

ML6. Eighty (80) foot height—Light Manufacturing.

MH. One Hundred and Fifty (150) foot height—Heavy Manufacturing.

Sec. 4.1 District Maps.

The areas assigned to these districts, the designation of same and the boundaries of said districts shown upon the maps hereto attached and made part of this Ordinance, are hereby established, said maps being designated as the "District Maps" and said maps and their proper notations, refer-

ences and other information shown thereon, shall be as much a part of this Ordinance as if the matters and information set forth by said maps were all fully described herein.

Sec. 4.2. Boundary Line Lots

Where a lot is contiguous to a boundary line of two different districts, any side yard or rear yard, which is directly adjacent to said boundary line in the less restricted district, shall be increased in minimum width or depth to the average of the required minimum widths and depths of such yards in the two different districts.

Sec. 4.3. Rear Yard and Lot Area Measurements

Where a lot abuts upon an alley, one-half of the width of said alley may be considered a part of such lot for the purpose of computing the area of such lot, and for the purpose of computing the depth of any rear yard required under this Ordinance.

Sec. 4.4. Maximum Street Width

For the purpose of determining the permissible cubical content of any building or structure, a street more than one hundred and fifty (150) feet in width shall be considered to have a width of one hundred and fifty (150) feet.

Sec. 4.5. Park as Part of Street

Where a lot abuts upon a public street for the full width or depth of the lot and there is a public park or other permanent public open space bordering on such street opposite such lot, a part of such park or open space may be considered as a portion of the street for the purpose of determining the permissible cubical contents of a building on such lot, provided the augmented width of such street shall not be more than one hundred and fifty (150) feet.

Sec. 4.6. Yard Encroachments

Every part of any required yard shall be open and unobstructed by any structure, from the ground to the sky, except for unenclosed porches, sills, belt courses, cornices, eaves or gutters, provided however, that such sills, belt courses, cornices, eaves or gutters shall not project more than fourteen (14) inches into any required yard.

No part of any required yard except a rear yard, shall be used for any accessory building or use, or for the storage of vehicles, and any accessory building erected in a required rear yard shall not exceed one story or fifteen (15) feet in height.

Fire escapes, stairways and bal-

conies which are open and unenclosed, and marquise, may project not more than five (5) feet into a required yard. Chimneys and pilasters may project not more than One (1) foot into a required yard.

Sec. 4.7. Uses of Premises Without Buildings

Where a lot is to be occupied for permitted uses without buildings or structures thereon, the side yards and front yards required herein for the district within which such lot is located, shall be provided and maintained between such use and the respective lot lines, except on lots used for parking spaces specified in Section 7.1 Paragraph (7), on which side yards shall not be required, provided that front, side or rear yards shall not be required on lots without buildings or structures, used for garden purposes or public playgrounds.

Sec. 4.8. Location of Accessory Buildings

In residential districts all accessory buildings shall be in the rear yard except when built as a part of the main building.

Sec. 4.9. Side Yard Reduction for Offsets

That part of the overall dimension of a building along a side lot line, in which the exterior enclosing wall, running along the side lot line, through offset or break, is located a distance from such side lot line not less than twice the width of side yard which would otherwise be required for a building of its overall dimension along the side lot line, need not be considered in determining any required increase in width of side yard.

Sec. 4.10. Streets as Rear Yards

Where a lot is bounded on two opposite sides by public thoroughfares other than alleys, either line separating such lot from such public thoroughfare may be designated as the front lot line. In such cases a portion of the public thoroughfare opposite the front lot line may be utilized to supply a part of a required rear yard, provided that at least twenty (20) feet of such required rear yard shall be provided on the lot independently of such public thoroughfare.

Sec. 4.11. Public Thoroughfares as Side Yards

Any portion of the adjoining one half of an abutting public thoroughfare may be utilized to supply a part of a required side yard adjacent to such public thoroughfare, provided that at least three (3) feet of said re-

quired side yard is provided on the lot independently of such adjoining public thoroughfare.

Section 5. R1 Districts
The following regulations shall apply in all R1 Districts:

Sec. 5.1. Uses Permitted

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. One family dwellings.
2. Churches.
3. Publicly owned and operated museums, libraries, parks, parkways, or playgrounds.
4. Educational, recreational, social, neighborhood or community centers not operated for profit and approved by the Commission after public hearing, as being not injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.
5. Parking lots as provided in Section 3.12.
6. Golf courses, tennis courts, and playfields, not operated for profit.
7. Elementary public and parochial schools.
8. The growing of vegetables, fruits, flowers, shrubs and trees, provided such use is not operated for profit.
9. Uses accessory to any of the above when located on the same lot and not involving any business, profession, trade or occupation.

Section 5.2. Signs

No signs shall be permitted on a lot other than one (1) non-illuminated real estate sign not exceeding six (6) square feet in area, advertising the sale or rental of the premises upon which it is maintained, except in the case of lots containing permitted non-residential buildings or structures other than accessory buildings, whereon one flat sign not exceeding thirty-two (32) square feet in area may be maintained.

Not more than one (1) non-illuminated trespassing, safety or caution sign not over two (2) square feet in area shall be permitted on a lot.

Not more than one (1) non-illuminated subdivision sign advertising the sale or rental of premises for subdivision development on which it is maintained, and having an area not to exceed three hundred (300) square feet nor ten (10) square feet for each lot within the subdivision, shall be permitted on a subdivision. The overall height of any ground sign permitted herein

shall not exceed five (5) feet above the ground except that the subdivision sign permitted herein may extend to an overall height of not more than twelve (12) feet above the ground.

Sec. 5.3. Size of Lot

Every lot upon which a building for dwelling purposes is hereafter erected shall be not less than four thousand (4000) square feet in area, provided that this requirement shall not apply to a piece or parcel of land platted and identified as a single unit on a plat officially approved and recorded prior to the effective date of this Ordinance.

Sec. 5.4. Lot Coverage

The combined area occupied by all buildings or structures used for dwelling purposes and accessory buildings, shall not exceed thirty-five (35) per cent of the area of the lot.

Sec. 5.5. Height

No building or structure, or part thereof, shall be erected or altered to a height exceeding two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet except that buildings permitted in these districts under this Ordinance for non-dwelling purposes, other than accessory buildings, may be erected or altered to a height not exceeding fifty (50) feet, if approved by the Commission as being not injurious to contiguous property and as being in accordance with the spirit and purpose of this Ordinance.

Sec. 5.6. Rear Yard

Every lot shall have a rear yard not less than thirty (30) feet in depth.

Sec. 5.7. Side Yards—Residential Use

There shall be provided a side yard on each side of every lot which shall be not less than three (3) feet in width and the combined width of both side yards shall be not less than ten (10) feet, six (6) inches, provided that on lots abutting on an alley and less than thirty-five (35) feet in width, the required combined width of side yards shall be reduced by nine-tenths ($9/10$) of a foot for each foot or major fraction thereof by which the width of such lot is less than thirty-five (35) feet, and provided further, that the combined width of both side yards shall not be less than six (6) feet.

Sec. 5.8. Side Yards—Non-Residential Use

Every lot on which a building or structure used for non-dwelling purposes other than an accessory building is erected, shall

have a side yard on each side of such lot, and each such yard shall be not less than fifteen (15) feet in width with an increase of one (1) foot in width of each side yard for each five (5) feet, or part thereof, by which the said building or structure exceeds forty (40) feet in overall dimension along the side yard and also of an additional one (1) foot for every two (2) feet in height in excess of thirty-five (35) feet.

Sec. 5.9. Front Yard

Every lot shall have a front yard not less than twenty (20) feet in depth except that the required depth of such front yard, for lots used for dwelling purposes, shall be reduced in accordance with the following rules where such a lot is situated within eighty (80) feet of a lot in the same block upon which a building has already been erected and upon which lot there is a front yard less than twenty (20) feet in depth.

(a) In such cases where the lot to be built upon is situated between two lots both of which have been built upon, and either of which has a front yard less than twenty (20) feet in depth, the required minimum depth of front yard for the lot to be built upon shall be equal to the distance between the front lot line and the intersection of the center of the front wall of the proposed building with a straight line running between the centers of the front walls of the existing buildings on the two lots above described.

(b) In such cases where the lot to be built upon has no lot on one side already built upon and there is a lot already built upon with a front yard less than twenty (20) feet in depth on the other side, the required minimum depth of front yard for the lot to be built upon shall be equal to the distance between the front lot line and the intersection of the center of the front wall of the proposed building with a straight line running between the center of the front wall of the existing building and a point twenty (20) feet inside of the front lot line and eighty (80) feet distant from the lot to be built upon and on the other side thereof.

(c) In such cases where the lot to be built upon is bounded on one side by a street or alley and on the other side by a lot already built upon with a front yard less than twenty (20) feet in depth, the required minimum depth of front yard for the lot

to be built upon shall be equal to the existing depth of front yard on the adjoining lot already built upon.

Section 6. R2 Districts

The following regulations shall apply in all R2 Districts:

Sec. 6.1. Uses Permitted

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Uses permitted in R1 Districts.
2. Two Family dwellings.
3. Uses accessory to any of the above, when located on the same lot and not involving any business, profession, trade or occupation.

Sec. 6.2. Signs

No signs shall be permitted on a lot other than one (1) non-illuminated real estate sign not exceeding six (6) square feet in area, advertising the sale or rental of the premises upon which it is maintained, except in the case of lots containing permitted non-residential buildings or structures other than accessory buildings, whereon one flat sign not exceeding thirty-two (32) square feet in area may be maintained.

Not more than one (1) non-illuminated trespassing, safety or caution sign not over two (2) square feet in area shall be permitted on a lot.

Not more than one (1) non-illuminated subdivision sign advertising the sale or rental of premises for subdivision development on which it is maintained, and having an area not to exceed three hundred (300) square feet nor ten (10) square feet for each lot within the subdivision, shall be permitted on a subdivision. The overall height of any ground sign permitted herein shall not exceed five (5) feet above the ground except that the subdivision sign permitted herein may extend to an overall height of not more than twelve (12) feet above the ground.

Sec. 6.3. Size of Lot

Every lot upon which a building for dwelling purposes is hereafter erected shall be not less than four thousand eight hundred (4800) square feet in area provided that this requirement shall not apply to a piece or parcel of land platted and identified as a single unit on a plat officially approved and recorded prior to the effective date of this Ordinance.

Sec. 6.4. Lot Coverage

The combined area occupied by all buildings or structures used for dwelling purposes and accessory buildings shall not exceed thirty-five (35) per cent of the area of the lot.

Sec. 6.5. Height

No building or structure, or part thereof, shall be erected or altered to a height exceeding two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet except that buildings permitted in these districts under this Ordinance for non-dwelling purposes, other than accessory buildings, may be erected or altered to a height not exceeding fifty (50) feet, if approved by the Commission as being not injurious to contiguous property and as not being contrary to the spirit and purpose of this Ordinance.

Sec. 6.6. Rear Yard

Every lot shall have a rear yard not less than thirty (30) feet in depth.

Sec. 6.7. Side Yards—Residential Use

There shall be provided a side yard on each side of every lot, which shall not be less than three (3) feet in width, and the combined width of both side yards shall be not less than ten (10) feet six (6) inches.

Sec. 6.8. Side Yards—Non-Residential Use

Every lot on which a building or structure used for non-dwelling purposes other than an accessory building is erected, shall have a side yard on each side of such lot, and each such yard shall be not less than fifteen (15) feet in width with an increase of one (1) foot in width of each side yard for each five (5) feet, or part thereof, by which the said building or structure exceeds forty (40) feet in overall dimension along the side yard and also of an additional one (1) foot for every two (2) feet in height in excess of thirty-five (35) feet.

Sec. 6.9. Front Yard

Every lot shall have a front yard not less than twenty (20) feet in depth except that the required depth of such front yard for lots used for dwelling purposes, shall be reduced in accordance with the following rules where such a lot is situated within eighty (80) feet of a lot in the same block upon which a building has already been erected and upon which lot there is a front yard less than twenty (20) feet in depth.

- (a) In such cases where the lot to be built upon is situated

between two lots, both of which have been built upon, and either of which has a front yard less than twenty (20) feet in depth, the required minimum depth of front yard for the lot to be built upon shall be equal to the distance between the front lot line and the intersection of the center of the front wall of the proposed building with a straight line running between the centers of the front walls of the existing buildings on the two lots above described.

(b) In such cases where the lot to be built upon has no lot on one side already built upon and there is a lot already built upon with a front yard less than twenty (20) feet in depth on the other side, the required minimum depth of front yard for the lot to be built upon shall be equal to the distance between the front lot line and the intersection of the center of the front wall of the proposed building with a straight line running between the center of the front wall of the existing building and a point twenty (20) feet inside of the front lot line and eighty (80) feet distant from the lot to be built upon and the other side thereof.

(c) In such cases where the lot to be built upon is bounded on one side by a street or alley and on the other side by a lot already built upon with a front yard less than twenty (20) feet in depth, the required minimum depth of front yard for the lot to be built upon shall be equal to the existing depth of front yard on the adjoining lot already built upon.

Section 7. RM Districts

The following regulations shall apply in all RM Districts:

Sec. 7.1. Uses Permitted

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Uses permitted in R2 Districts.

2. Multiple dwellings.

3. Private offices for doctors or dentists provided such offices are parts of dwelling units occupied by such doctor or dentists and not more than one such doctor or dentist practices in any such office.

4. Rooming and lodging houses.

5. Publicly owned buildings, public utility buildings, telephone exchanges, transformer stations and sub-stations without service or storage yards, sub-

ject to the approval of the Commission as being not injurious to surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.

6. Private garages, either separate or in connected groups having common and unperforated dividing walls between contiguous private garages.

7. Uncovered and unenclosed parking space for the storage of self-propelled passenger vehicles if the front yard required by Section 7.6 is provided on the lot and if approved by the Commission as being not injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.

8. Uses accessory to any of the above permitted uses.

Sec. 7.2 Signs

No signs shall be permitted on a lot other than one (1) non-illuminated real estate sign not exceeding six (6) square feet in area, advertising the sale or rental of the premises upon which it is maintained, except in the case of lots containing permitted non-residential buildings or structures other than accessory buildings, whereon one flat sign not exceeding thirty-two (32) square feet in area may be maintained.

Not more than one (1) non-illuminated trespassing, safety, doctors', dentists', or caution sign not over two (2) square feet in area shall be permitted on a lot.

Not more than one (1) non-illuminated subdivision sign advertising the sale or rental of premises for subdivision development on which it is maintained, and having an area not to exceed three hundred (300) square feet nor ten (10) square feet for each lot within the subdivision, shall be permitted on a subdivision. The overall height of any ground sign permitted herein shall not exceed five (5) feet above the ground except that the subdivision sign permitted herein may extend to an overall height of not more than twelve (12) feet above the ground.

Sec. 7.3. Size of Lot

No multiple family dwelling shall be erected upon a lot which has less than four thousand eight hundred (4800) square feet of area.

Sec. 7.4. Height

No building or structure or part thereof, shall be erected or altered to a height exceeding two and one half (2½) stories or thirty-five (35) feet, except that buildings permitted in these dis-

tracts under this ordinance for non-dwelling purposes, other than accessory buildings, may be erected or altered to a height not exceeding fifty (50) feet, if approved by the Commission as being not injurious to contiguous property and as not being contrary to the spirit and purpose of this ordinance.

Sec. 7.5. Rear Yard

Every lot shall have a rear yard not less than twenty-five (25) feet in depth.

Sec. 7.6. Front Yard

Every lot shall have a front yard not less than twenty (20) feet in depth.

Sec. 7.7. Side Yards—Residential Use

Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each such side yard shall have a minimum width of five (5) feet which shall be increased by one-half ($\frac{1}{2}$) foot for each ten (10) feet or part thereof by which the length of the multiple dwelling exceeds fifty (50) feet in overall dimension along the adjoining lot line.

Sec. 7.8. Side Yards—Non-Residential Use

Every lot on which a building or structure used for non-dwelling purposes, other than accessory buildings, is erected, shall be provided with a side yard on each side of such lot. Each such side yard shall have a minimum width of fifteen (15) feet which shall be increased by one (1) foot for each five (5) feet or part thereof by which the length of the building or structure exceeds fifty (50) feet in overall dimension along the adjoining lot line and also, by an additional one (1) foot for every two (2) feet or part thereof by which the height of such building or structure exceeds thirty-five (35) feet.

Sec. 7.9. Lot Area Per Room

Every lot used for a multiple dwelling shall contain not less than four hundred (400) square feet of area for each room of eighty (80) or more square feet, used for dwelling purposes in such multiple dwelling.

Section 8. RM4 Districts

The following regulations shall apply in all RM4 Districts:

Sec. 8.1. Uses Permitted

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Uses permitted in RM Districts.

2. Hotels, lodging houses, rooming houses.

3. Private clubs, lodges, fraternities and similar uses, except those which are operated for profit.

4. Institutions of an educational or philanthropic character, other than penal or correctional institutions or trade schools, not operated for profit.

5. Public utility buildings, transformer stations, sub-stations, and telephone exchanges, without service or storage yards.

6. Community garages subject to the approval of the Commission as being not injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this ordinance.

7. Hospitals, asylums and sanitariums.

8. Medical or dental offices.

9. Uses accessory to any of the above permitted uses.

Sec. 8.2. Size of Lot

No multiple family dwelling shall be erected upon a lot which has less than four thousand eight hundred (4800) square feet of area.

Sec. 8.3. Height

No building or structure, or part thereof, shall be erected or altered to a height exceeding fifty (50) feet.

Sec. 8.4. Rear Yard

Every lot shall be provided with a rear yard at least twenty-five (25) feet in depth.

Sec. 8.5. Front Yard

Every lot shall be provided with a front yard not less than twenty (20) feet in depth.

Sec. 8.6. Side Yards - Residential Use

Every lot upon which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each such side yard shall have a minimum width of five (5) feet which shall be increased by one-half ($\frac{1}{2}$) foot for each story by which the height of the multiple dwelling exceeds two (2) stories and also by one-half ($\frac{1}{2}$) foot for each ten (10) feet or part thereof by which the length of the multiple dwelling exceeds fifty (50) feet in overall dimension along the side yard.

Sec. 8.7. Side Yards - Non-Residential Use

Every lot upon which a building or structure used for non-dwelling purposes, other than accessory buildings, is erected, shall be provided with a side yard on each side of such lot. Each such

side yard shall have a minimum width of fifteen (15) feet which shall be increased by five (5) feet for each ten (10) feet or part thereof by which the height of the building or structure exceeds thirty-five (35) feet, and also by one (1) foot for each five (5) feet or part thereof by which the length of the building or structure exceeds fifty (50) feet in overall dimension along the side yard.

Sec. 8.8. Lot Area Per Room

Every lot used for a multiple dwelling shall contain not less than three hundred (300) square feet of area for each room of eighty (80) or more square feet, used for dwelling purposes in such multiple dwelling, except such rooms as are used for hotel, lodging house or rooming house purposes.

Section 9. RMU Districts

The following regulations shall apply in all RMU Districts:

Sec. 9.1. Uses Permitted

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the uses permitted in RM4 Districts.

Sec. 9.2. Size of Lot

No multiple family dwelling shall be erected upon a lot which has less than four thousand eight hundred (4800) square feet of area.

Sec. 9.3. Height

The maximum allowable height shall be regulated by the side yard requirements.

Sec. 9.4. Rear Yard

Every lot shall be provided with a rear yard not less than twenty-five (25) feet in depth.

Sec. 9.5. Front Yard

Every lot shall be provided with a front yard not less than twenty (20) feet in depth.

Sec. 9.6. Side Yards - Residential Use

Every lot upon which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each such side yard shall have a minimum width of five (5) feet which shall be increased by one-half ($\frac{1}{2}$) foot for each story by which the height of the multiple dwelling exceeds two (2) stories, and also by one-half ($\frac{1}{2}$) foot for each ten (10) feet or part thereof by which the length of the multiple dwelling exceeds fifty (50) feet in overall dimension along the side yard.

Sec. 9.7 Side Yards - Non-Residential Use

Every lot upon which a build-

ing or structure used for non-dwelling purposes, other than accessory buildings, is erected, shall be provided with a side yard on each side of such lot. Each such side yard shall have a minimum width of fifteen (15) feet which shall be increased by five (5) feet for each ten (10) feet by which the height of the building or structure exceeds thirty-five (35) feet and also by one (1) foot for each five (5) feet or part thereof, by which the length of the building or structure exceeds fifty (50) feet in overall dimension along the side yard.

Sec. 9.8. Lot Area Per Room

Every lot used for a multiple dwelling shall contain not less than two hundred (200) square feet of area for each room of eighty (80) or more square feet, used for dwelling purposes in such multiple dwelling, except such rooms as are used for hotel, lodging house or rooming house purposes.

Section 10. B2 Districts

The following regulations shall apply in all B2 Districts:

Sec. 10.1. Uses Permitted

No building, structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Uses permitted in RMU Districts.

2. Generally recognized retail stores, business and professional offices, newspaper distributing stations, business colleges.

3. Shops for making merchandise to be sold at retail on the premises, provided that the services of not more than five (5) persons are utilized in the making of such merchandise. Personal service shops for direct service to the customers, such as barber shops, beauty parlors and shoe repair shops. Laundries, dry cleaning shops, upholstering shops, provided the services of not more than five (5) persons are utilized therein.

4. Banks, theaters, assembly halls, dance halls, recreation buildings, restaurants, trade schools, armories, mortuaries, cat and dog hospitals, research and testing laboratories, garages, motor vehicle sales rooms and motor vehicle filling and service stations. Open air sales and display of motor vehicles but not including display or sale of used parts for motor vehicles. Parking lots. Trailer camps or parks. Advertising signs, billboards and advertising displays. Publicly-owned buildings, public utility buildings, telephone exchanges,

transformer stations and substations with service yards but without storage yards. Radio and television stations.

5. Other uses similar in character to those specified in Paragraphs 1, 2, 3, and 4 of this Section.

6. Retail poultry sales, including the storage and killing of poultry or game to be sold exclusively at retail on the premises directly to the ultimate consumer.

7. Uses accessory to any of the above permitted uses.

Sec. 10.2. Height

No building, structure, or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet, except that buildings permitted in these districts for non-dwelling purposes, other than accessory buildings, may be erected or altered to a height not exceeding fifty (50) feet if approved by the Commission as being reasonably necessary on account of the peculiar purpose or character of the particular building, and as being not injurious to the contiguous property and not contrary to the spirit and purpose of this ordinance.

Section 11. B6 Districts

The following regulations shall apply in all B6 Districts:

Sec. 11.1. Uses Permitted

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the uses permitted in B2 Districts.

Sec. 11.2. Height.

No building, or structure, or part thereof, shall be erected, or altered to a height exceeding seventy (70) feet.

Section 12. BL Districts

The following regulations shall apply in all BL Districts:

Sec. 12.1. Uses Permitted

No building, or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Uses permitted in B6 Districts.

2. Heating plants with underground or indoor fuel storage.

Sec. 12.2. Bulk Limitation

No building, or structure, or part thereof, shall be erected, altered, or enlarged to such a size or height that the cubical contents of such building or structure above the average established sidewalk grade shall exceed the volume of a prism or prismoid having a height equal

to the width of the widest street upon which the lot abuts and a base equal to the area of the lot upon which said building or structure is erected, altered, or enlarged, provided that this limitation shall not apply to towers as hereinafter specified.

Towers may be erected over and above the cubical content limit established herein, provided that the greatest horizontal dimension of such tower does not exceed sixty (60) feet, that the total gross area of all such towers on any one building or structure at any one horizontal plane does not exceed twenty-five (25) per cent of the area of the lot upon which the building or structure is situated and that each such tower shall be at least thirty (30) feet distant from every lot line and at least sixty (60) feet distant from any other tower on the same building or structure.

Section 13. BC Districts

The following regulations shall apply in all BC Districts:

Sec. 13.1. Uses Permitted

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the uses permitted in BL Districts.

Sec. 13.2. Bulk Limitation

No building or structure, or part thereof, shall be erected, altered, or enlarged to such a size or height that the cubical contents of such building or structure above the average established sidewalk grade shall exceed the volume of a prism or prismoid having a height equal to three times the width of the widest street upon which the lot, on which the building or structure is erected, altered or enlarged, abuts, and a base equal to the area of the lot, provided that this limitation shall not apply to towers as hereinafter specified.

Towers may be erected over and above the cubical content limit established herein, provided that the greatest horizontal dimension of such tower does not exceed sixty (60) feet, that the total gross area of all such towers on any one building or structure at any one horizontal plane does not exceed twenty-five (25) per cent of the area of the lot upon which the building or structure is situated and that each such tower shall be at least thirty (30) feet distant from every lot line and at least sixty (60) feet distant from any other tower on the same building or structure.

Section 14. C6 Districts

The following regulations shall apply in all C6 Districts:

Sec. 14.1. Uses Permitted.

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Uses permitted in BC Districts.

2. Warehouse, storage, transfer, terminal and loft buildings and yards. Railroad transfer and storage tracks, produce markets, cold storage plants, creameries, soda water and soft drink bottling establishments, distributing stations, heavy machinery or products display. Painting, varnishing, or woodworking shops, power and heating plants with fuel storage, laundries, bakeries, dry cleaning and carpet cleaning plants and other similar buildings and uses.

3. Penal and correctional institutions.

4. In cases where ML District Use is clearly incidental and essential to a permitted C6 District Use, then not to exceed 30% of the first floor area and 50% of the other floor areas of the building or structure occupied by such C6 District Use may be occupied for an ML District Use as hereinafter specified.

5. Uses accessory to any of the above permitted uses.

Sec. 14.2. Height

No building or structure, or part thereof, shall be erected or altered to a height exceeding eighty (80) feet.

Section 15. ML Districts

The following regulations shall apply in all ML Districts:

Sec. 15.1. Uses Permitted

No building, or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Uses permitted in C6 Districts.

2. Artisans or craftsmen work or trades. Enameling, buffing, finishing, galvanizing, plating, polishing or tempering operations.

Brewing and distilling.

Building material yards—Sand, gravel, stone and lumber yards. Cigar, cigarette, tobacco factories.

Cinema production and development.

Coal, coke, wood and fuel yards. Disinfectant and insecticide manufacturing.

Electrical batteries and supplies manufacturing.

Engine shops.

Food products — Confection manufacturing, beverage bottling, canning, etc.

Furniture or upholstering manufacturing.

Hardware, cutlery and tool manufacturing.

Junk yards, including used automobile parts and automobile wrecking yards, used material and wrecking yards.

Leather goods manufacturing.

Light manufacturing of goods or merchandise.

Linoleum and oil cloth manufacturing.

Machine shops.

Millwork, lumber planing mills.

Mechanical device manufacturing.

Musical instrument manufacturing.

Paint, enamel, lacquer or varnish manufacturing.

Paper box, cardboard products manufacturing.

Pharmaceutical products manufacturing.

Plumbing, heating, roofing manufacturing.

Pyroxylin or plastic manufacturing.

Railroad yards and stations.

Tank bulk oil and fuel supply.

Uses similar to the above specified uses.

Sec. 15.2. Height

No building, or structure, or part thereof, shall be erected or altered to a height exceeding forty (40) feet.

Section 16. ML6 Districts

The following regulations shall apply in all ML6 Districts:

Sec. 16.1. Uses Permitted

No building, or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the uses permitted in ML Districts.

Sec. 16.2. Height

No building, or structure, or part thereof, shall be erected or altered to a height exceeding eighty (80) feet.

Section 17. MH Districts

The following regulations shall apply in all MH Districts:

Sec. 17.1. Uses Permitted

No building, or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Uses permitted in ML Districts.

2. Heavy manufacturing plants, foundries, drop forging plants, body plants, boiler works, gas works, gas holders, coke ovens, metal stamping or pressing

plants, guns, firearms or weapon manufacturing plants, incinerator plants, Sewage disposal plants. Other similar uses.

3. The following uses, or other uses similar thereto, subject to the approval of the Commission as being not injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.

Abattoir.

Corrosive acid manufacturing.

Cement, lime, gypsum or plaster of paris manufacturing.

Distillation of bones, coal, tar, petroleum, refuse, grain or wood.

Explosives—manufacturing or storage.

Fat rendering.

Fertilizer manufacturing.

Garbage, offal, or dead animal reduction.

Glue manufacturing.

Petroleum or asphalt refining or manufacturing.

Smelting or refining of metals or ores.

Stockyards.

Tanning, curing or storage of raw hides or skins.

4. All other uses not prohibited by law or other Ordinances and not specifically permitted in other districts.

5. Uses accessory to a use permitted in this district.

Sec. 17.2. Height

No building or structure, or part thereof, shall be erected or altered to a height exceeding eighty (80) feet provided that in any portion of an MH district one hundred and fifty (150) feet or more from any R1, R 2, RM, RM4, or RMU District there shall be no limitation on the height of buildings or structures.

ADMINISTRATION

Section 18. Enforcement Provisions

Sec. 18.1. Enforcement

The Department of Buildings and Safety Engineering, through its officers, inspectors, or employees, shall enforce the provisions of this Ordinance.

Sec. 18.2. Permits Not to Be Issued

No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all of the provisions of this Ordinance.

Sec. 18.3. Certificates Not to Be Issued

No certificate of occupancy pursuant to the Building Code (Ordinance 354-C) shall be issued unless the building, structure, or part thereof, and the use of the

land, covered by such Certificate, conforms in all respects with the provisions of this Ordinance.

Sec. 18.4. Plats

All applications for building permits shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the location of the building to be erected and all other buildings on the property and such other information as may be necessary for the enforcement of this Ordinance.

Where a building is to be erected in an R1 or R2 District and the proposed front yard is less than the prescribed minimum for the District in which the proposed building is to be situated and when such minimum front yard is permitted to be reduced as hereinbefore specified, such plat shall include the nearest adjoining premises on both sides in the same block upon which buildings have already been erected.

Sec. 18.5. Permits for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a building permit is first obtained for the new or different use.

Sec. 18.6. Permits for New Use of Buildings

No building, or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new use.

Sec. 18.7. Permits Required

No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered," and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress or ingress, or other changes affecting or regulated by the Building Code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Sec. 18.8. Building Permit Necessitates Certificate

No land, building, structure, or part thereof, shall be occupied by or for any use for which a building permit is required by this Ordinance unless and until a Certificate of Occupancy shall

have been issued for such new use.

Sec. 18.9. Certificates Required

No building, or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.

Sec. 18.10. Certificates Including Zoning

Certificates of Occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.

Sec. 18.11. Certificates for Existing Uses

Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

Sec. 18.12. Temporary Certificates

Nothing in this Ordinance shall prevent the issuance of a temporary Certificate of Occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary Certificate shall not be effective for a period of time in excess of six (6) months and provided further, that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance.

Sec. 18.13. Records of Certificates

A record of all certificates issued shall be kept on file in the office of the Commissioner of the Department of Buildings and Safety Engineering and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

Sec. 18.14. Certificates for Dwelling Accessory Buildings

Buildings accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plat and when completed at the same time as such dwellings.

Sec. 18.15. Application for Certificates

Application for Certificate of Occupancy shall be made in writing to the Department of Buildings and Safety Engineering on forms furnished by that De-

partment and such Certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

Sec. 18.16. Final Inspection

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Department of Buildings and Safety Engineering immediately upon the completion of the work authorized by such permit, for a final inspection.

Sec. 18.17. Fees

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Department of Buildings and Safety Engineering in advance of issuance. The amount of such fees shall be established by the Board of Rules of said Department and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance but in no case shall the fee for any particular service be in excess of ten (\$10.00) dollars nor less than fifty (50c) cents.

Sec. 18.18. Record of Non-Conforming Uses

All non-conforming uses existing at the effective date of this Ordinance shall be recorded for the purpose of carrying out the provisions of Section 3.3.

Section 19. Remedies

The Department of Buildings and Safety Engineering, through its officers, inspectors or employees, or the Corporation Counsel, shall institute any appropriate action or proceeding in law or equity to prevent, restrain, correct, or abate any violation of the provisions of this Ordinance.

Section 20. Board of Zoning Appeals

Sec. 20.1 Board Established

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided by law in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done.

Sec. 20.2 Personnel of Board

The Board shall consist of five

(5) members appointed by the Common Council, each for a term of three (3) years. The members shall be citizens of the United States and residents of the City of Detroit. Members may be removed for cause by the Common Council only after consideration of written charges and a public hearing. Any vacancies in the Board shall be filled by the Common Council for the remainder of the unexpired term. The compensation of the members of the Board shall be fixed by the Common Council.

Sec. 20.3. Officers

The Associate Civil Engineer of the City Plan Commission shall be the Secretary of the Board. The Board shall annually elect its own Chairman and Vice Chairman.

Sec. 20.4. Meetings and Records

All Board meetings shall be open to the public. Regular meetings shall be held at least once a week, and special meetings shall be held at the call of the Chairman or as the Board may determine, or upon written request of three (3) members provided twenty-four (24) hours' notice has been given to each member before the time set for such meetings. Four (4) members of the Board shall constitute a quorum for the conduct of its business. Concise records shall be kept of all proceedings before the Board and minutes shall be kept of its official acts. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matter before it.

Sec. 20.5. Jurisdiction and Appeals

The Board shall hear and decide appeals from, and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Ordinance. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance, or to effect any variation in such Ordinance. Such appeal may be taken by any person

aggrieved or by any officer, department, board or bureau of the City. Such appeal shall be taken within such time as shall be prescribed by the Board by general rule, by the filing in writing, with the officer from whom the appeal is taken and with the Board of a notice in writing of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board, all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Circuit Court, or other Court of proper jurisdiction, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Sec. 20.6. Rules of Procedure and Notice

The Board shall adopt general rules and regulations relating to its procedure. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it and shall prescribe the means by which such interested parties shall be notified as to the time and place of hearing on such matters. The Board may require any party applying to the Board for relief to give such notice to interested parties as it shall prescribe.

Sec. 20.7. Hearings and Powers

The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, subject to the conditions and limitations of this Section, and to that end shall have all the powers of the officer

from whom the appeal is taken. The decision of the Board in these and all other matters heard by it shall be final insofar as it involves discretion or the finding of facts.

The Board shall have power to interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the District Maps accompanying and made a part of this Ordinance where the street or alley layout actually on the ground varies from the layout as shown on said maps after notice and hearing to parties owning property involved in such interpretation.

The Board shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any refusal of a building permit or certificate of occupancy, or other order, requirement or decision made by the Commissioner of Buildings and Safety Engineering or other administrative official in the administration of this Ordinance. Nothing contained in this paragraph shall be deemed to authorize the Board to reverse or modify a refusal or other order or decision which conforms to the provisions of this Ordinance.

Where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship or involve practical difficulties, the Board shall have power upon appeal in specific cases to authorize such variation or modification of the terms of this Ordinance as will not be contrary to the public interest and so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

The Board shall have power in addition to other proper variations and modifications, to grant the following special exceptions after public notice and hearing, provided that after investigation the Board ascertains the conditions involved in the proposed exception conform to the limitations and restrictions specified for each such exception as listed in the following paragraphs:

(a) Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes in any permitted district to a greater height or with lesser yards on the lot occupied by such building than the district requirements herein established, and permit the location in any district of a public utility building, structure

or use, if, upon investigation by the Board it is ascertained from the facts that such use, height, area, building or structure are reasonably necessary for the public convenience and service, and that such building or structure is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

(b) Permit the extension of any building, structure or use into a more restricted district immediately adjacent thereto under such conditions and limitations as will safeguard the character of the more restricted district, provided a reasonable need for such an extension and an absence of injurious effect on the contiguous property is shown to the satisfaction of the Board.

(c) In undeveloped sections of the city the Board may approve temporary and conditional permits for non-conforming uses, to terminate at a date specified in the approval, which date shall not exceed two (2) years from the date of the permit, provided that upon investigation by the Board it is ascertained that such uses are helpful to the development of such sections and are not detrimental to the adjoining and neighboring developed sections. Renewals of such permits may be approved by the Board provided the general conditions of the neighborhood have remained practically unchanged.

(d) Permit such variation or modification of yard, lot area and percentage of lot coverage requirements of this Ordinance as may be necessary to secure an appropriate improvement of a specific parcel of land which at the effective date of this Ordinance was of such size, shape or dimension, or which at the effective date of this Ordinance had such peculiar or exceptional geographical or topographical conditions, that it cannot be appropriately improved without such variation or modification, provided that the purpose and spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

(e) Permit a partial or complete exception to the loading space provisions of Section 3.16 where, after investigation by the Board, it is ascertained that the volume of vehicular service will not require compliance with said provision, and will not cause undue interference with the public use of the streets or alleys or imperil the public safety and where such modification or exception will not be inconsistent

with the purpose and spirit of this Ordinance.

(f) Permit an increase in height of a non-conforming building or structure existing at the effective date of this Ordinance, or an enlargement or extension of such a non-conforming building, structure or use upon land partially occupied by such existing non-conforming building, structure or use at the effective date of this Ordinance, subject to such conditions and protections as will safeguard the character of contiguous property and the surrounding neighborhood, provided that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 21. Zoning Commission

The City Plan Commission is hereby designated as the Commission specified in Section 4, of Act 207 of the Public Acts of 1921, and shall perform the duties of said Commission as provided in the statute in connection with the Amendment of this Ordinance.

Section 22. Commission Approval

In cases where the Commission is required under the provisions of this Ordinance to make an investigation, the applicant for any such permit shall furnish such surveys, plans and other information as may be reasonably required by said Commission for a proper consideration of the matter. The Commission shall investigate the circumstances of each such case and shall notify the parties, who may in its opinion be affected thereby, for a public hearing where such public hearing is required in this Ordinance or where

such public hearing is found advisable by the Commission. After such investigation, consideration and public hearing, where necessary, the Commission shall report its findings to the applicant, the Commissioner of the Department of Buildings and Safety Engineering and the Common Council.

Section 23. Validity

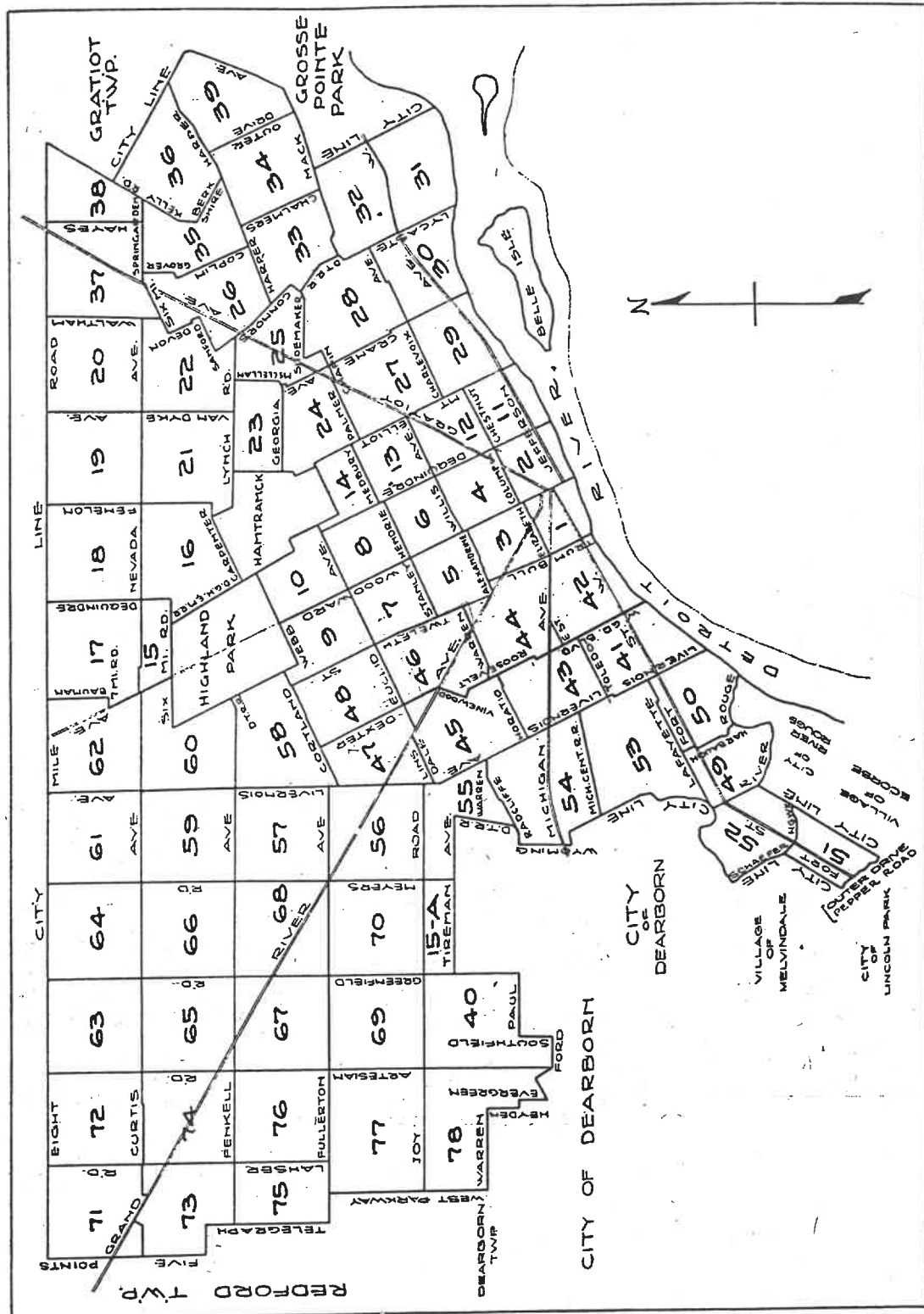
This Ordinance and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 24. Violations and Penalties

Any person, persons, firm or corporation or anyone acting in behalf of said person, persons, firm or corporation violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars or to imprisonment in the Detroit House of Correction for a period of not more than ninety (90) days, or to both such fine and imprisonment in the discretion of the court. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

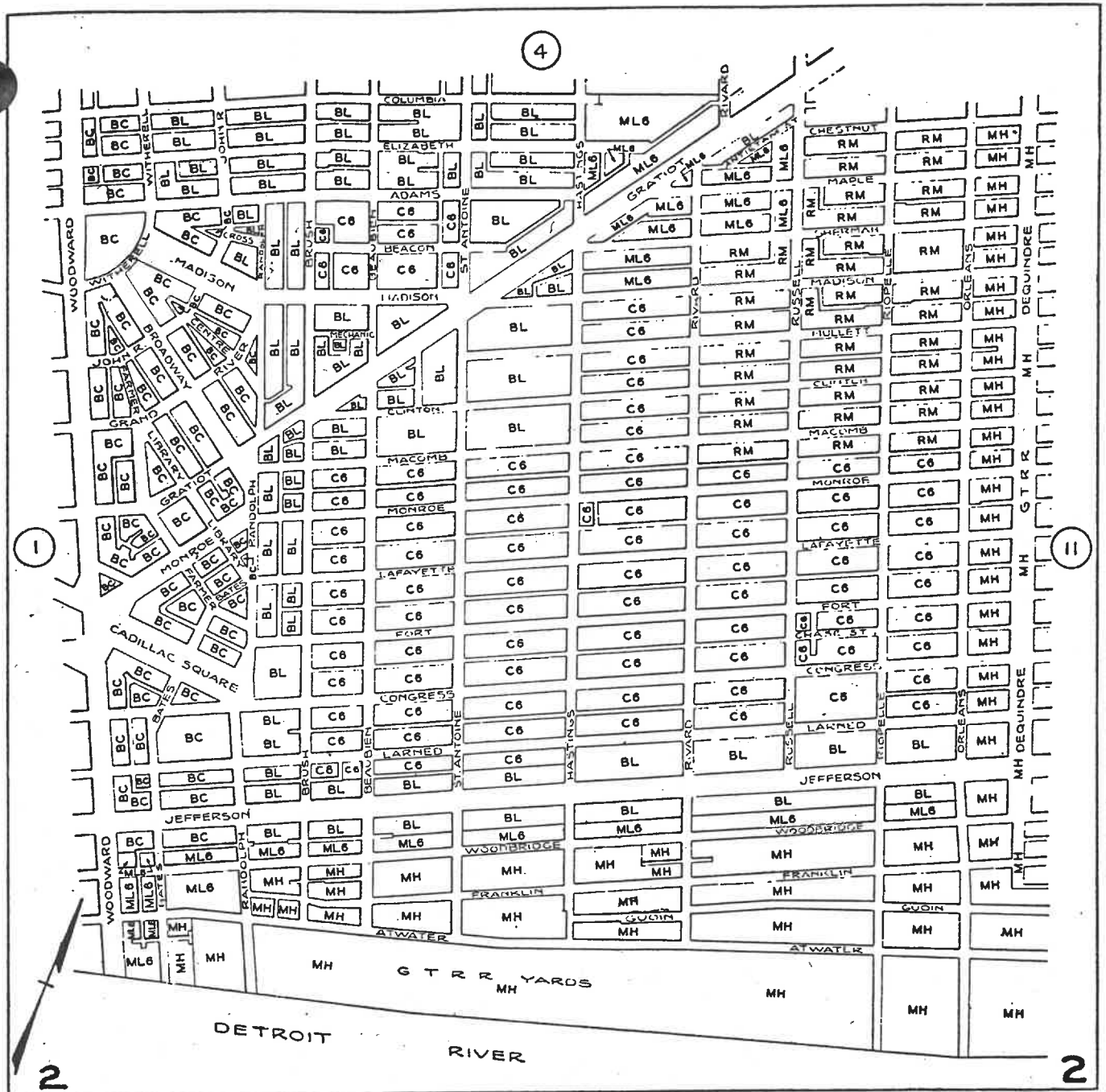
Section 25. Immediate Effect

This Ordinance is hereby declared necessary for the preservation of the peace, health, safety and welfare of the people of the City of Detroit and is hereby given immediate effect.

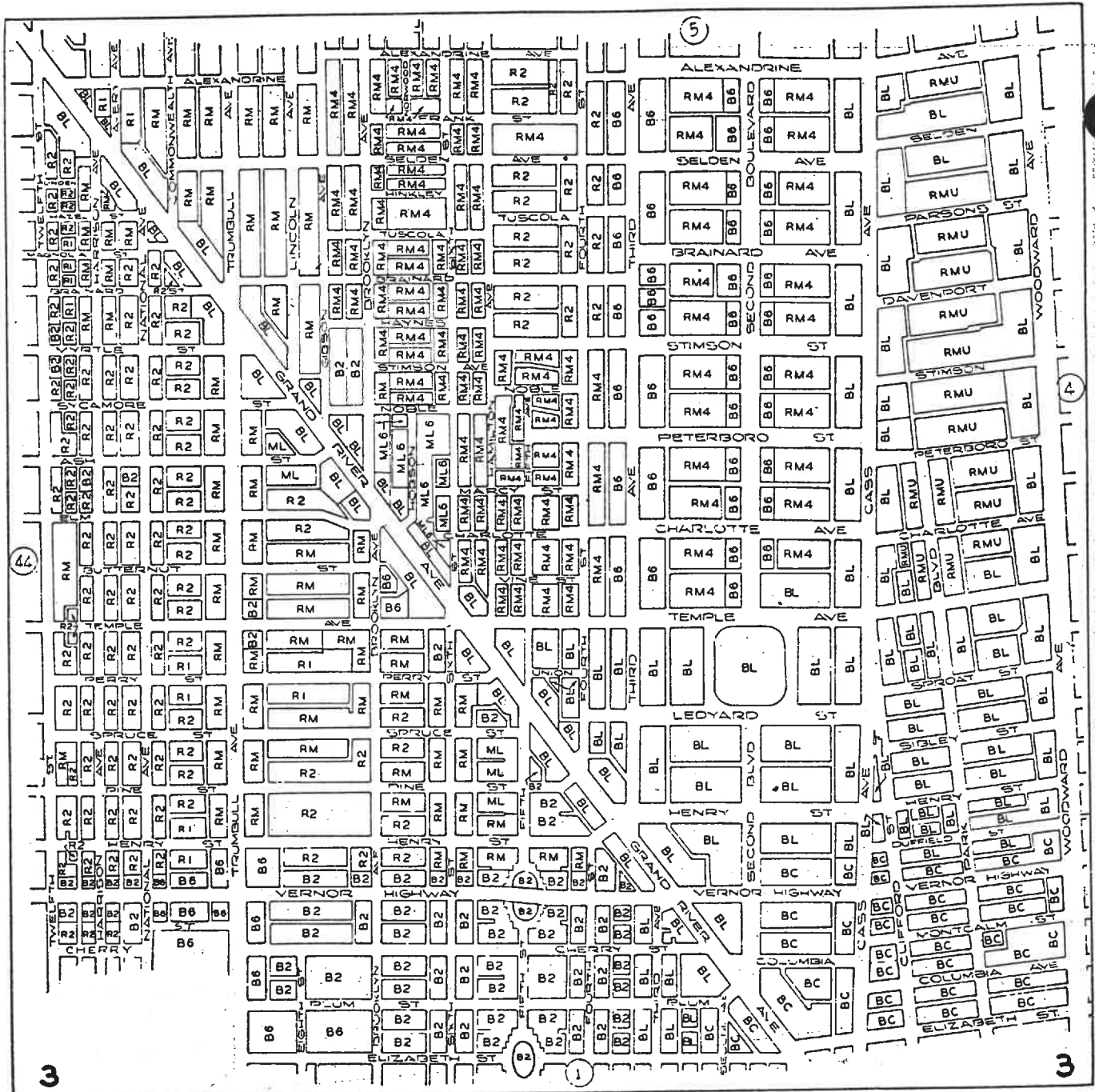




DISTRICT MAP 1



DISTRICT MAP 2



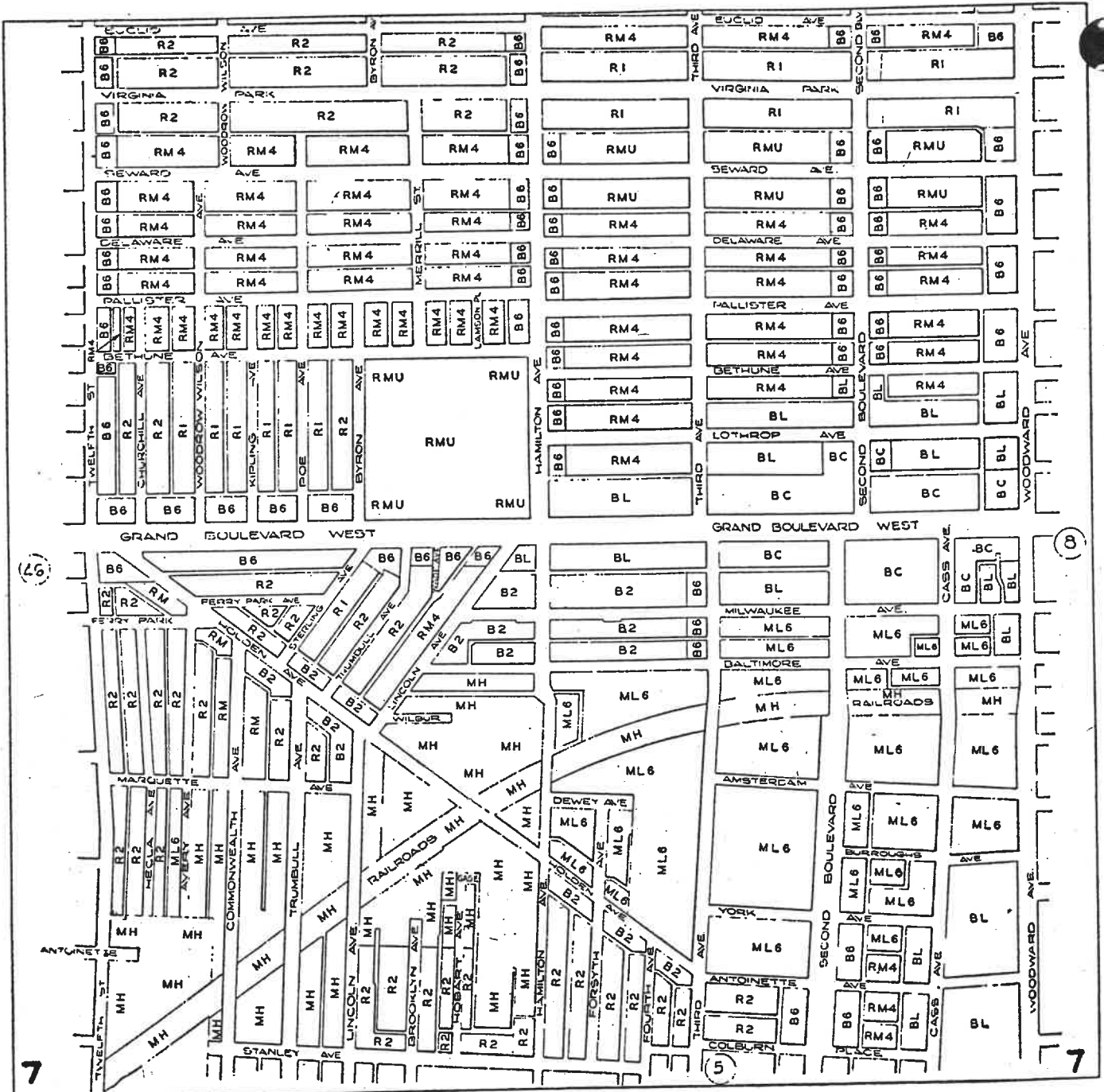
DISTRICT MAP 3





DISTRICT MAP 5

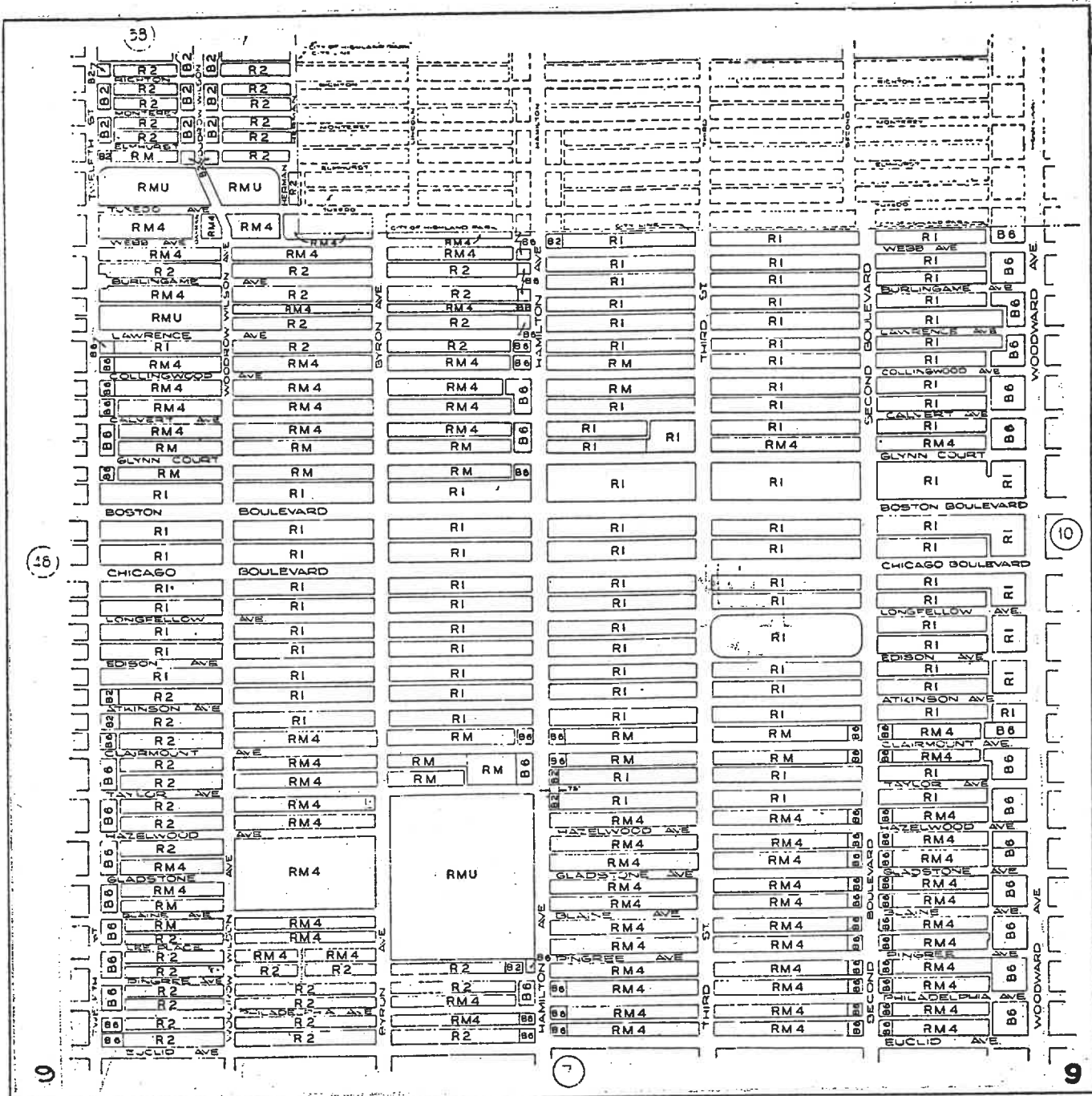




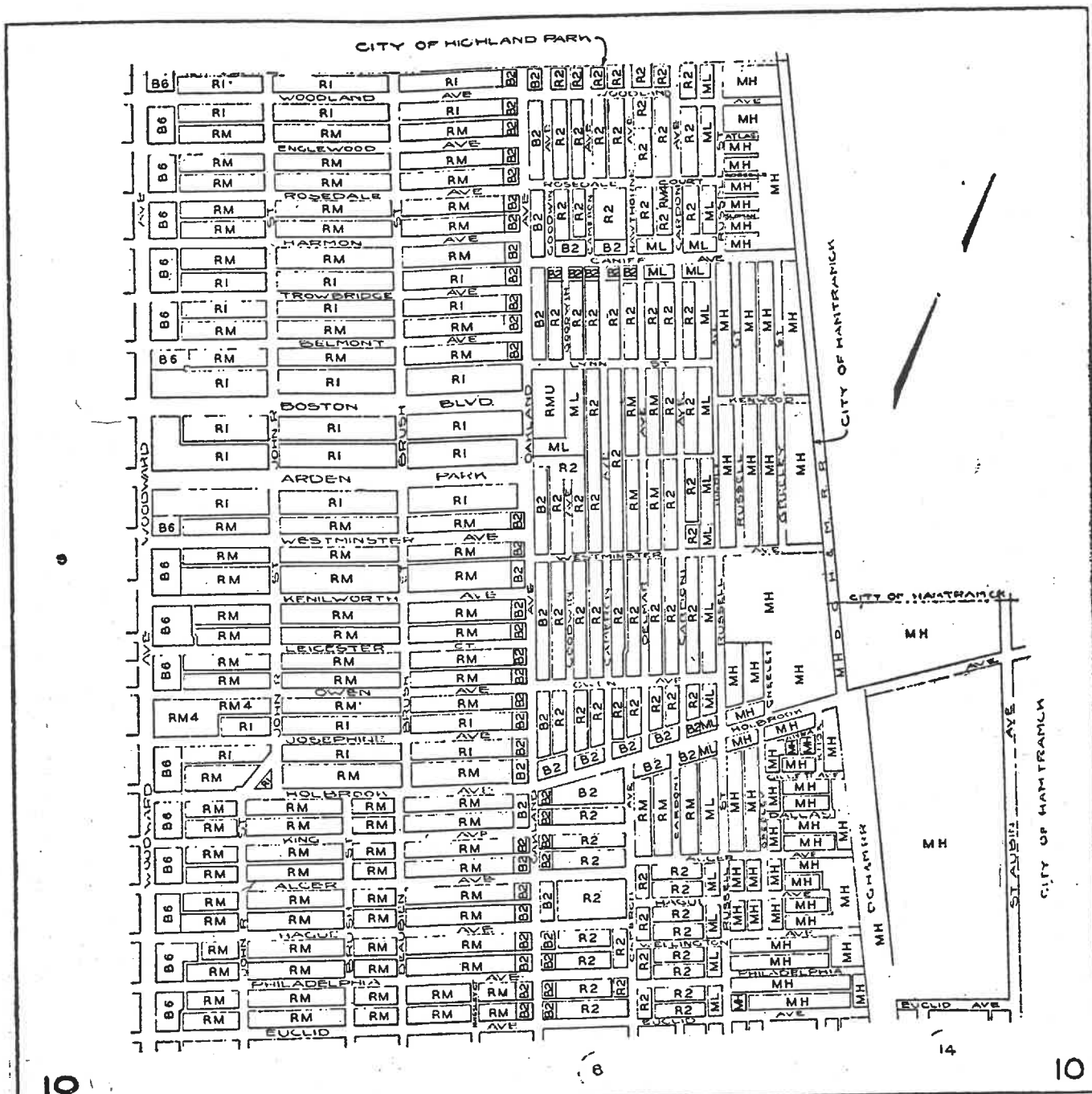
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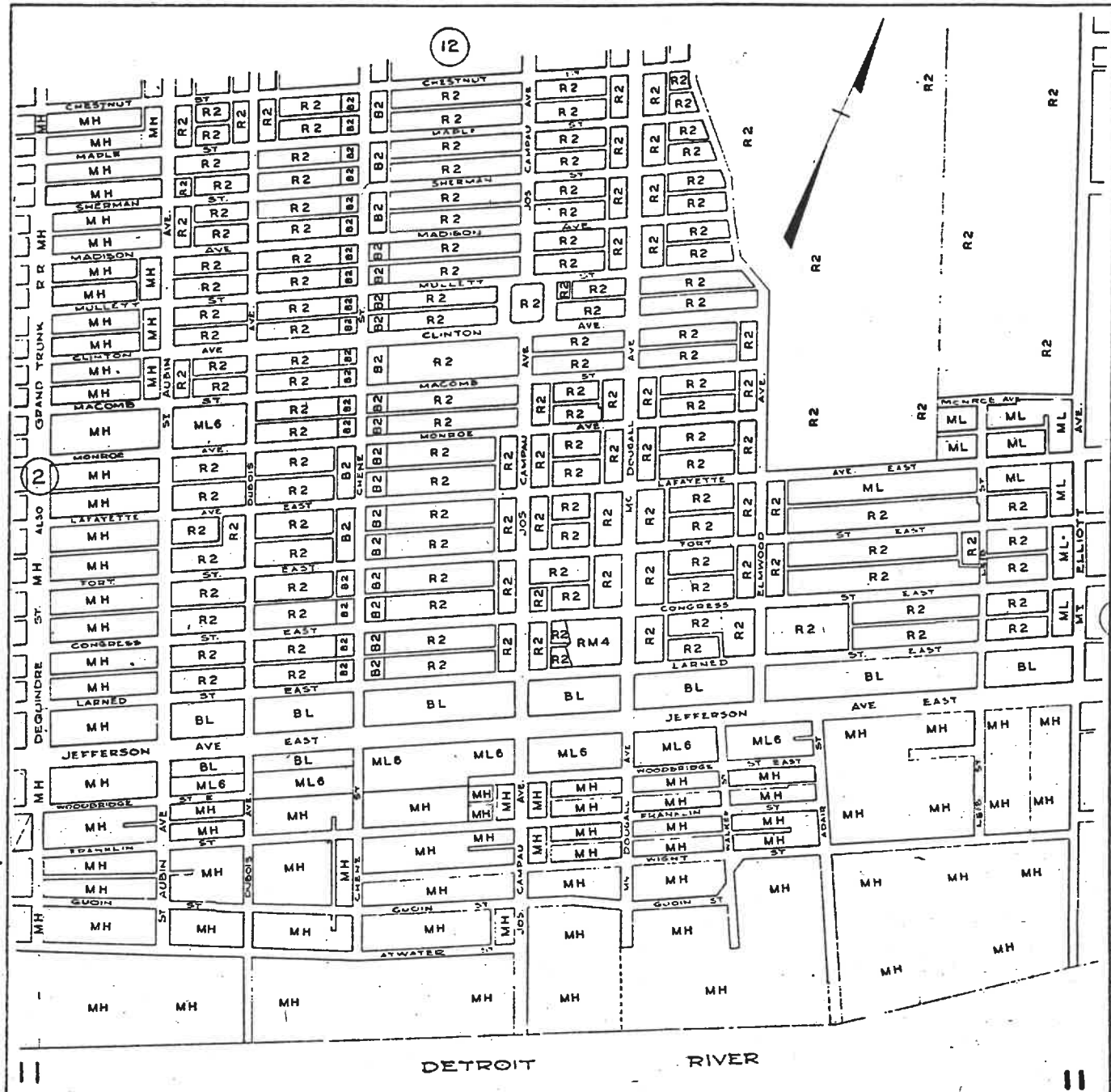


DISTRICT MAP 8



DISTRICT MAP 9

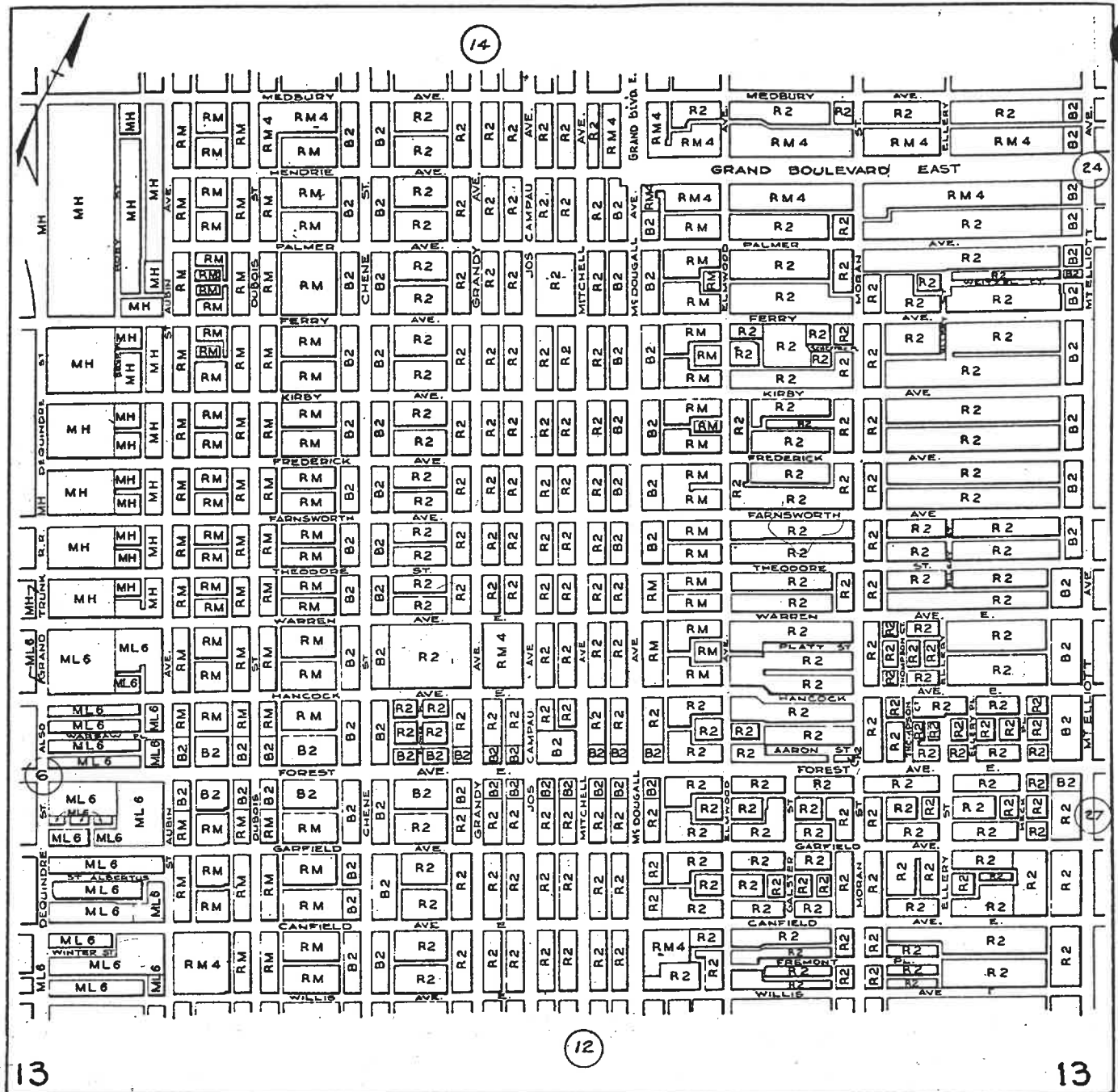




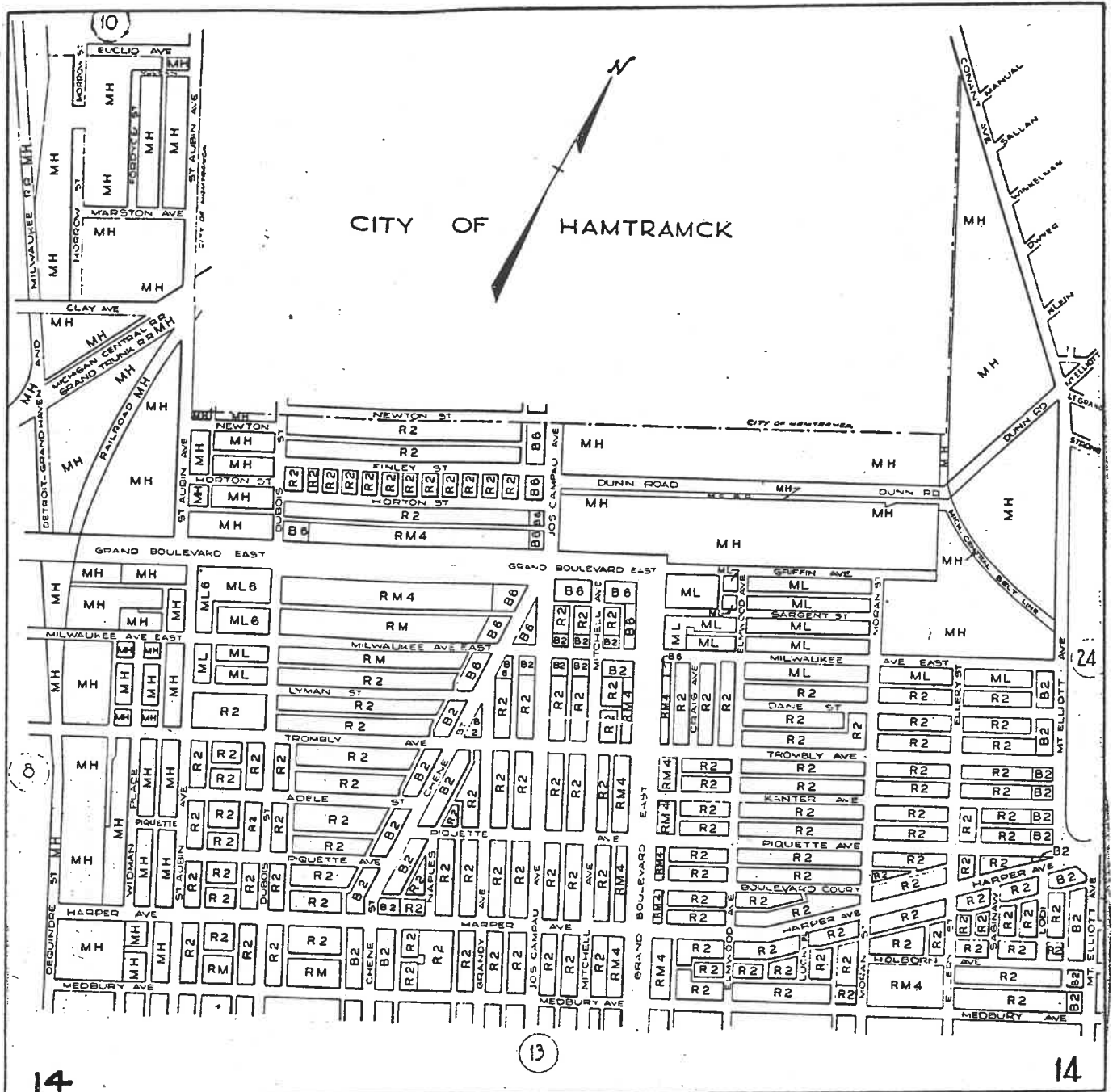
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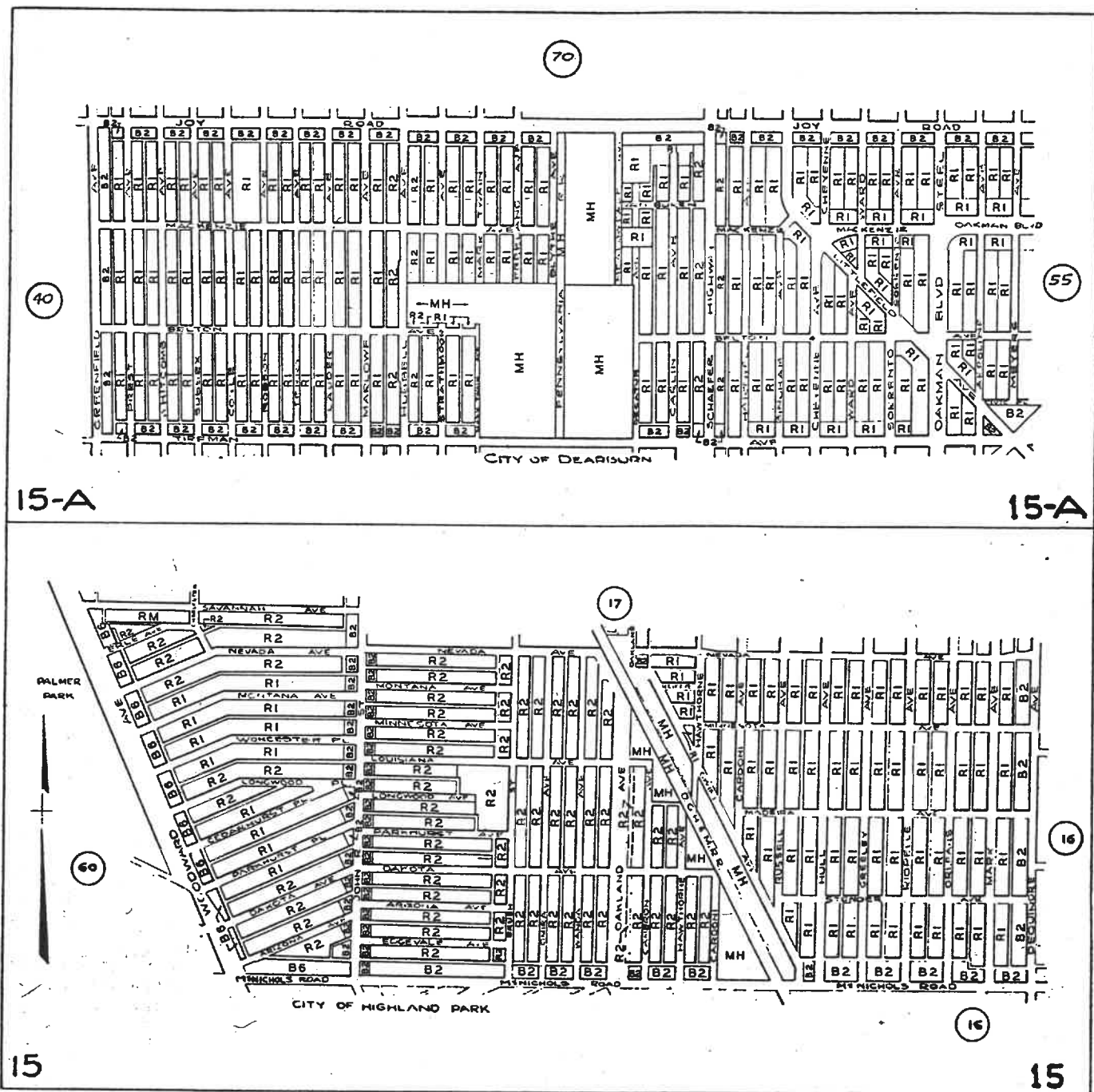
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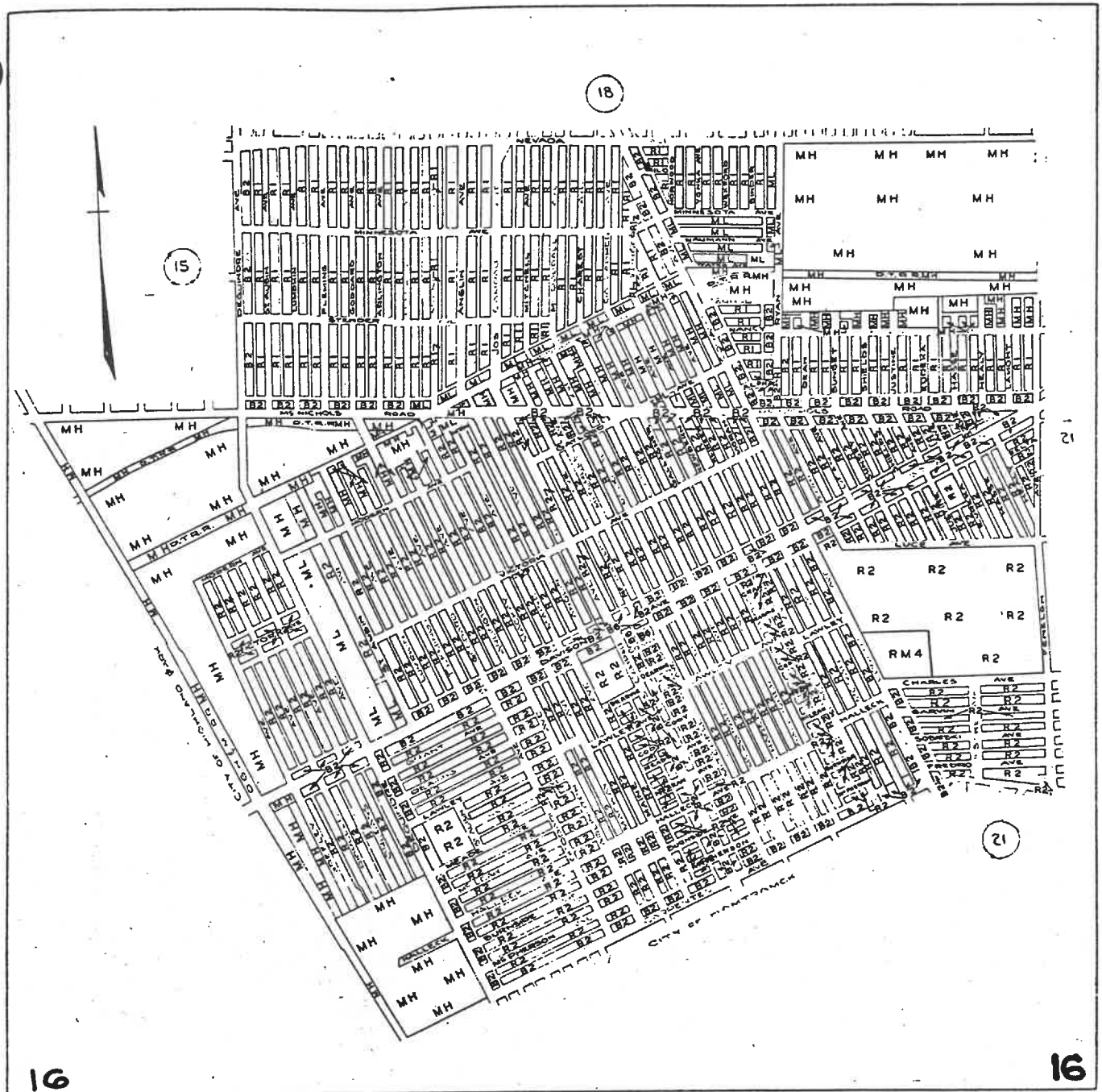
DISTRICT MAP 13



DISTRICT MAP 14



DISTRICT MAP 15

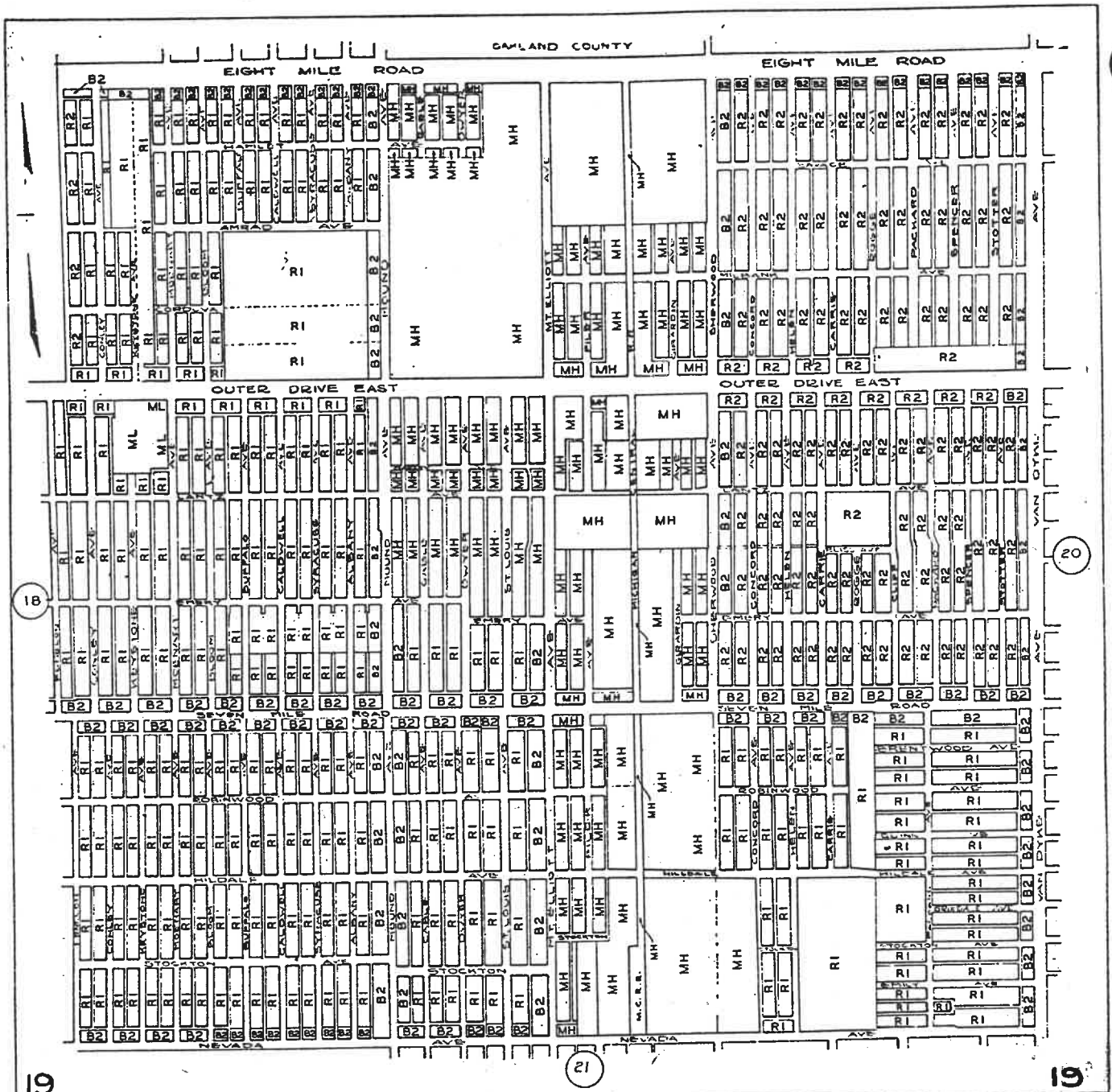


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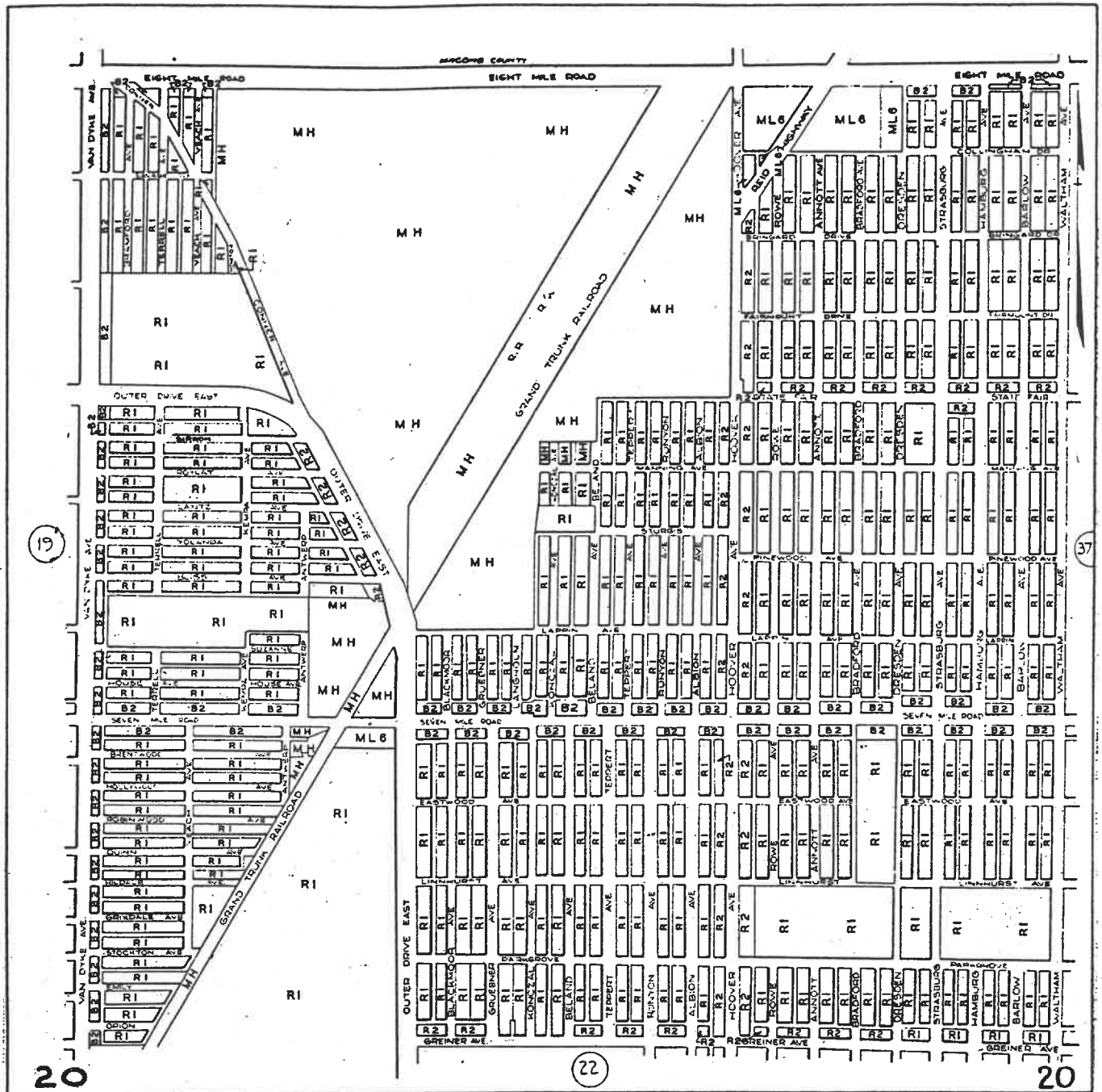


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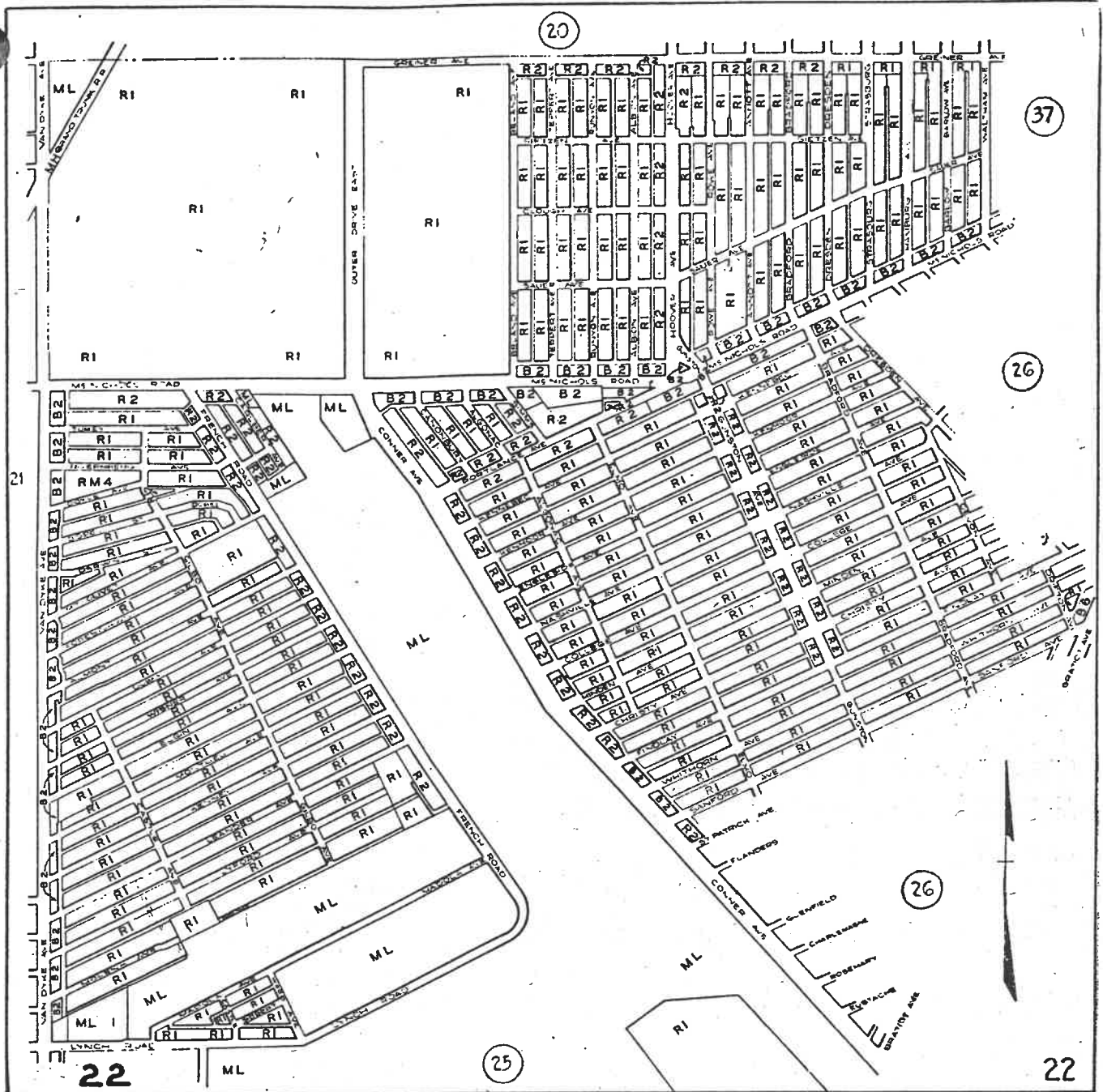
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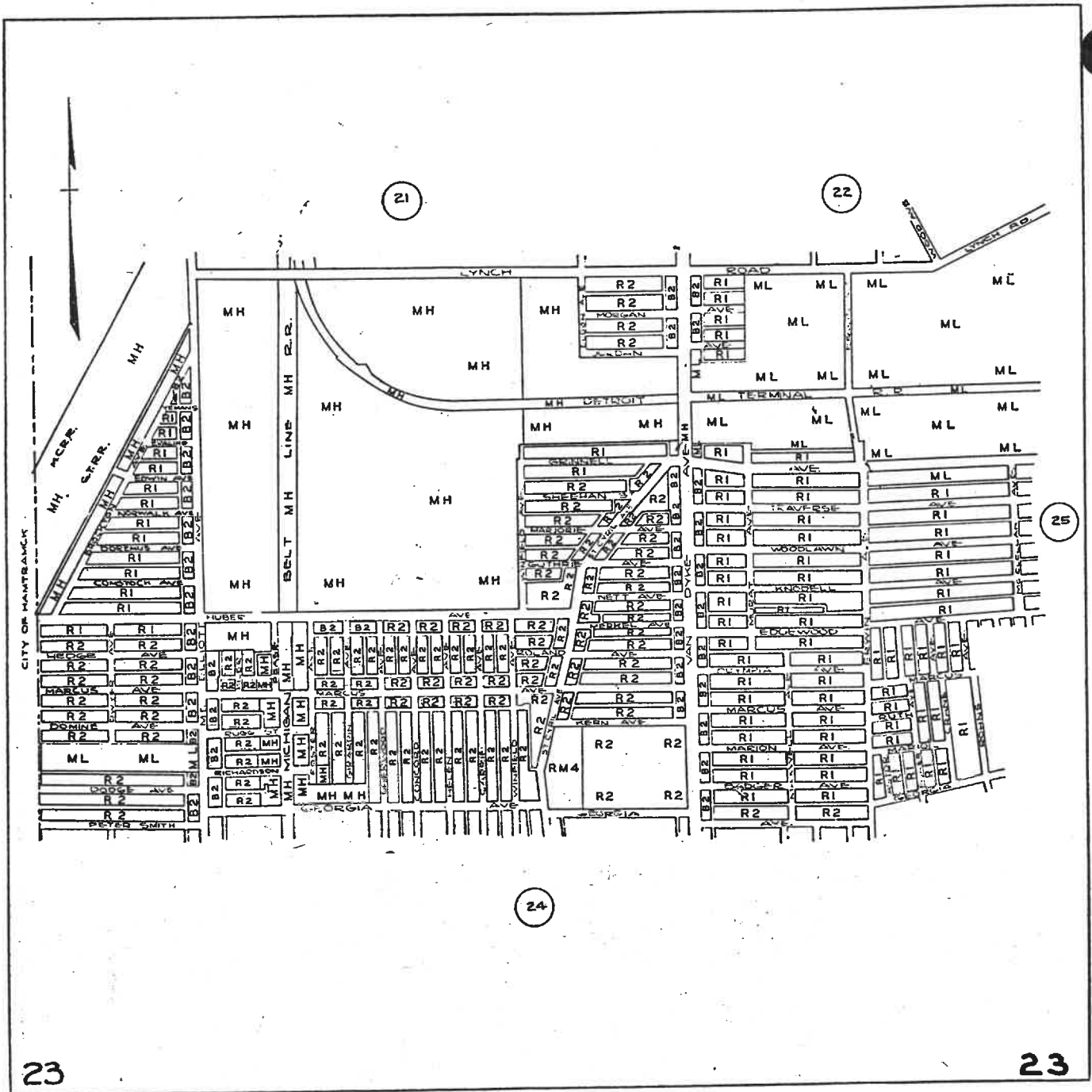
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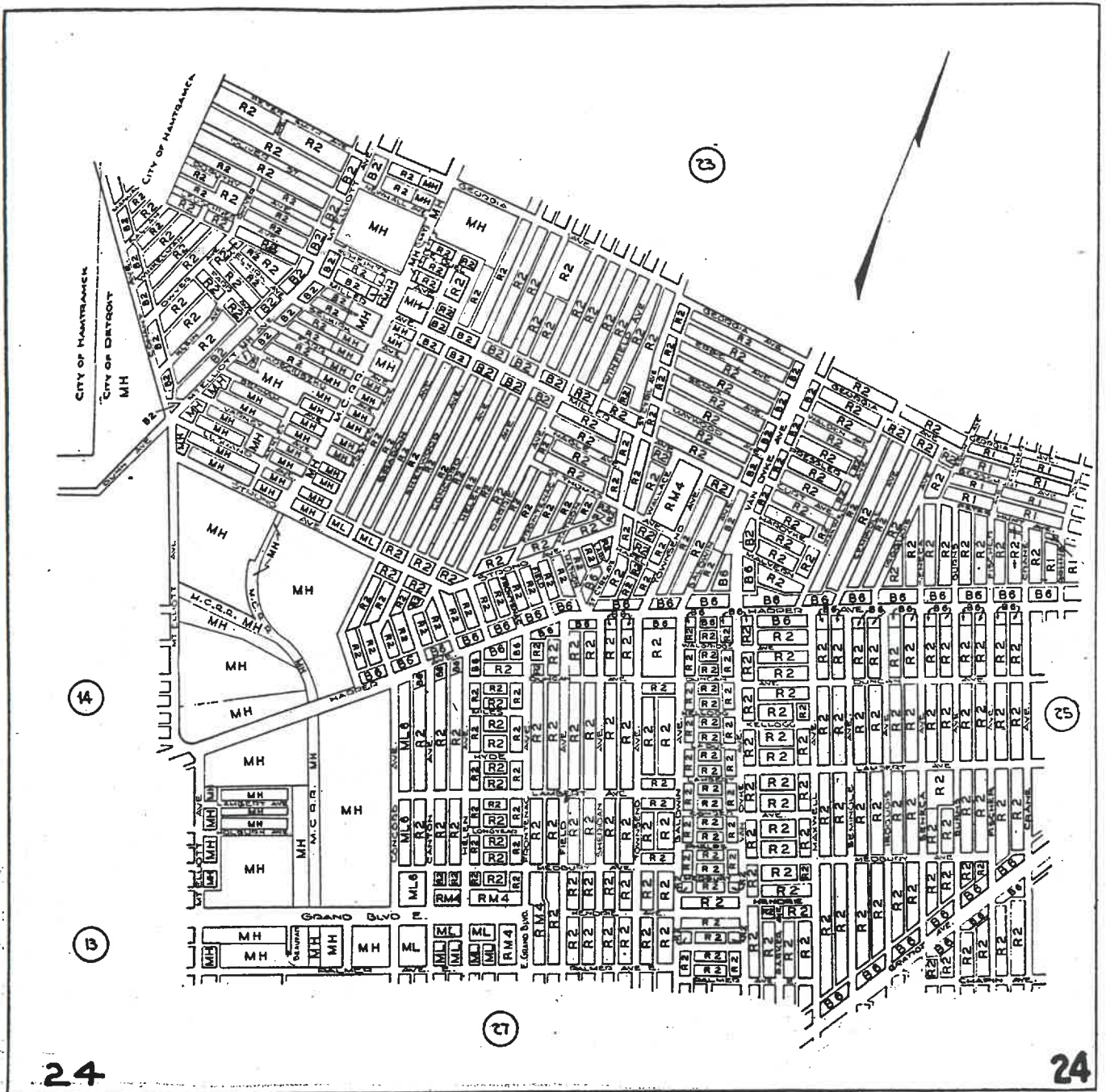
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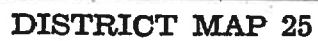
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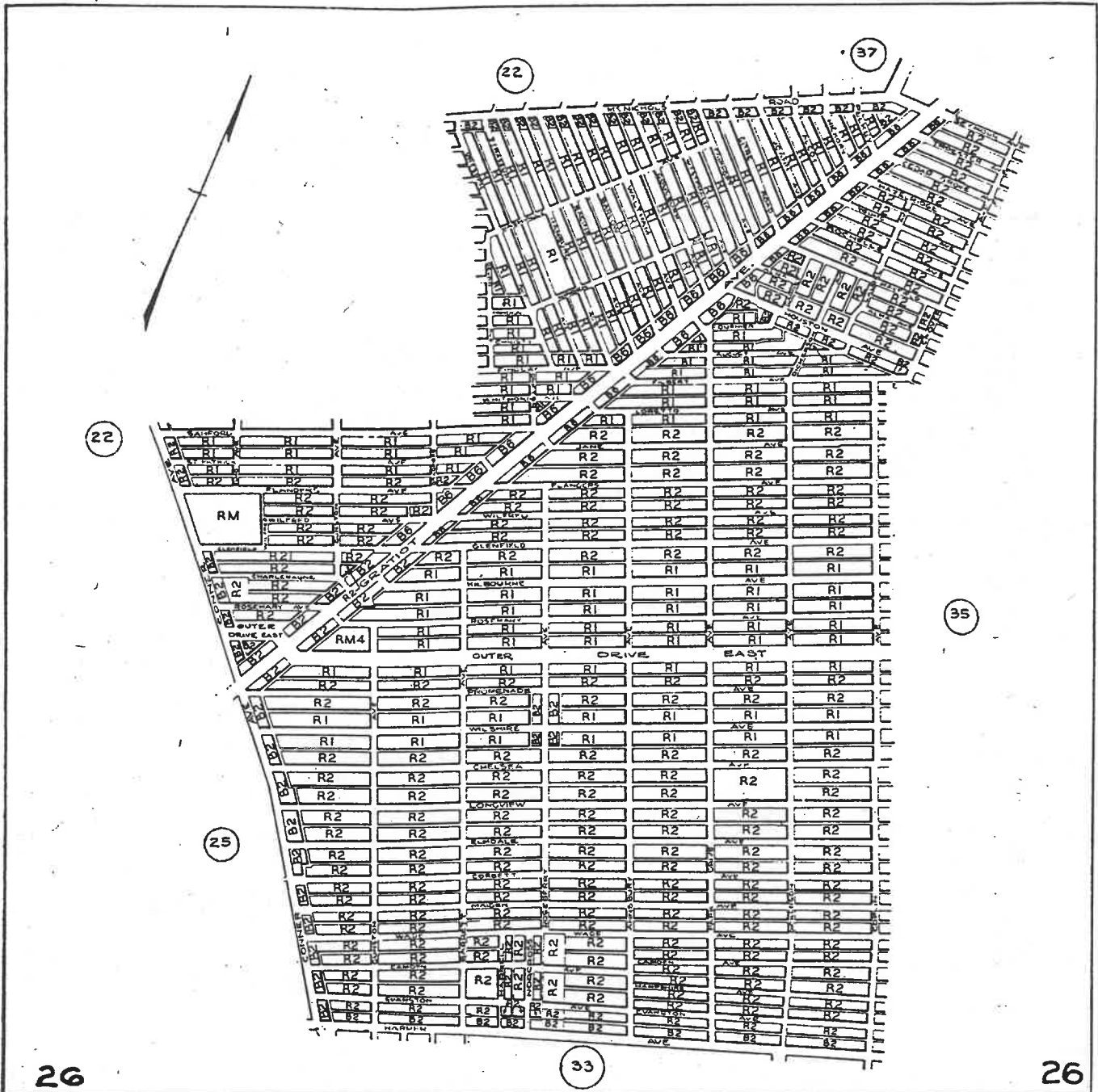


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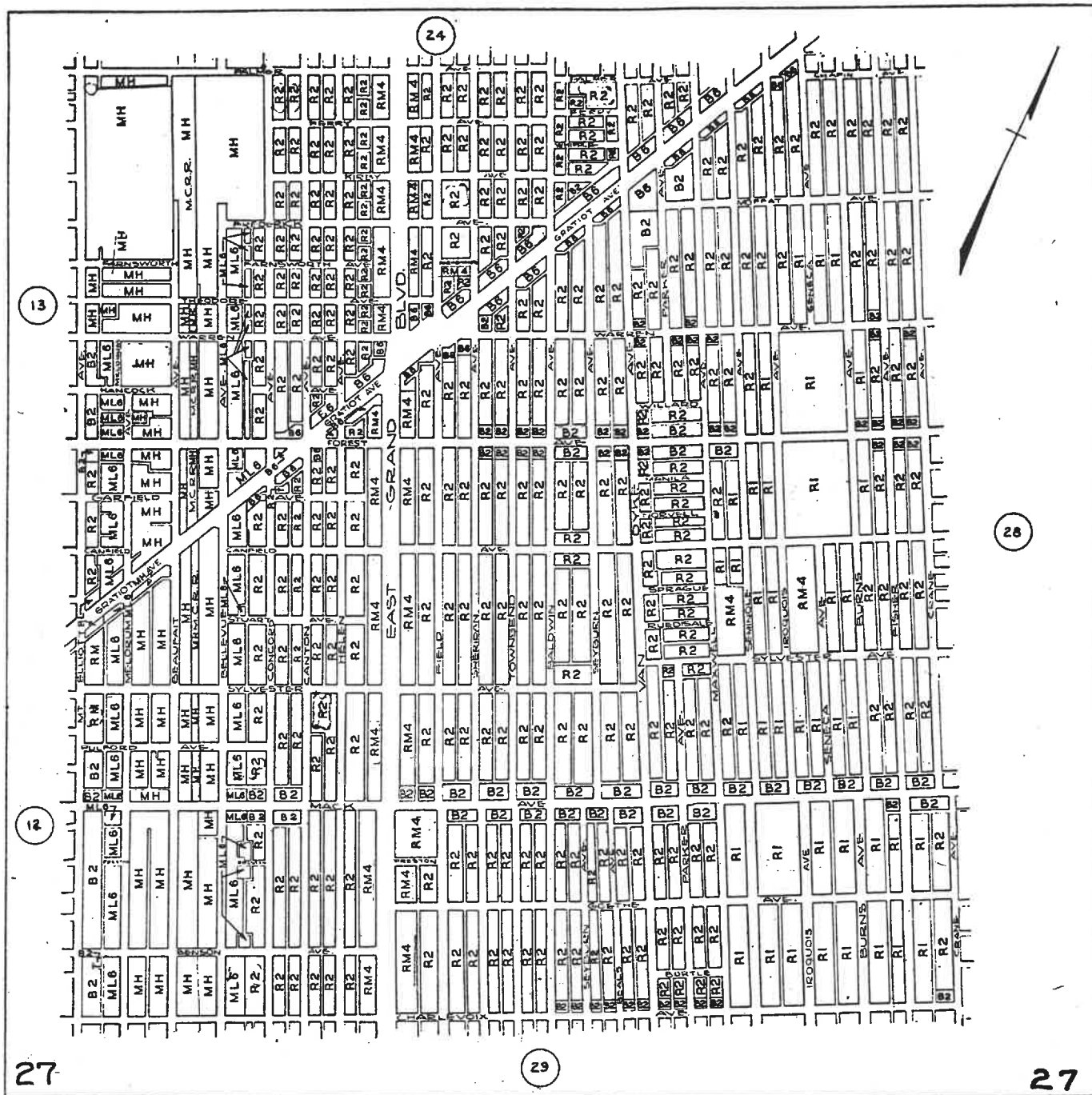


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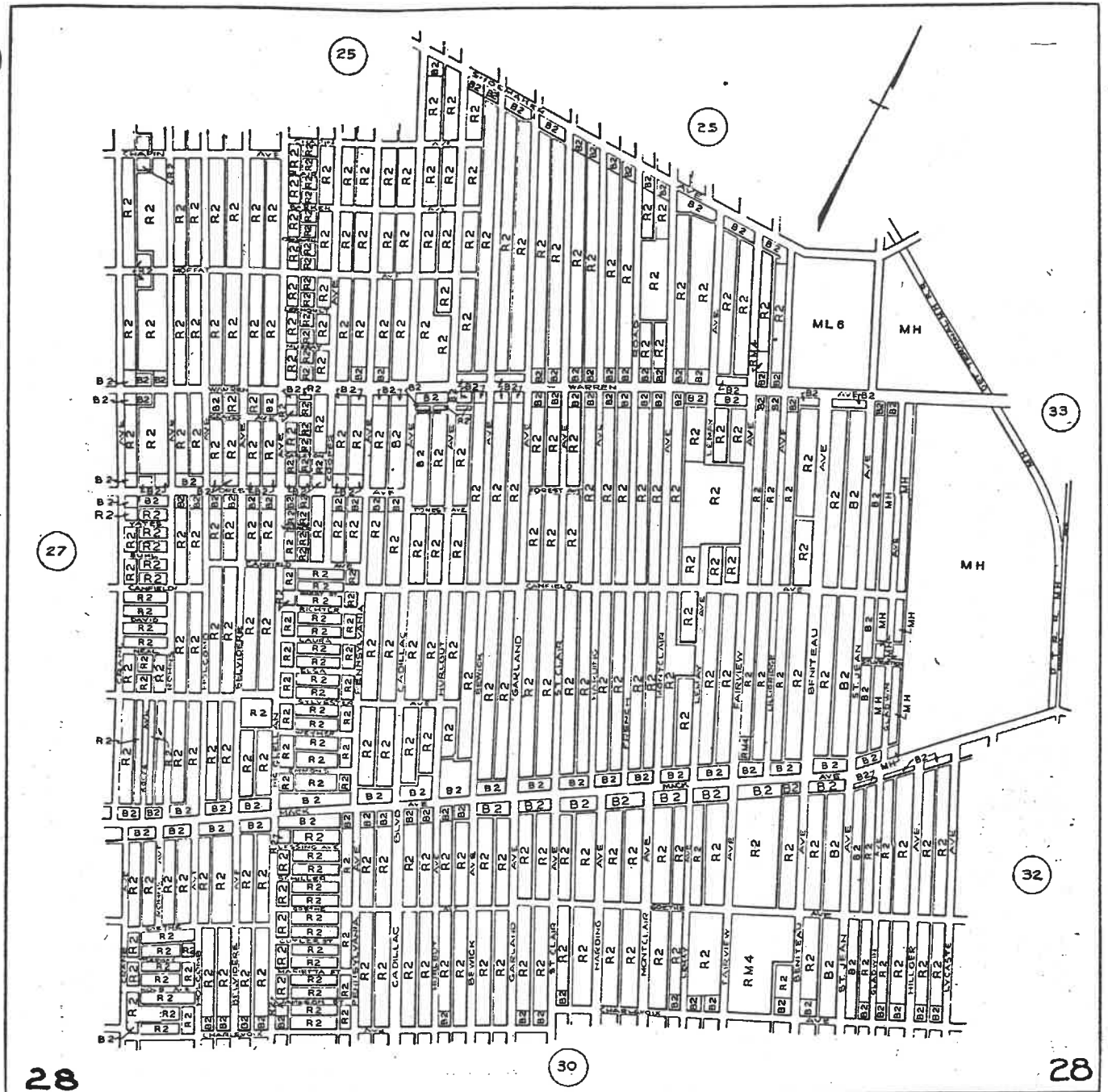




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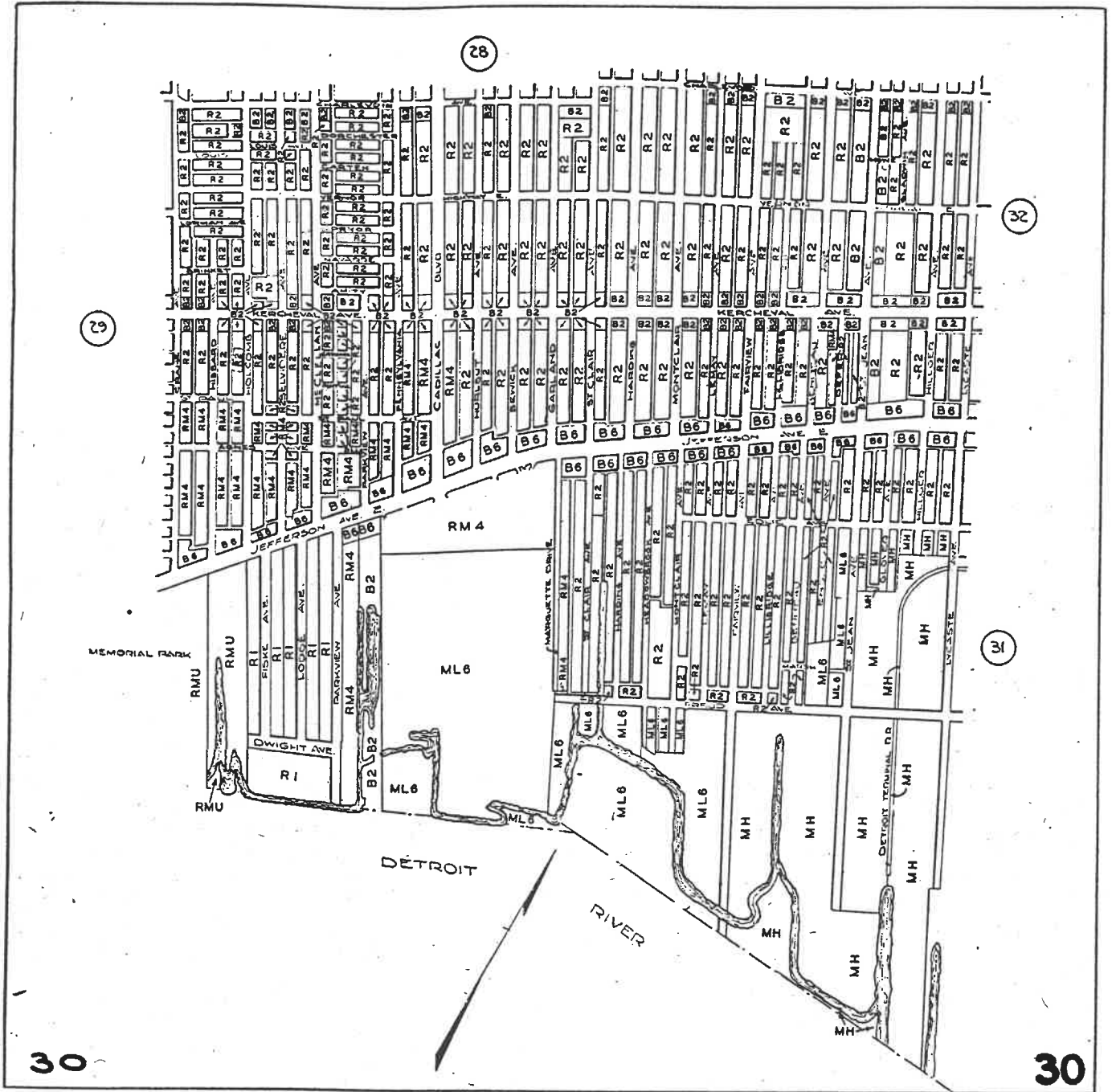


DISTRICT MAP 27



DISTRICT MAP 28



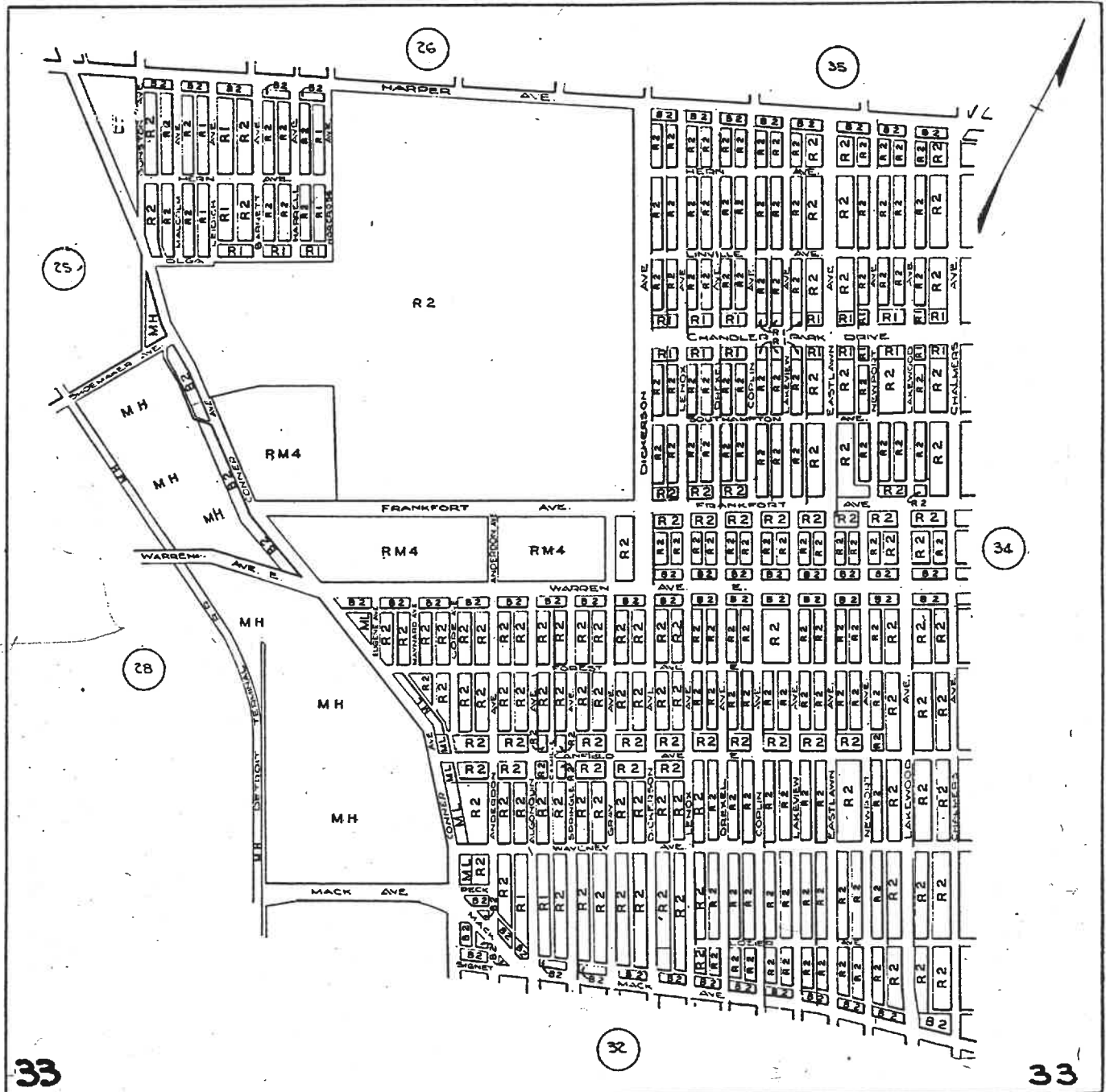


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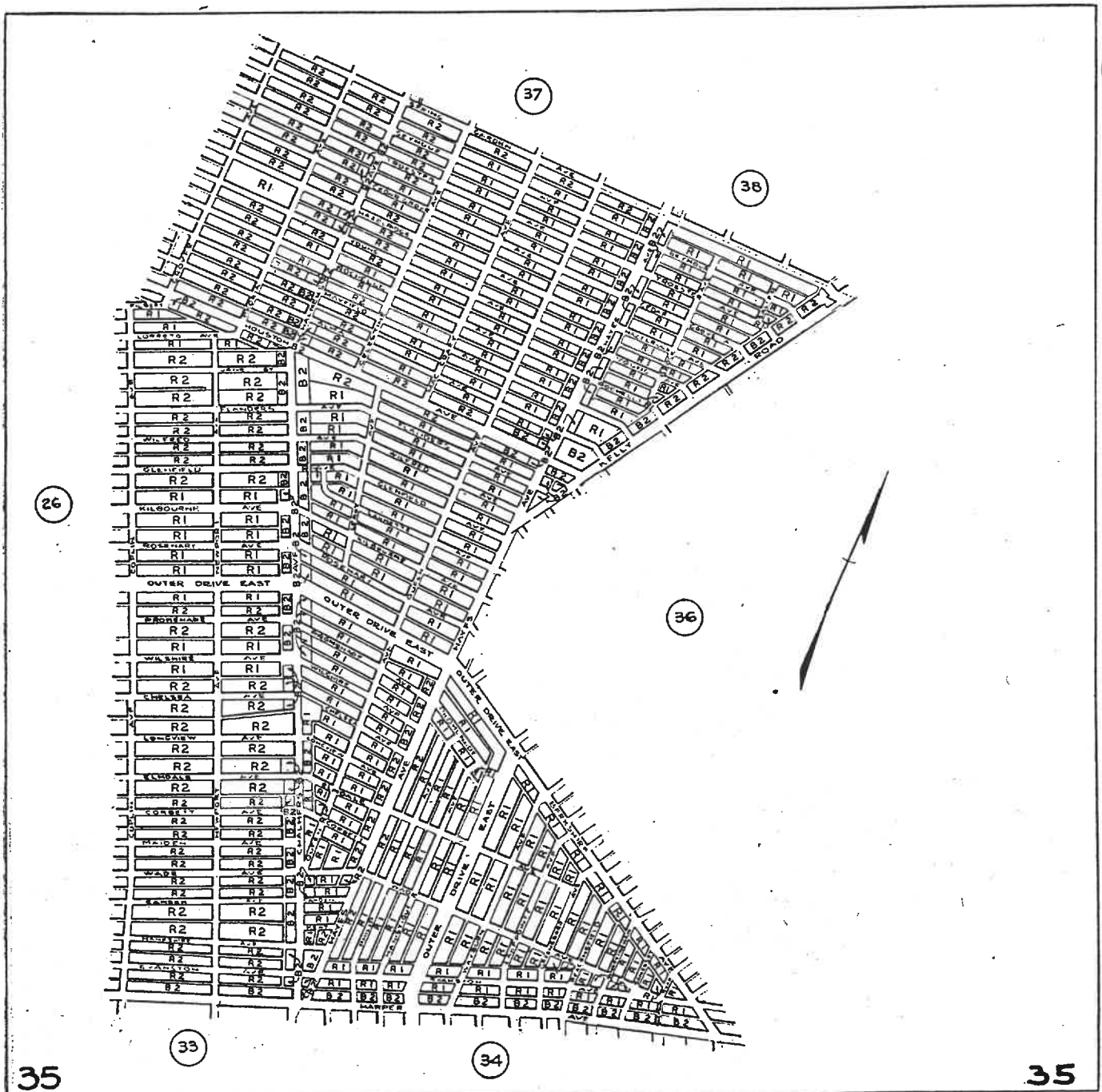
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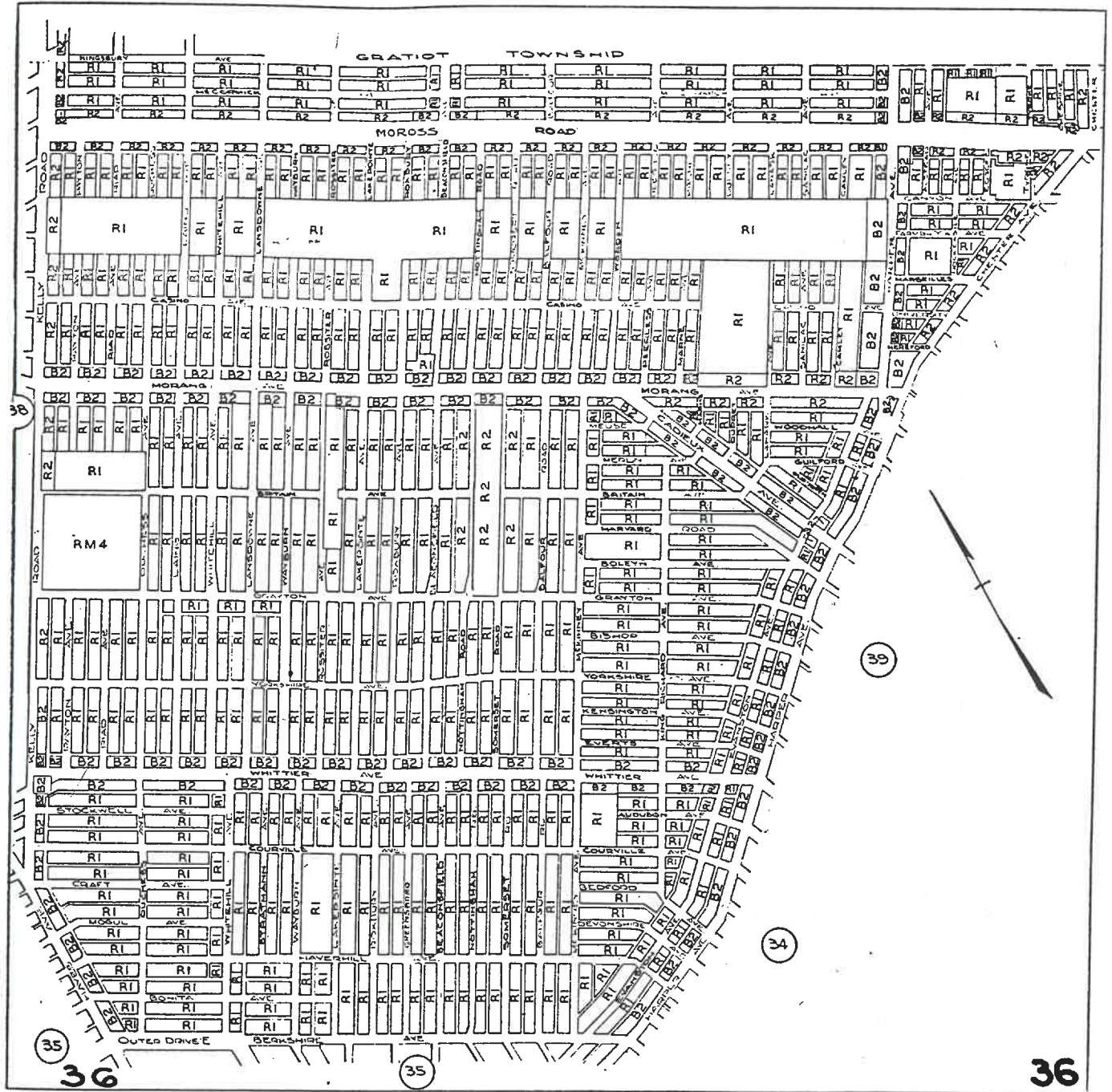
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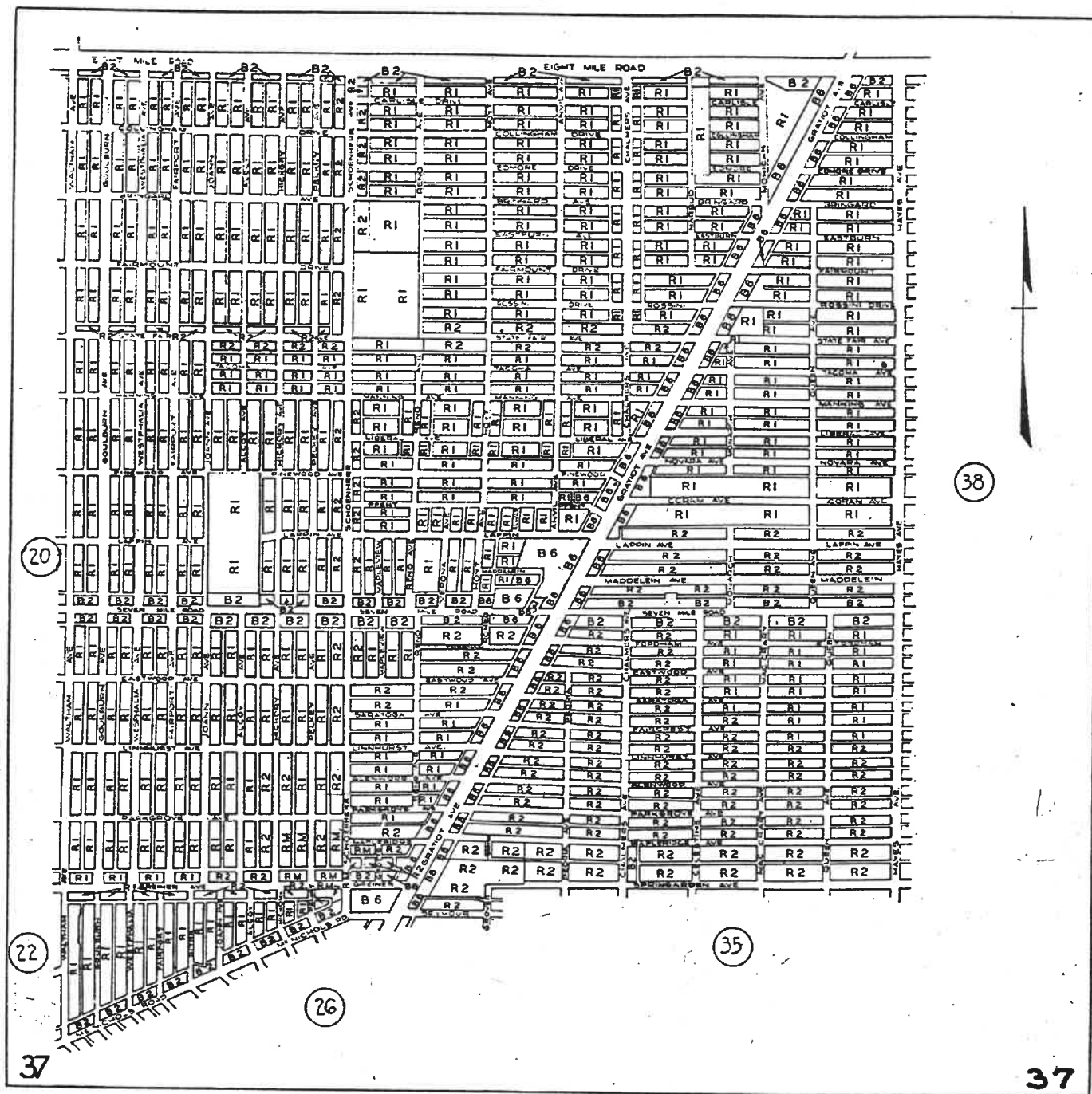
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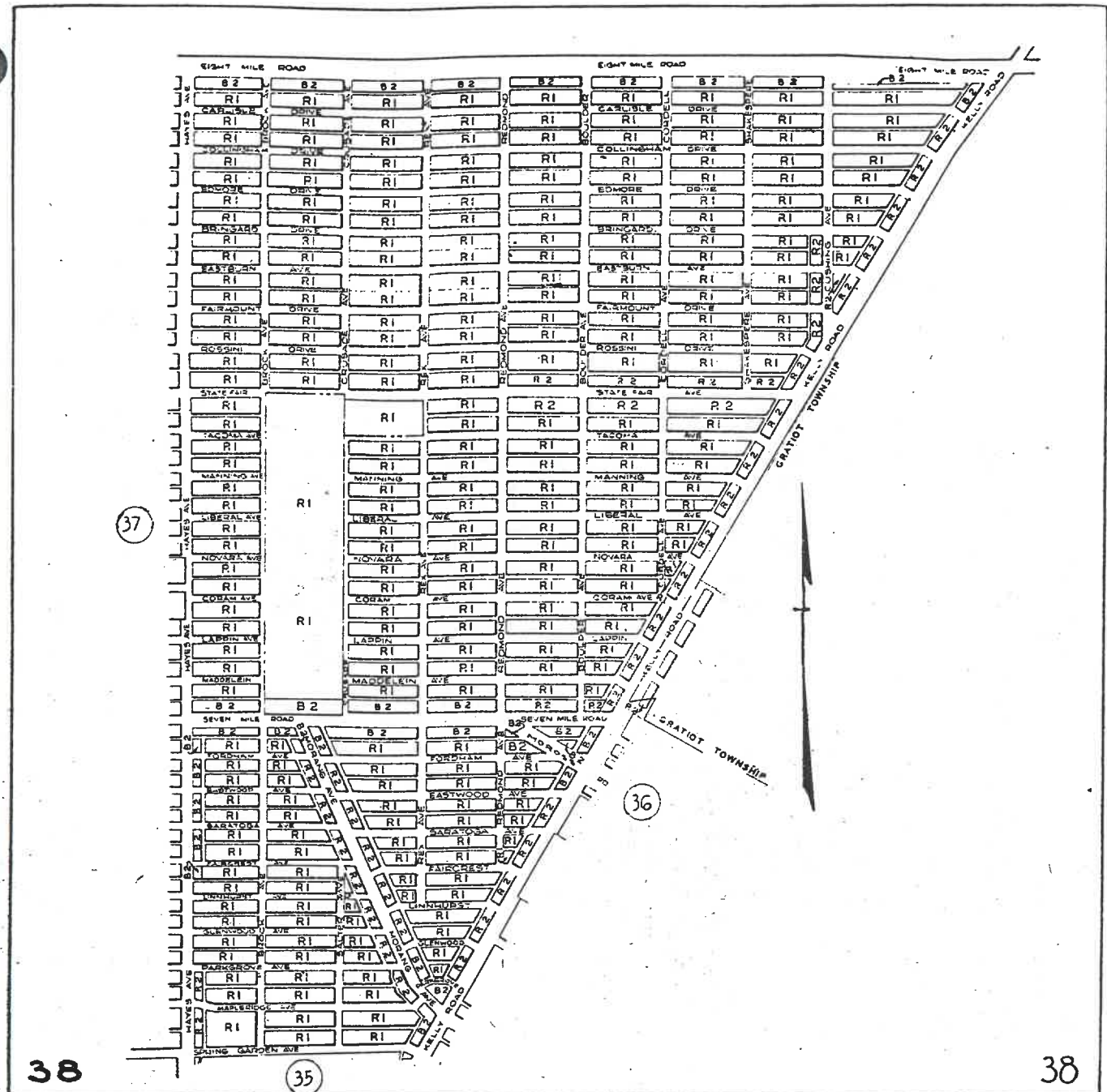
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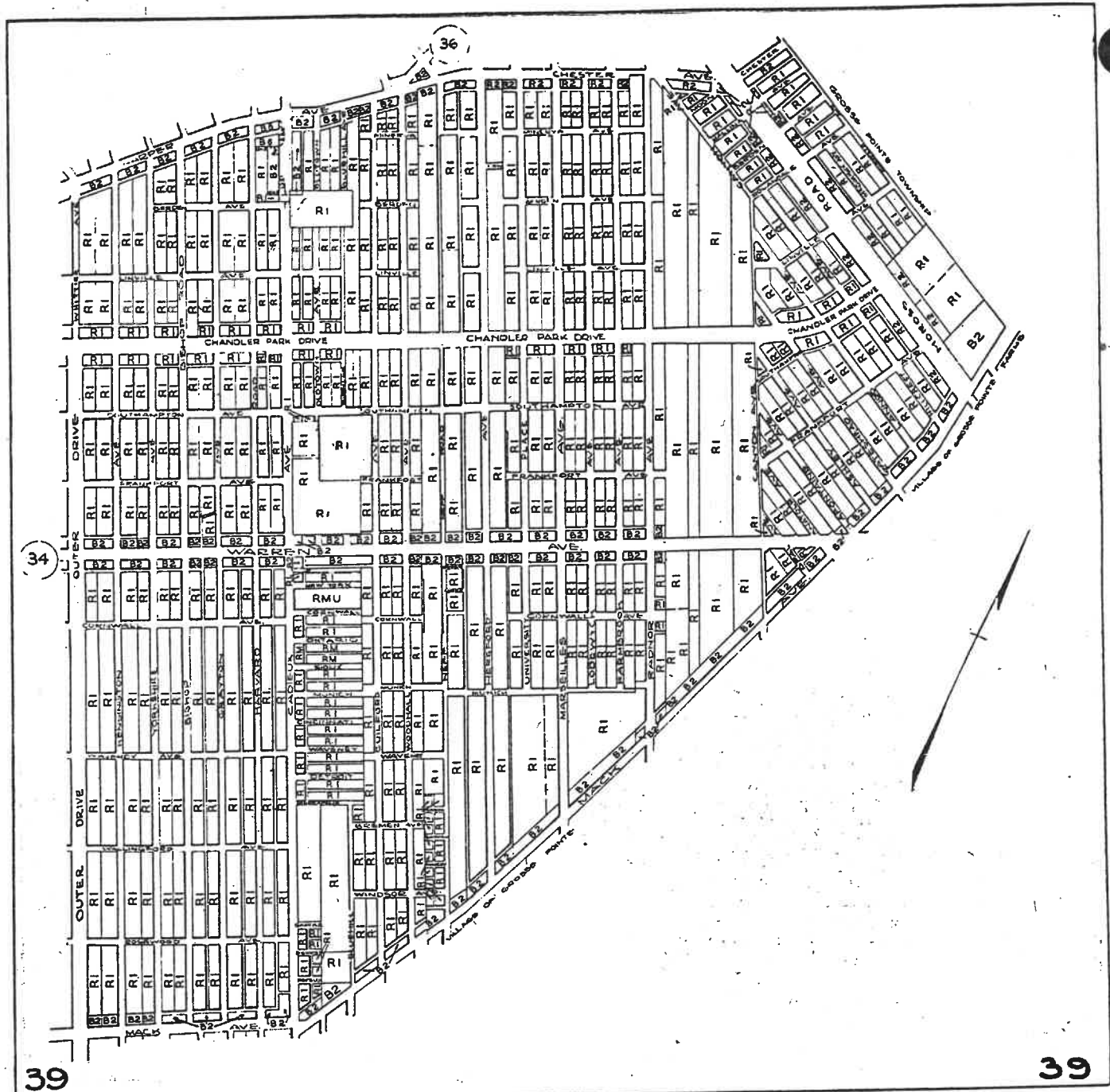
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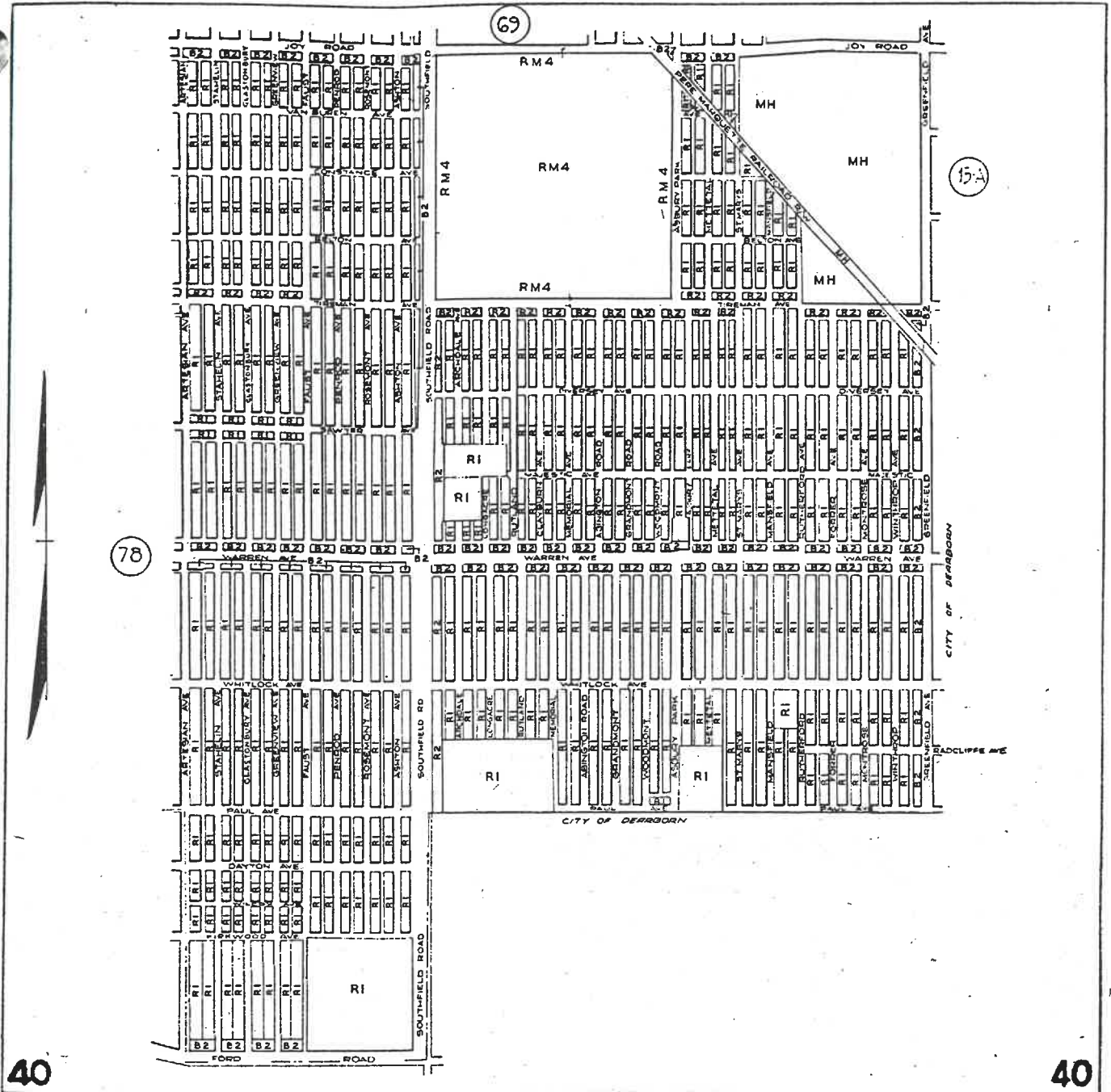
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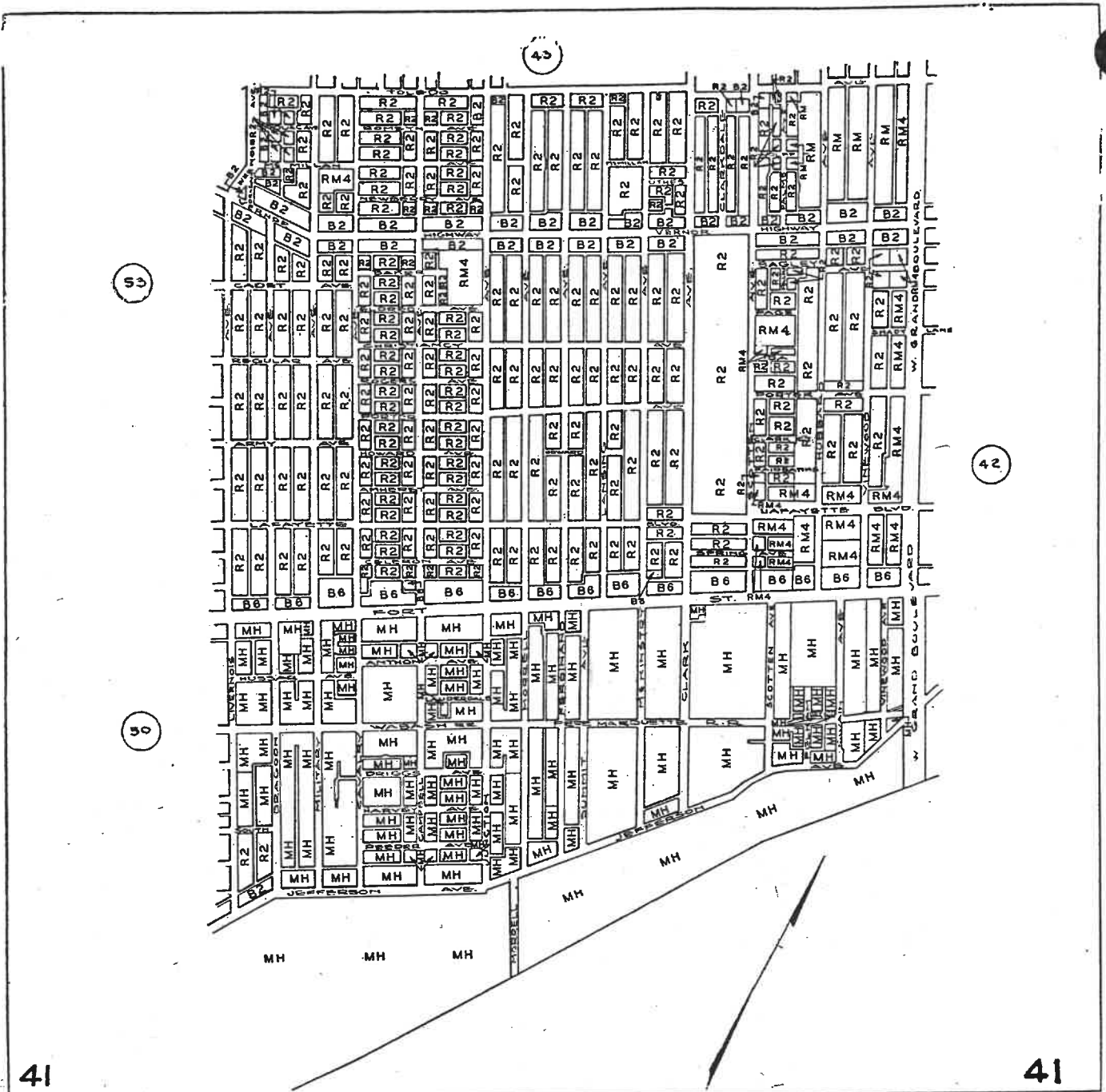
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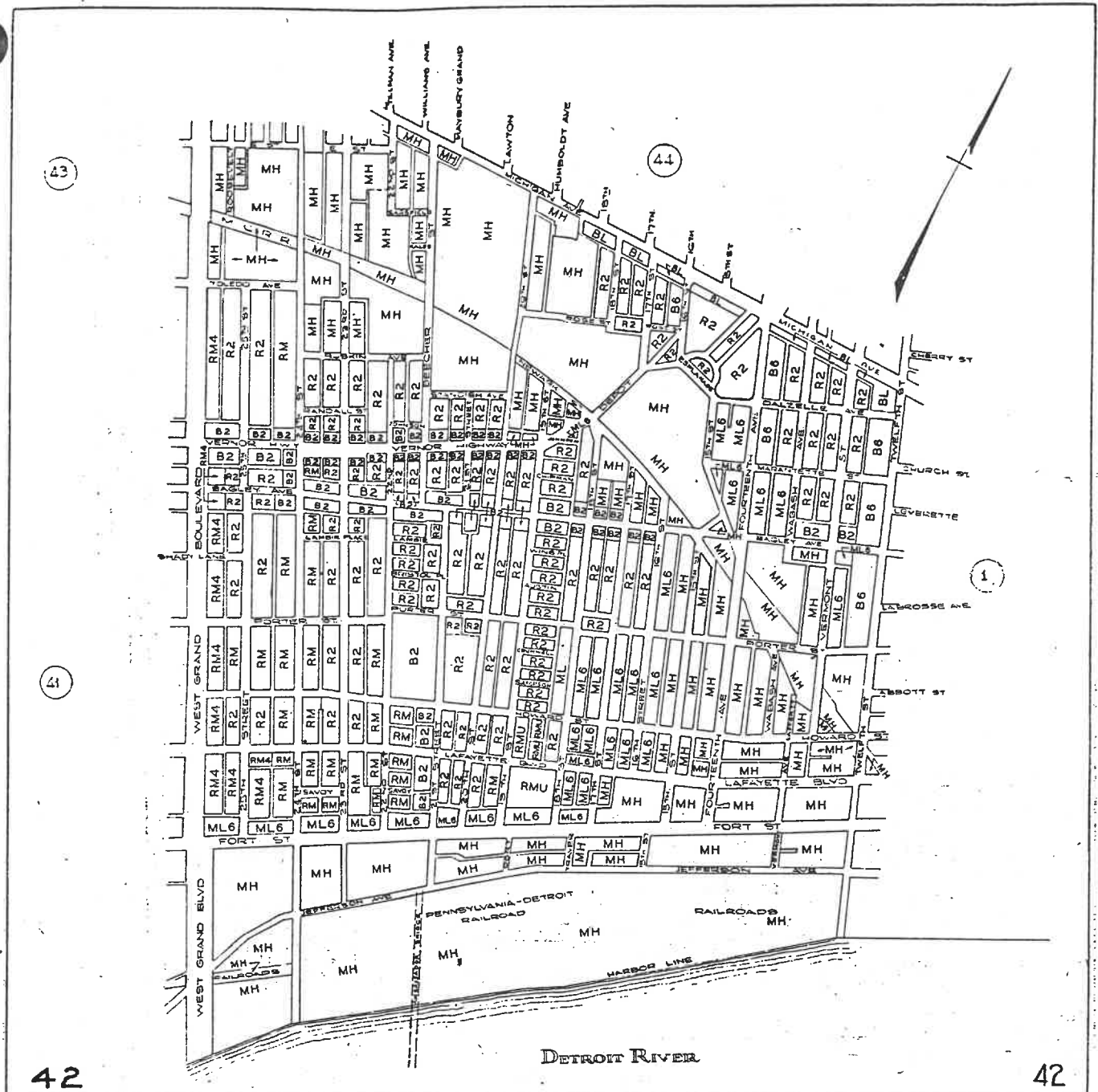
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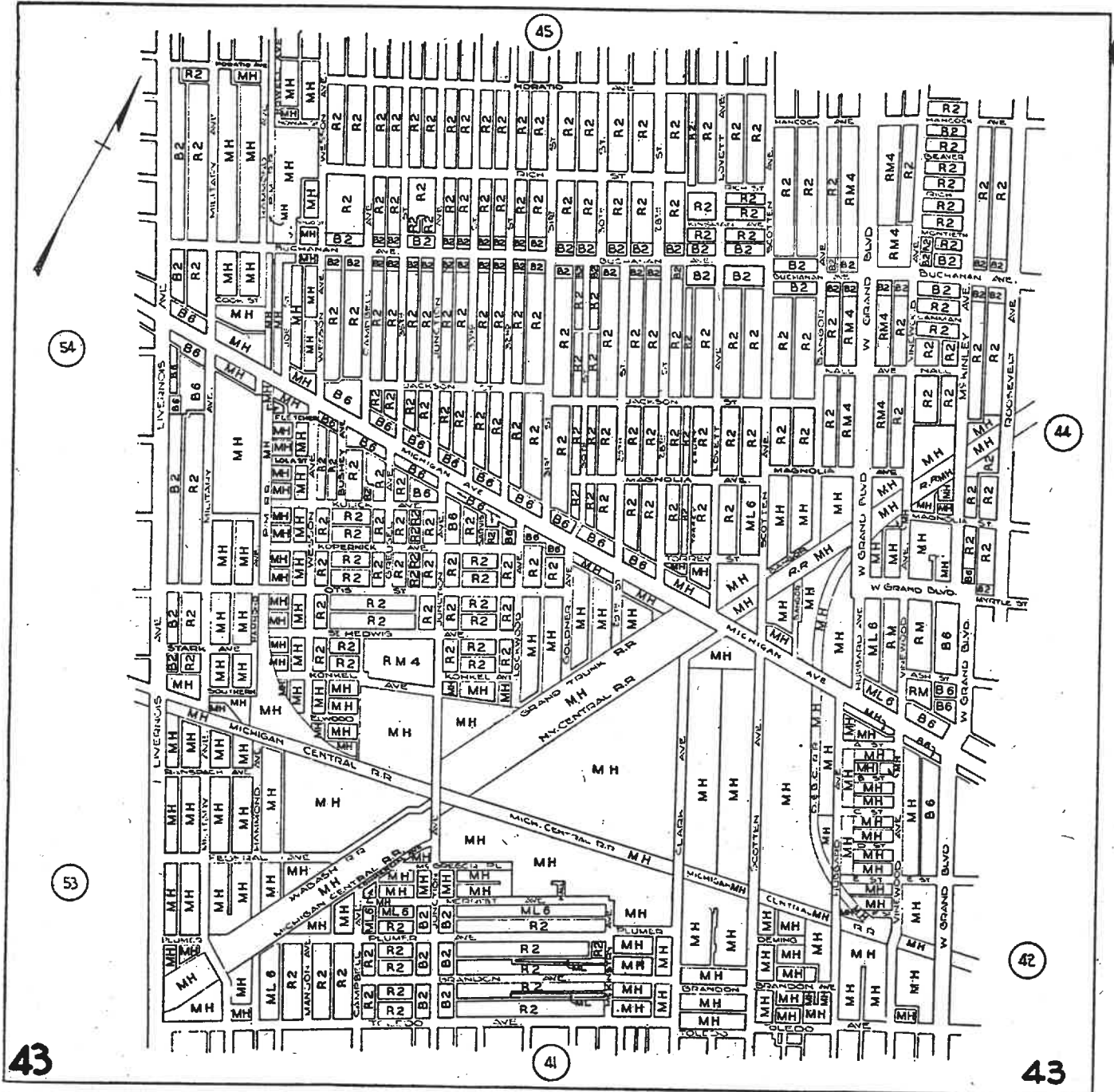
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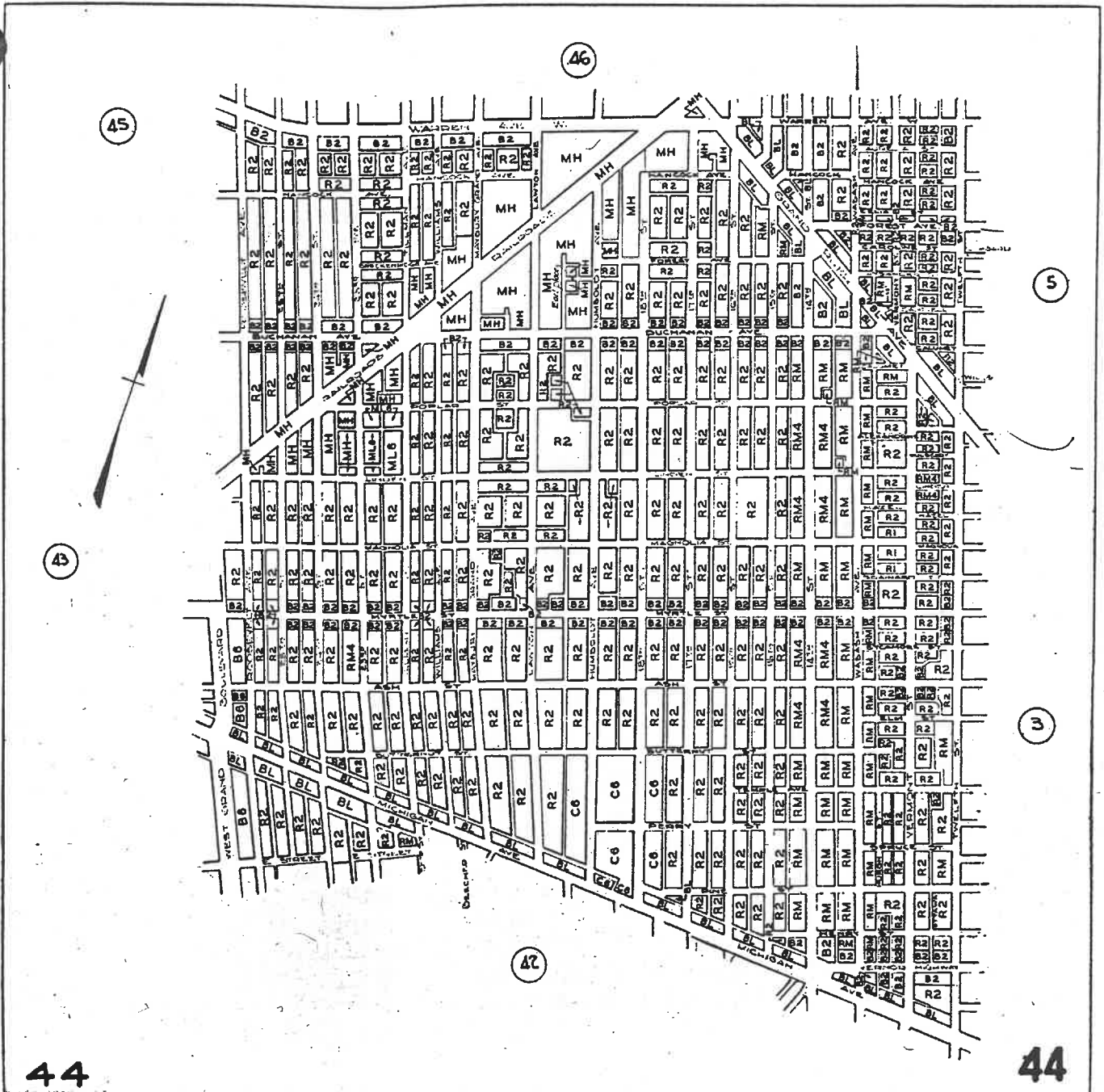
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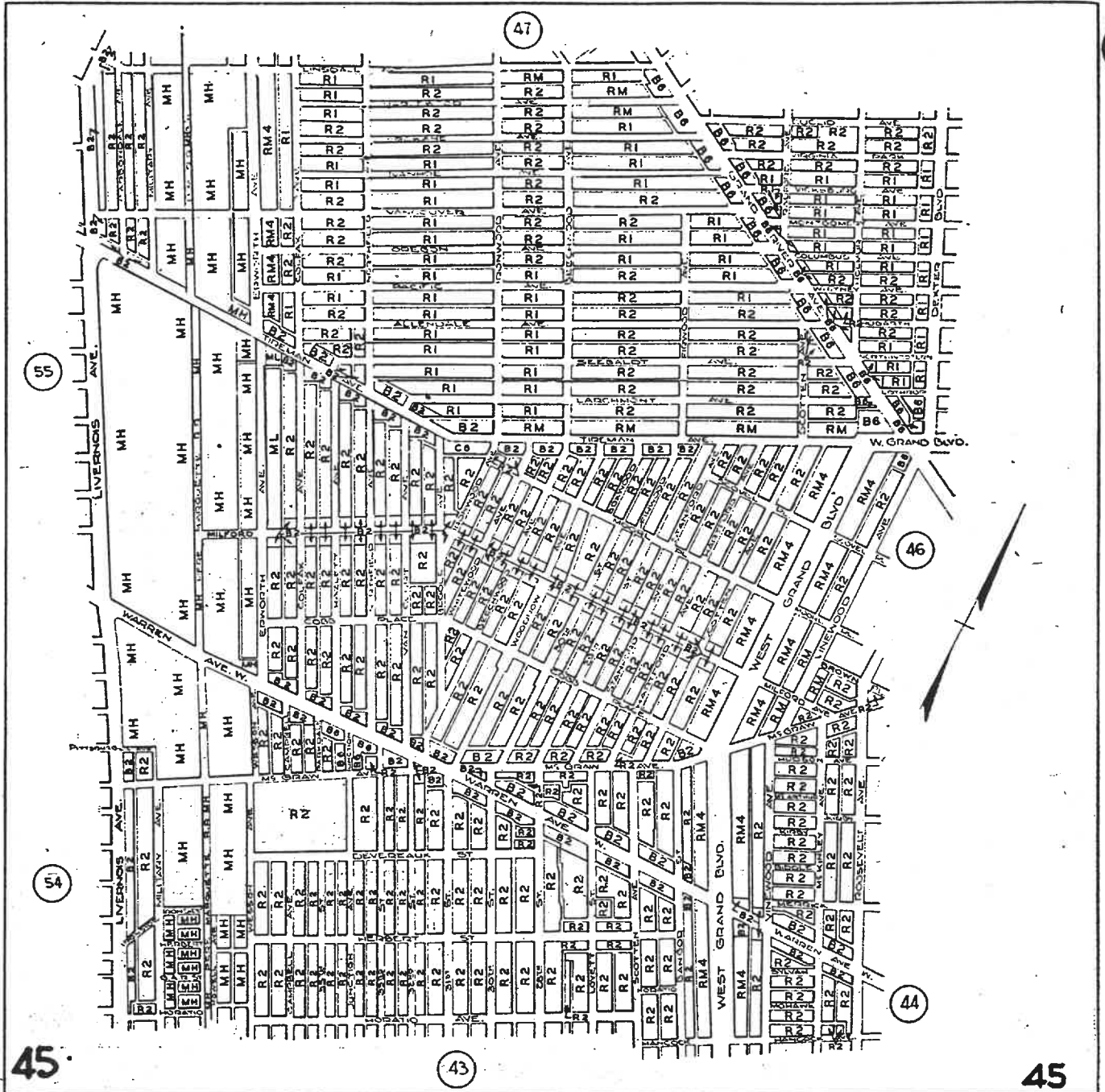


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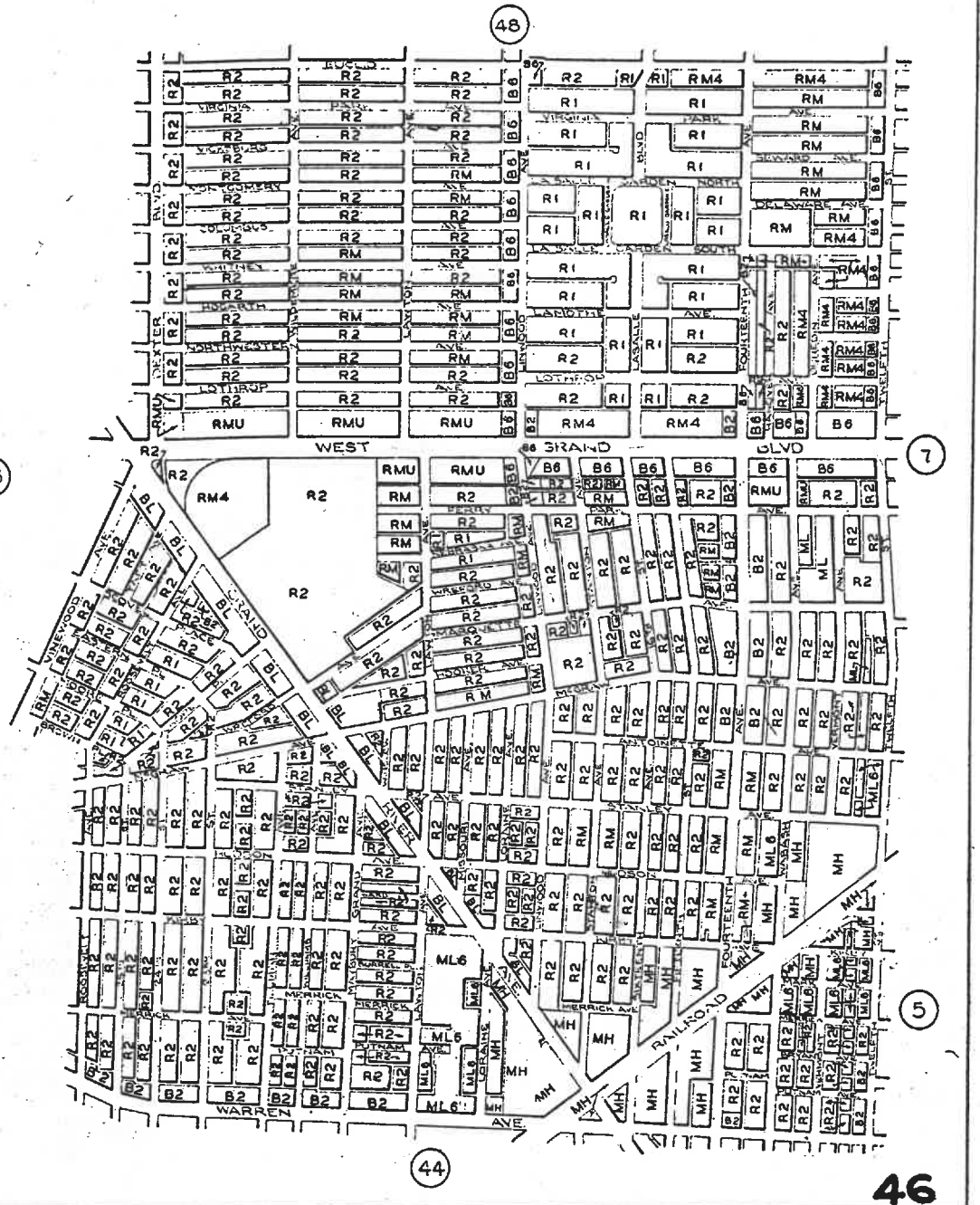


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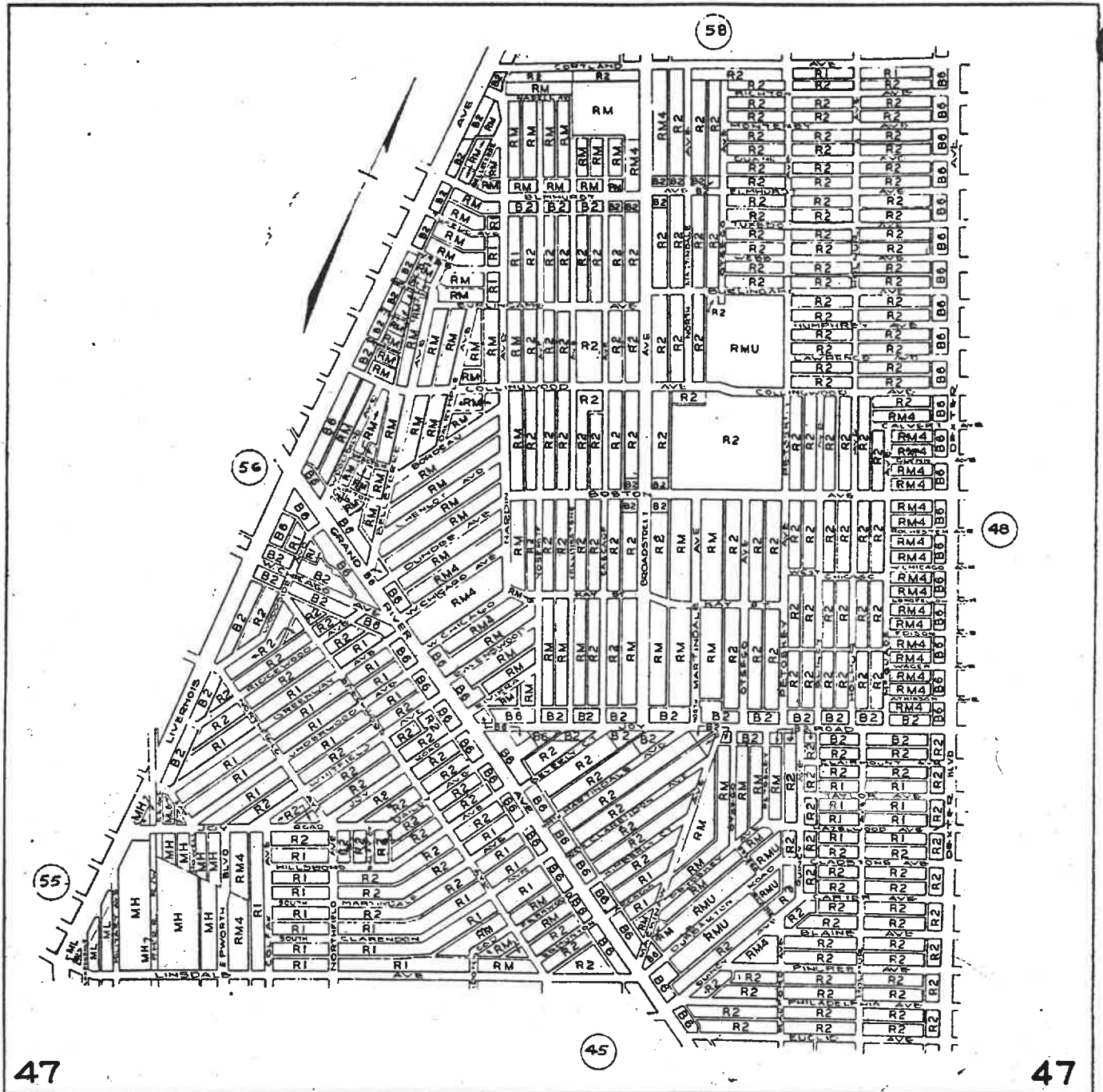




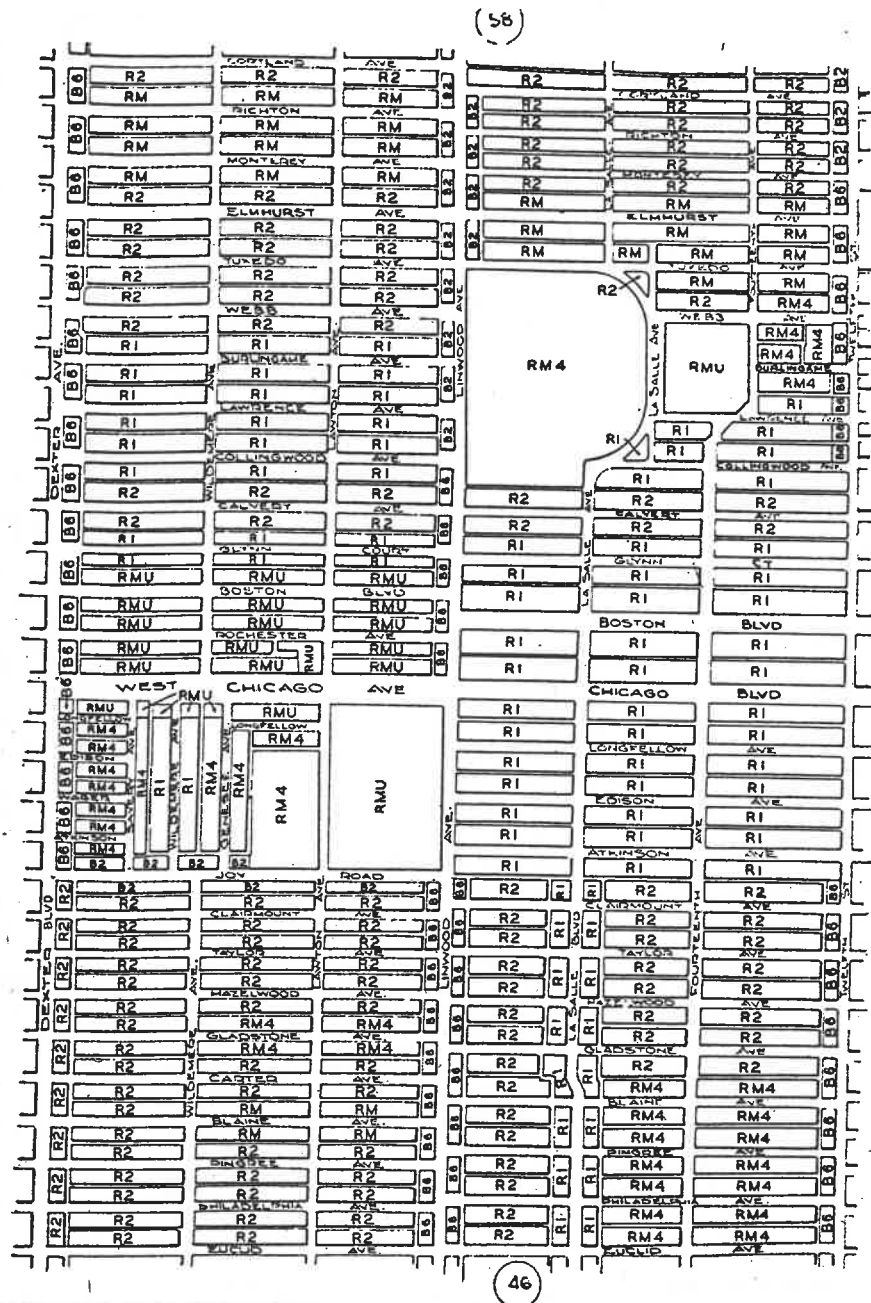
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DISTRICT MAP 46

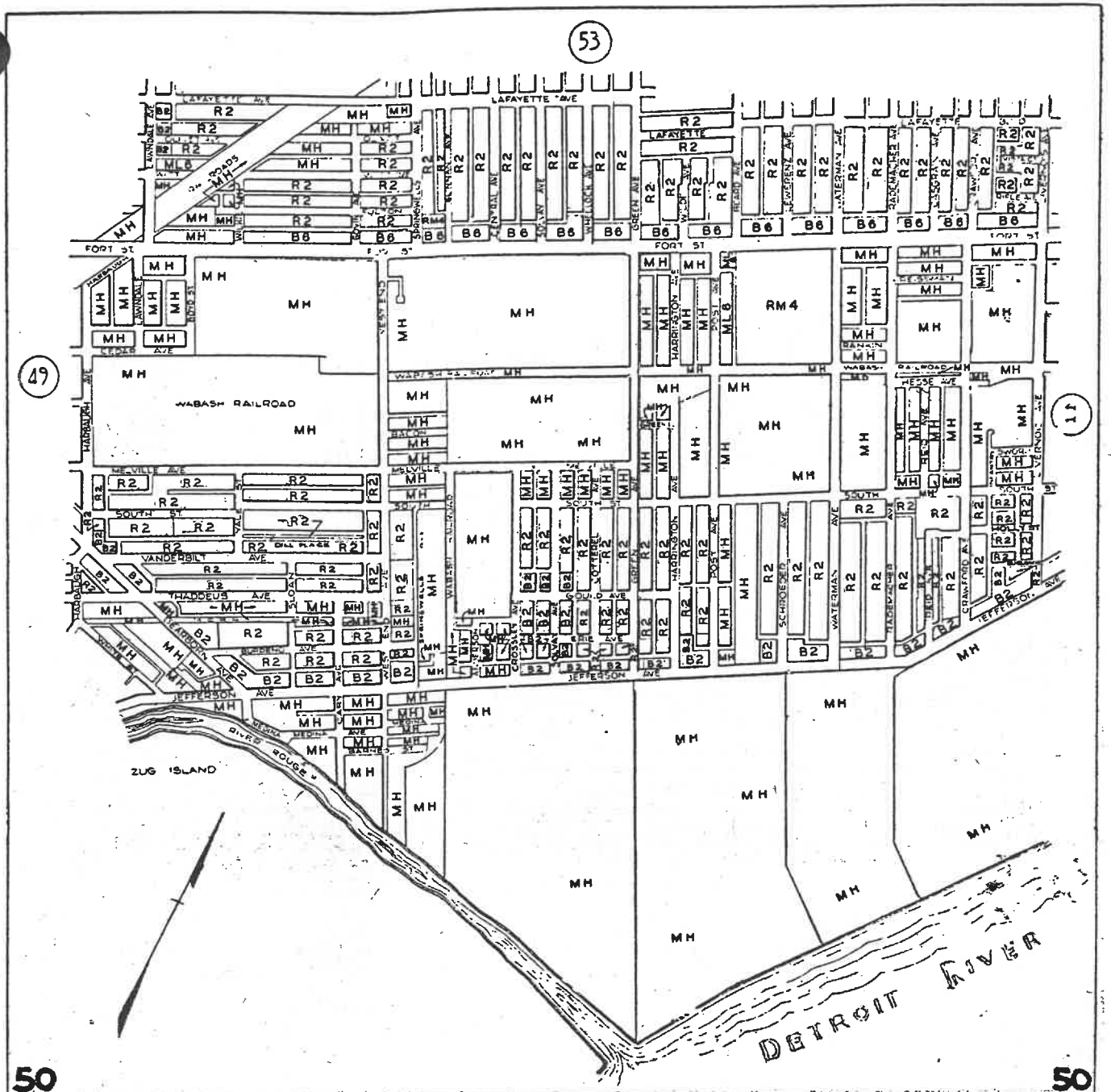


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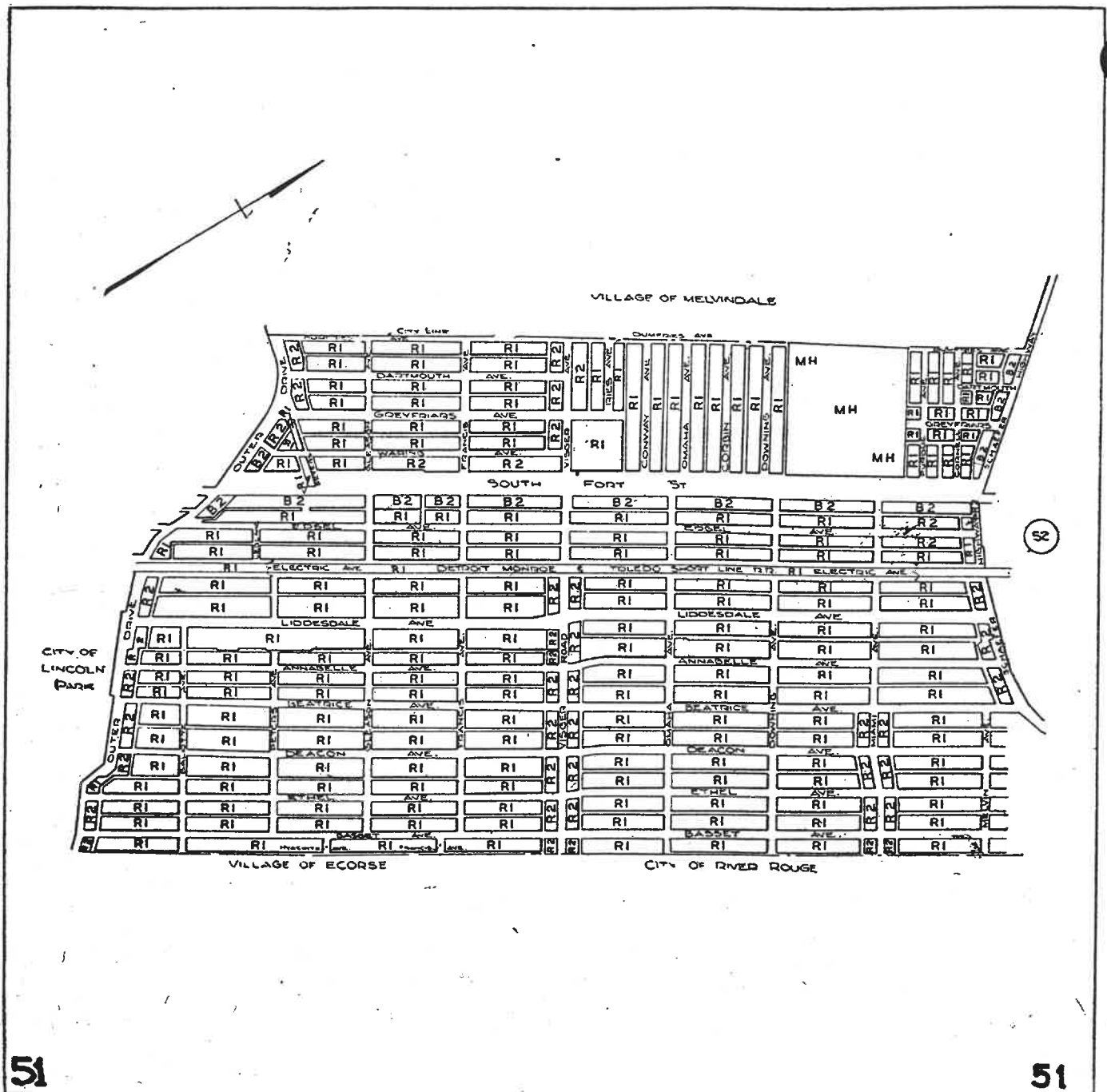




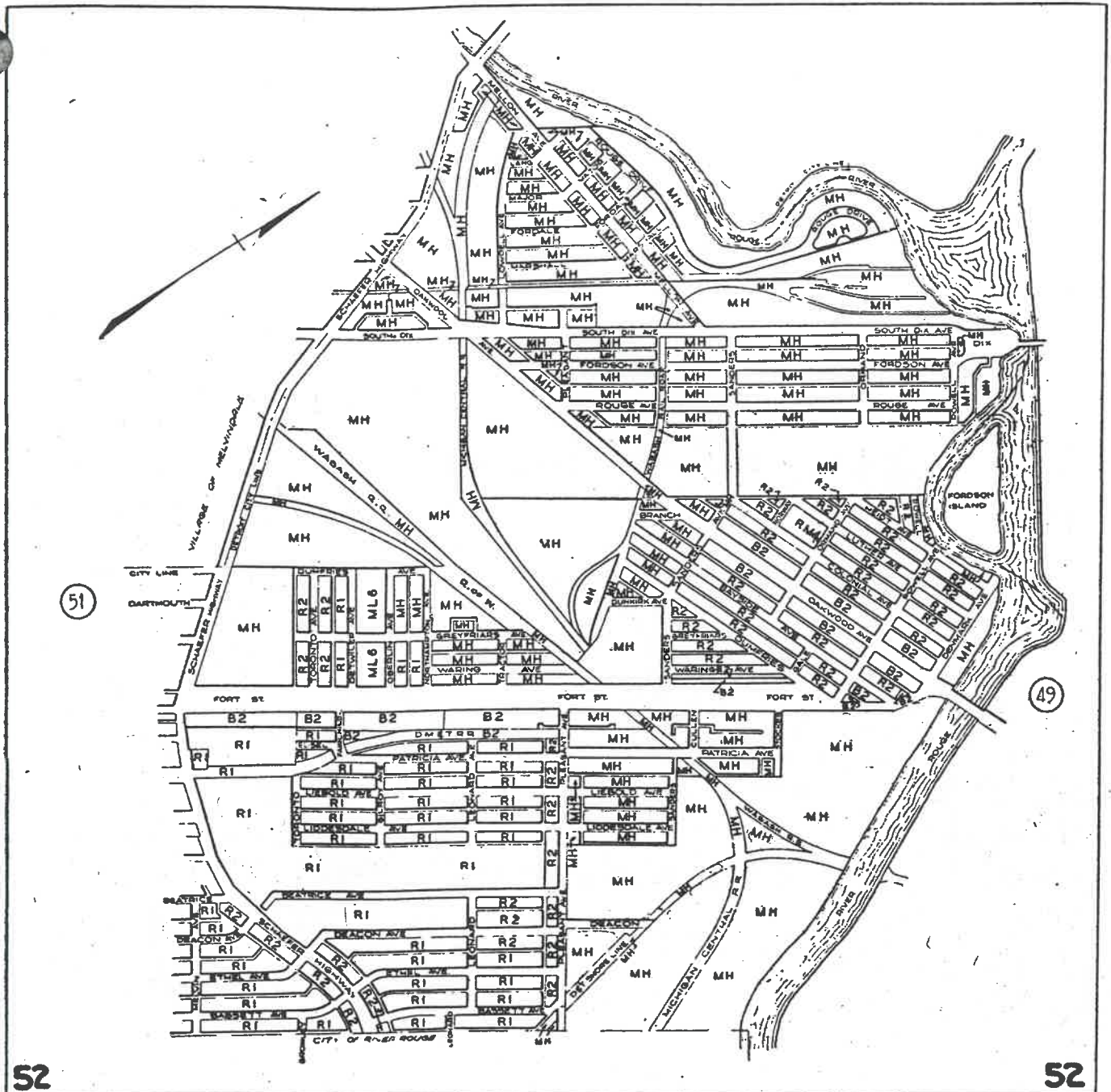
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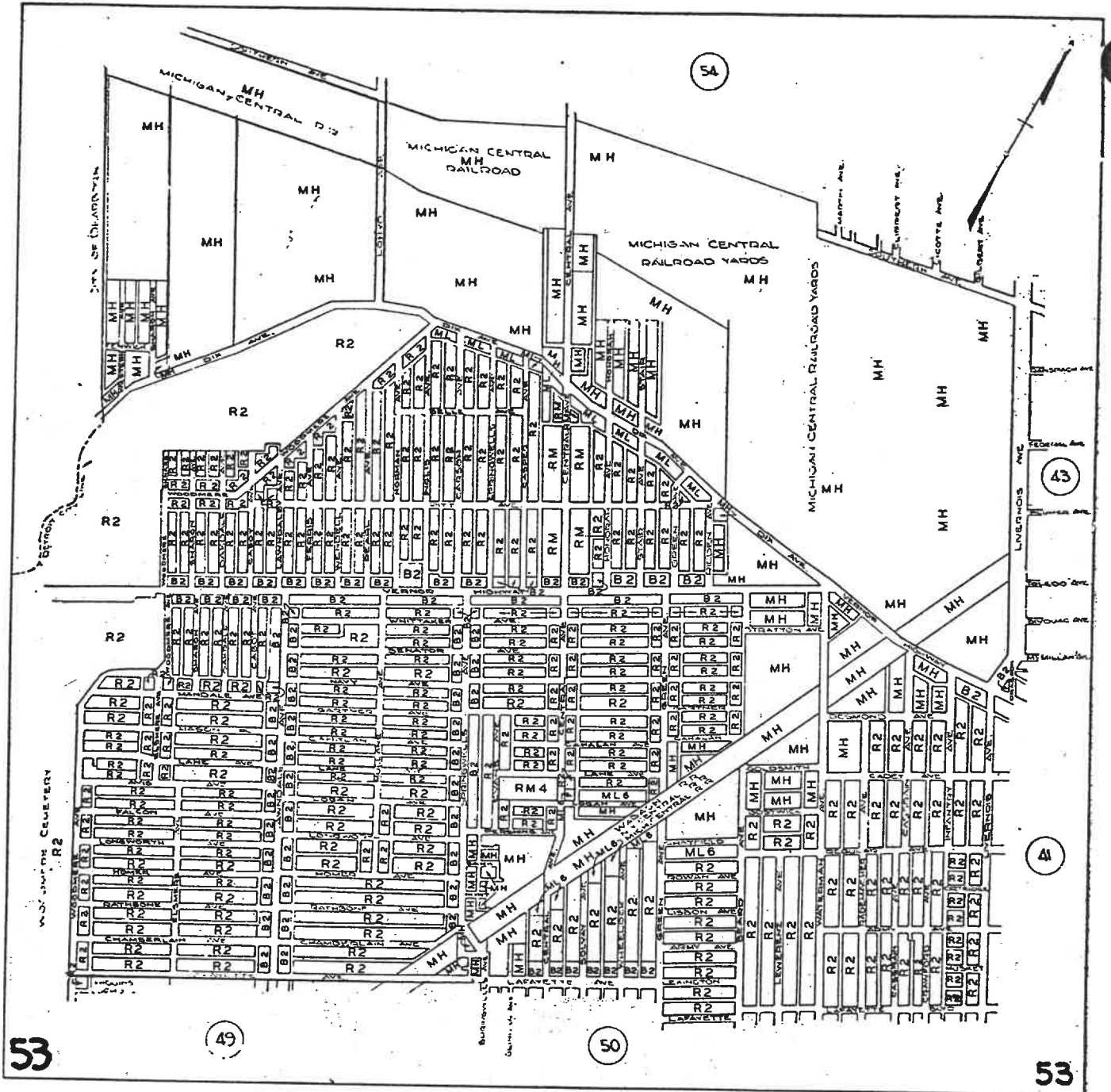
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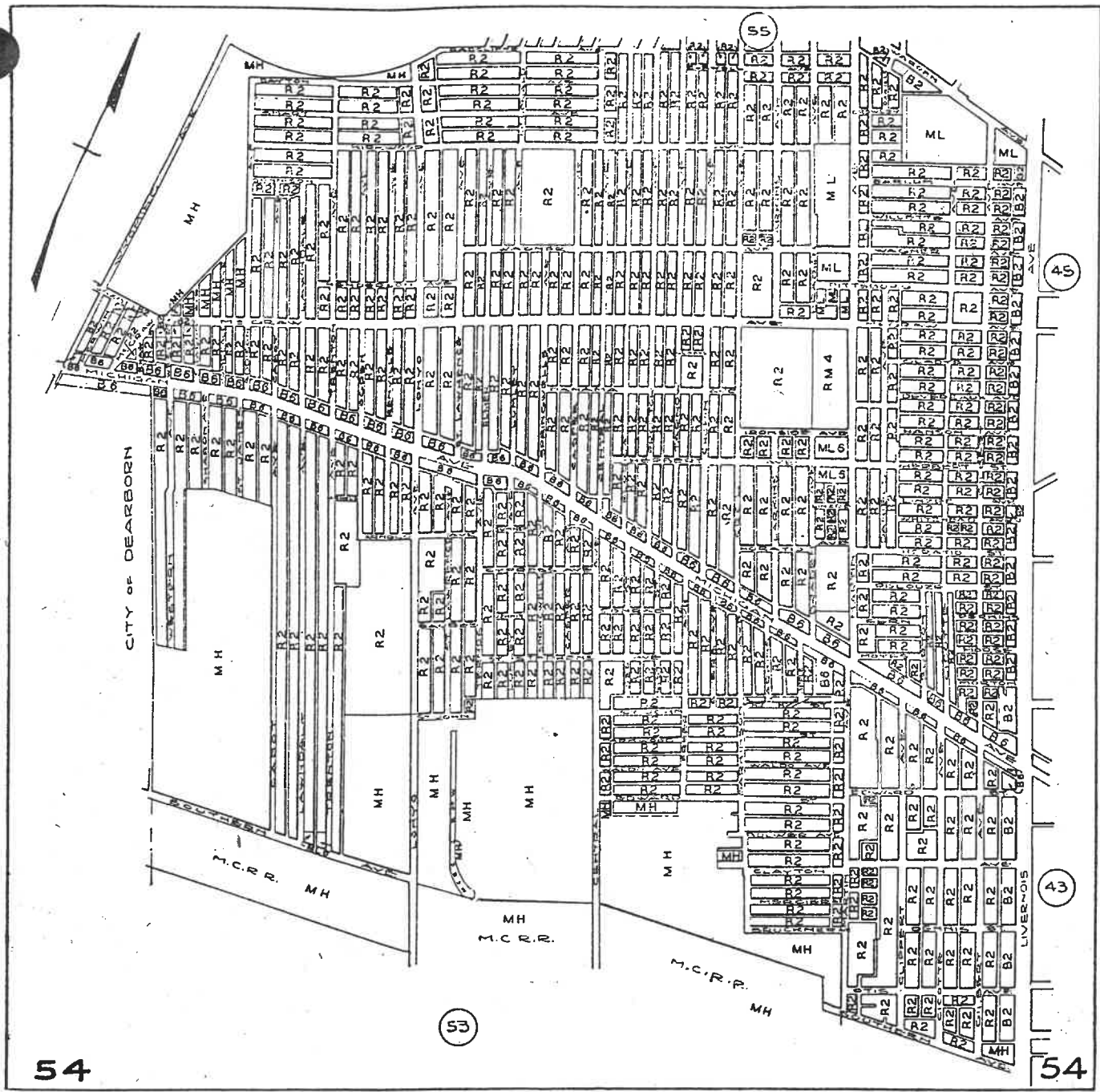
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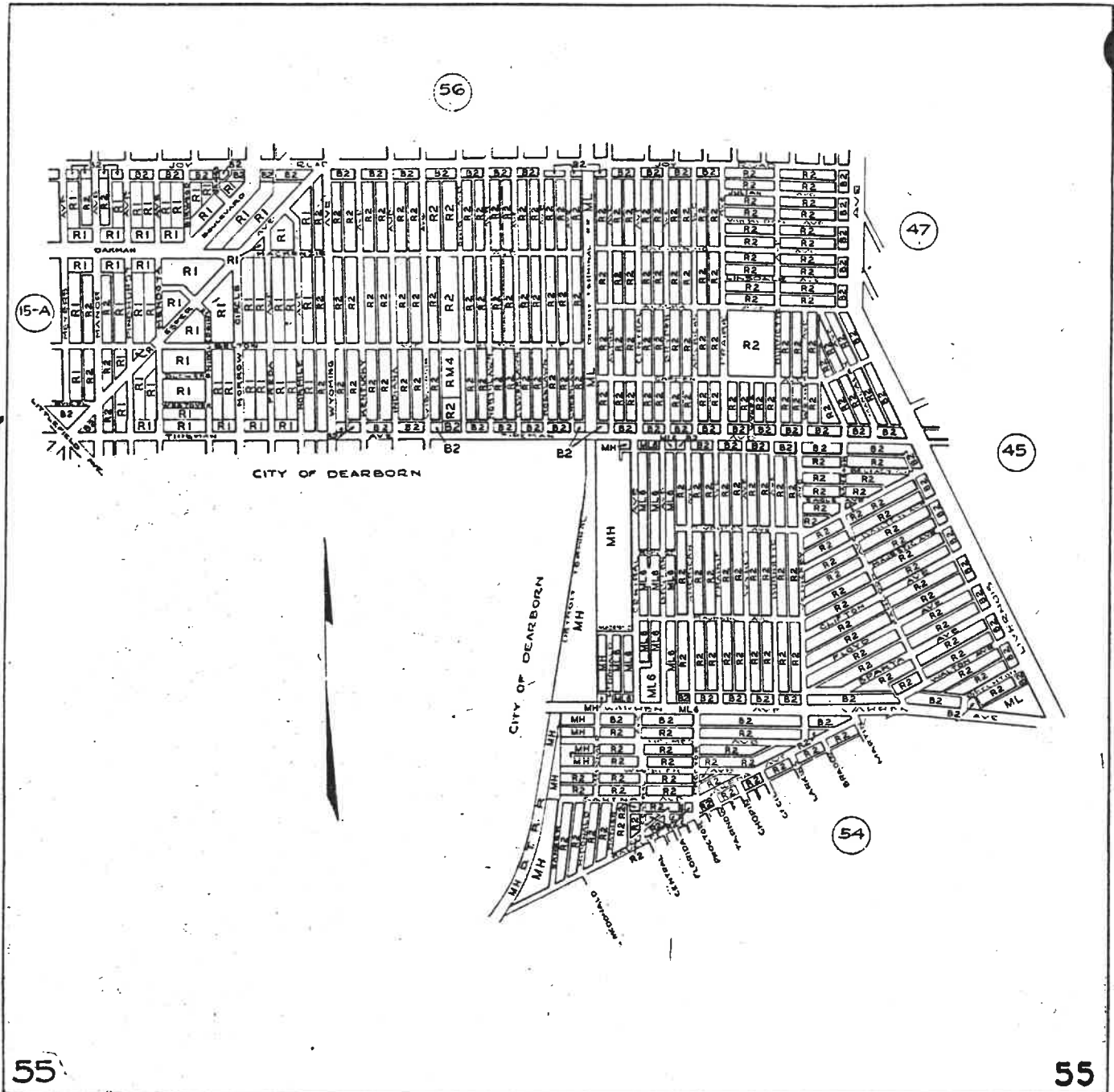
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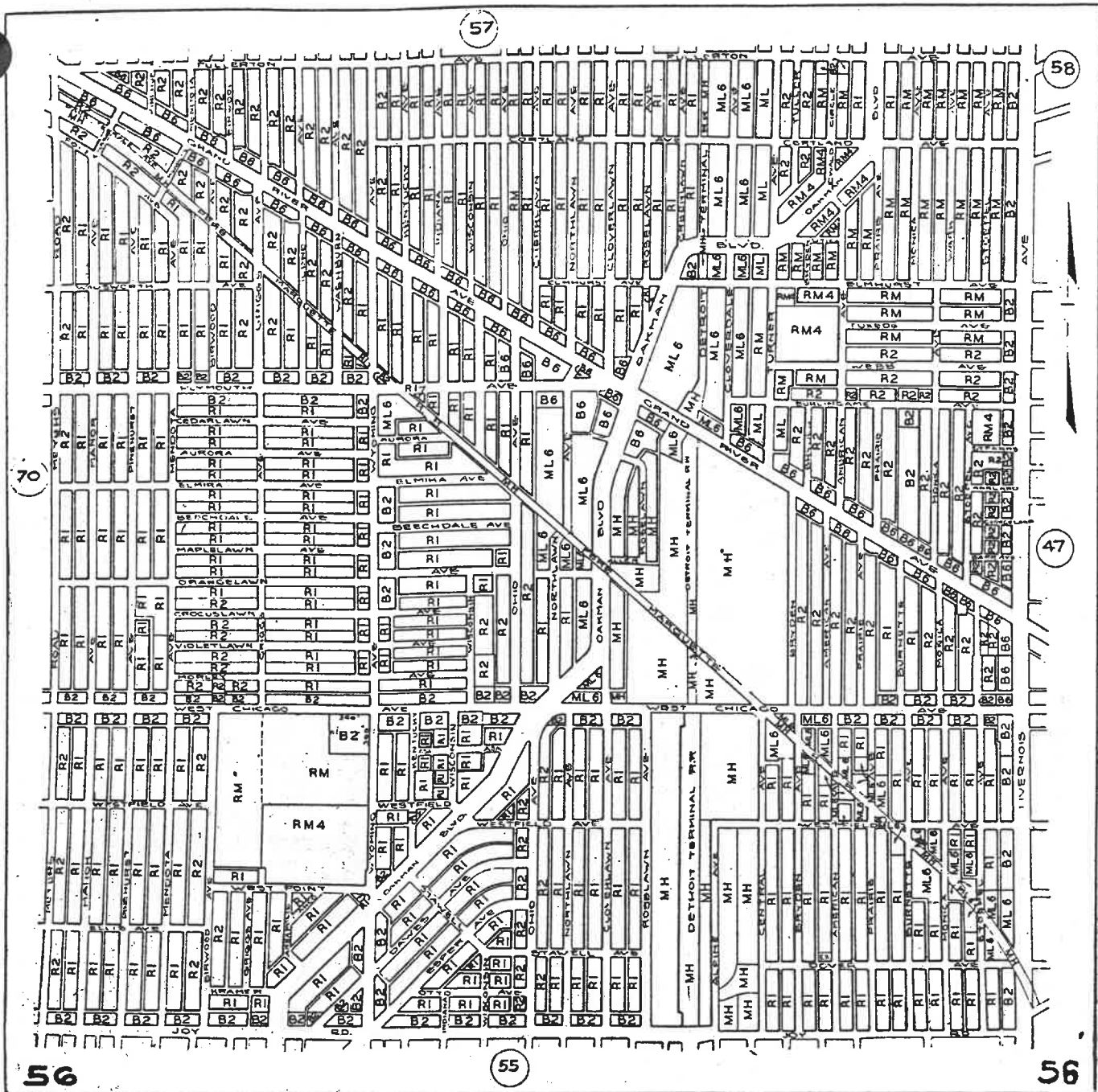
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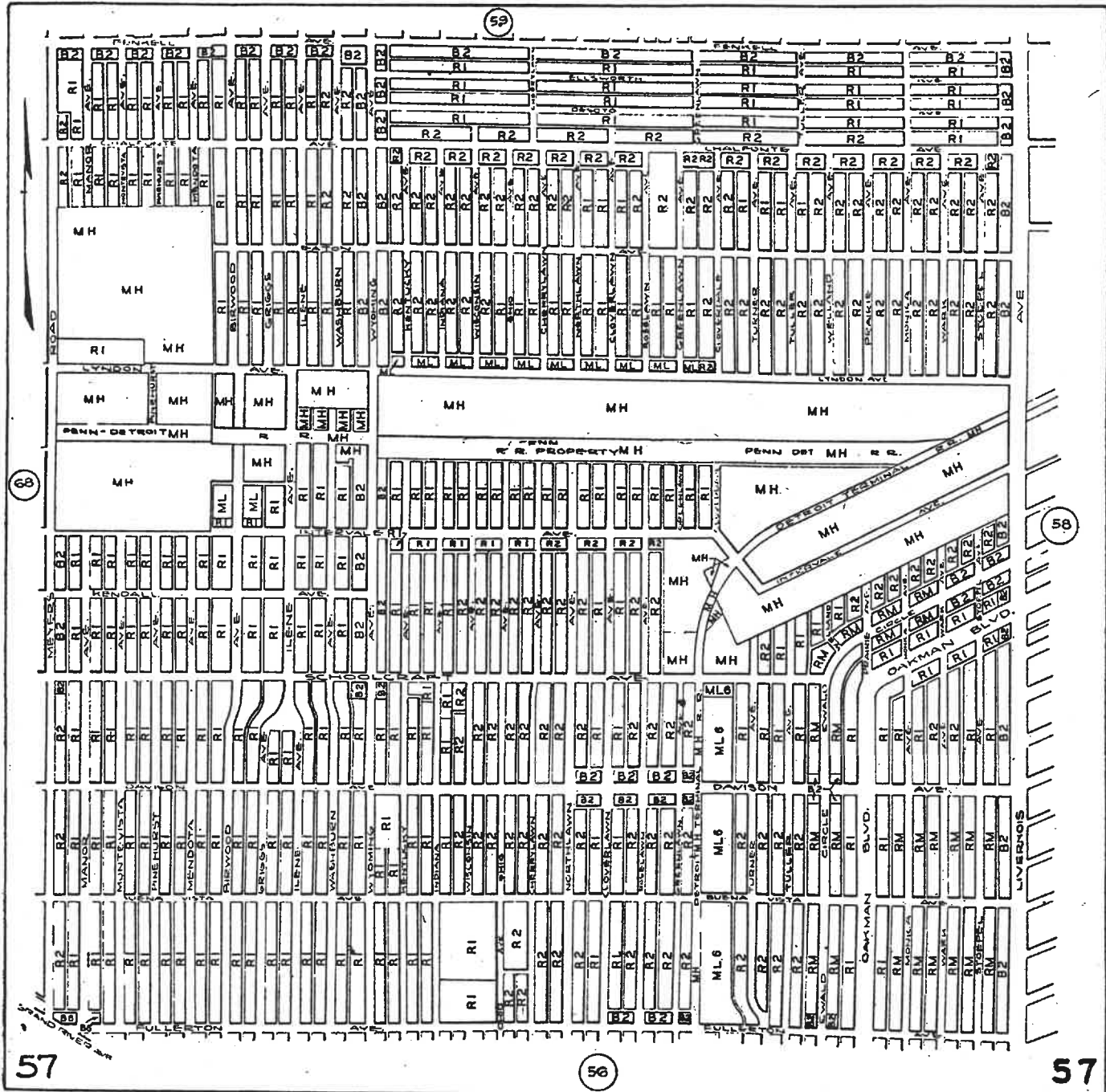
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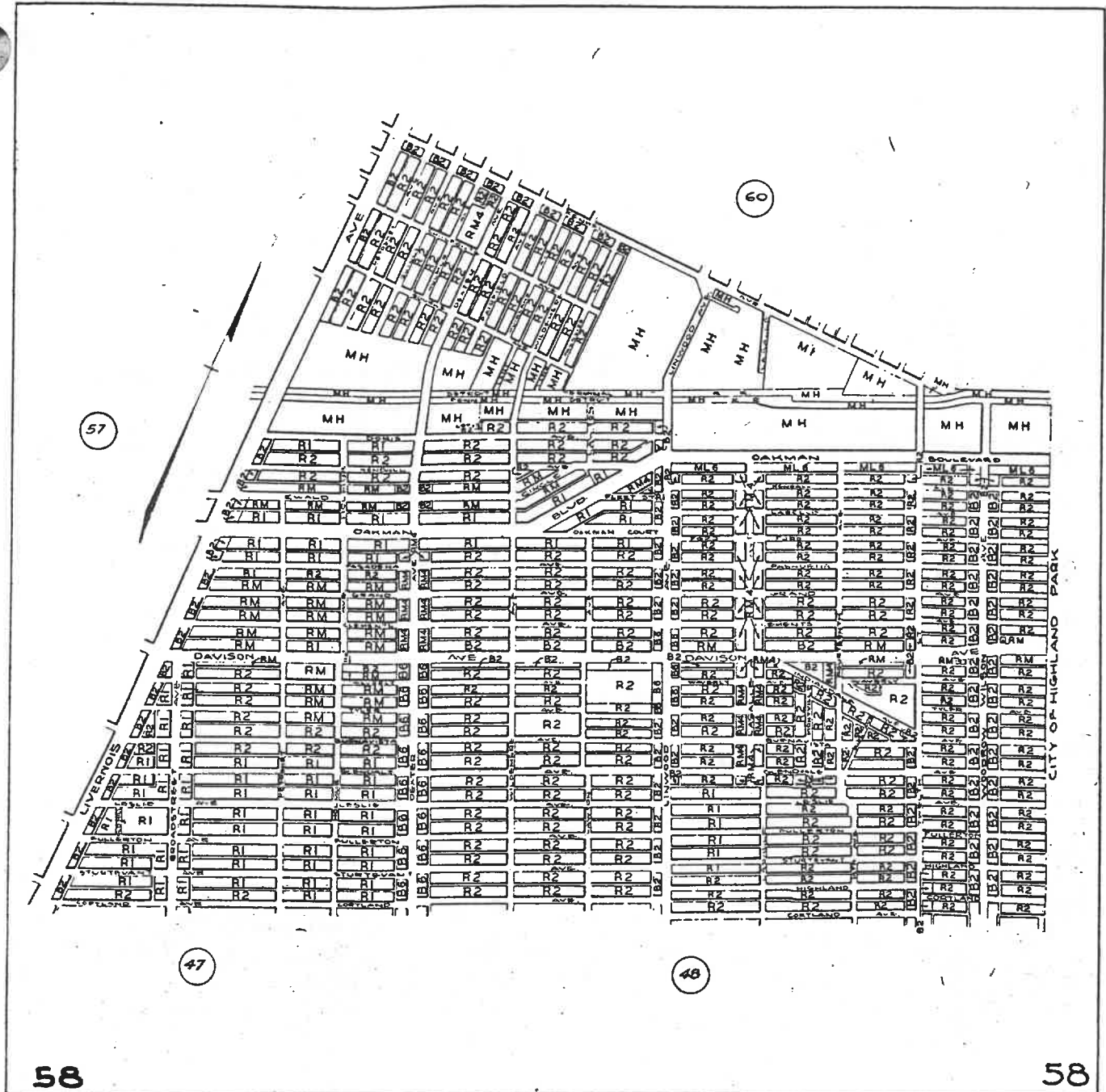


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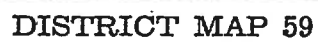


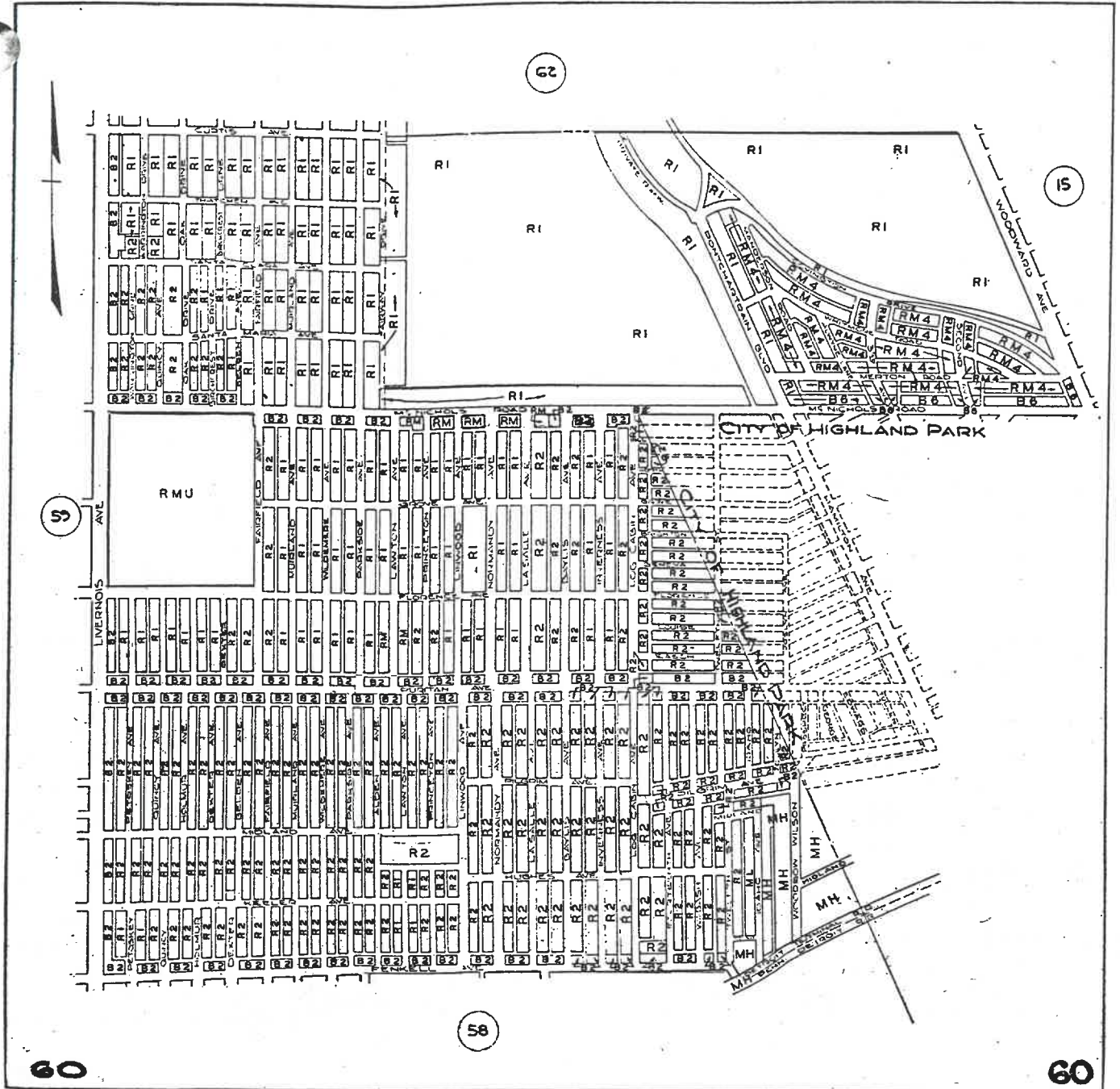
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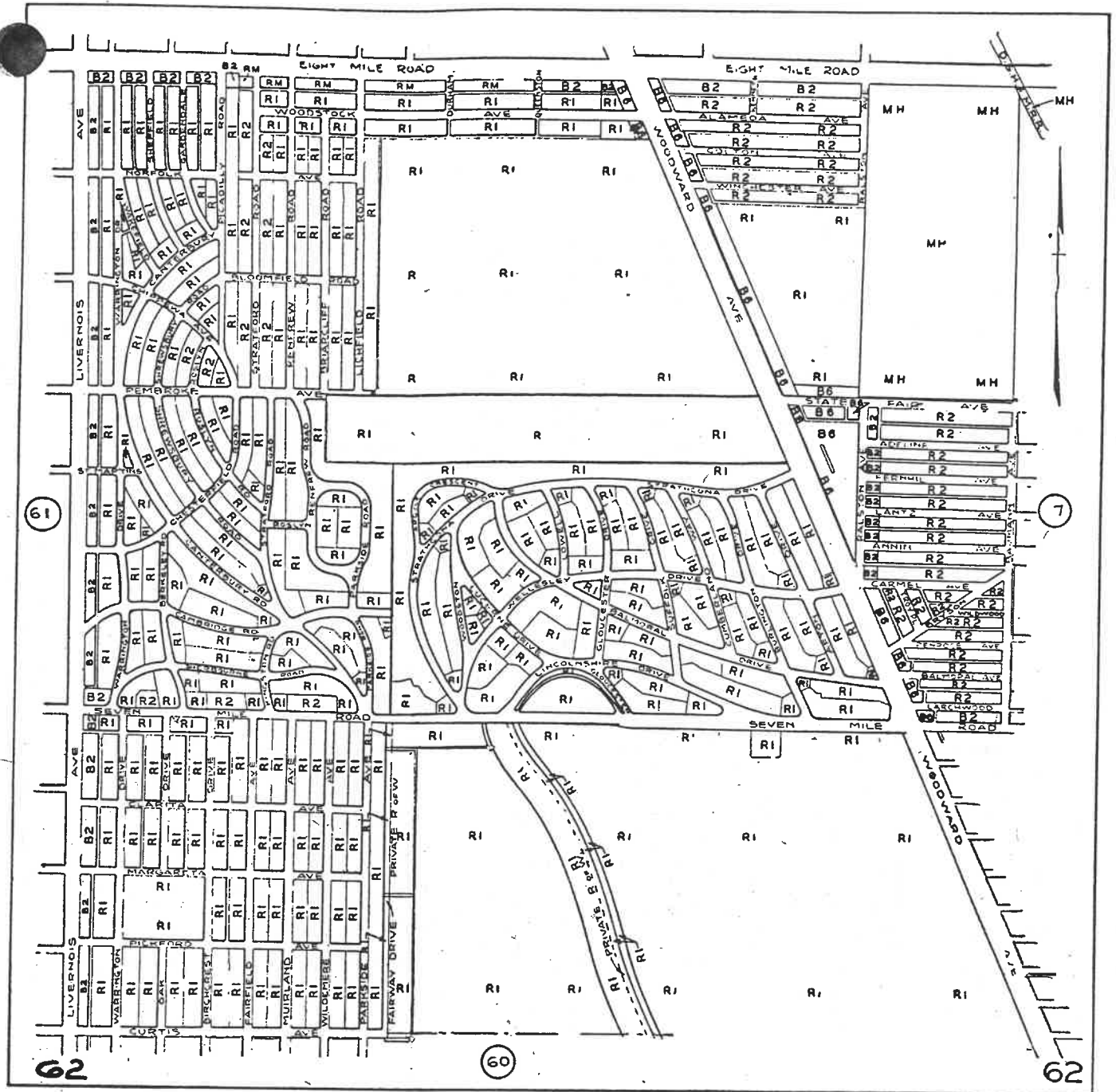
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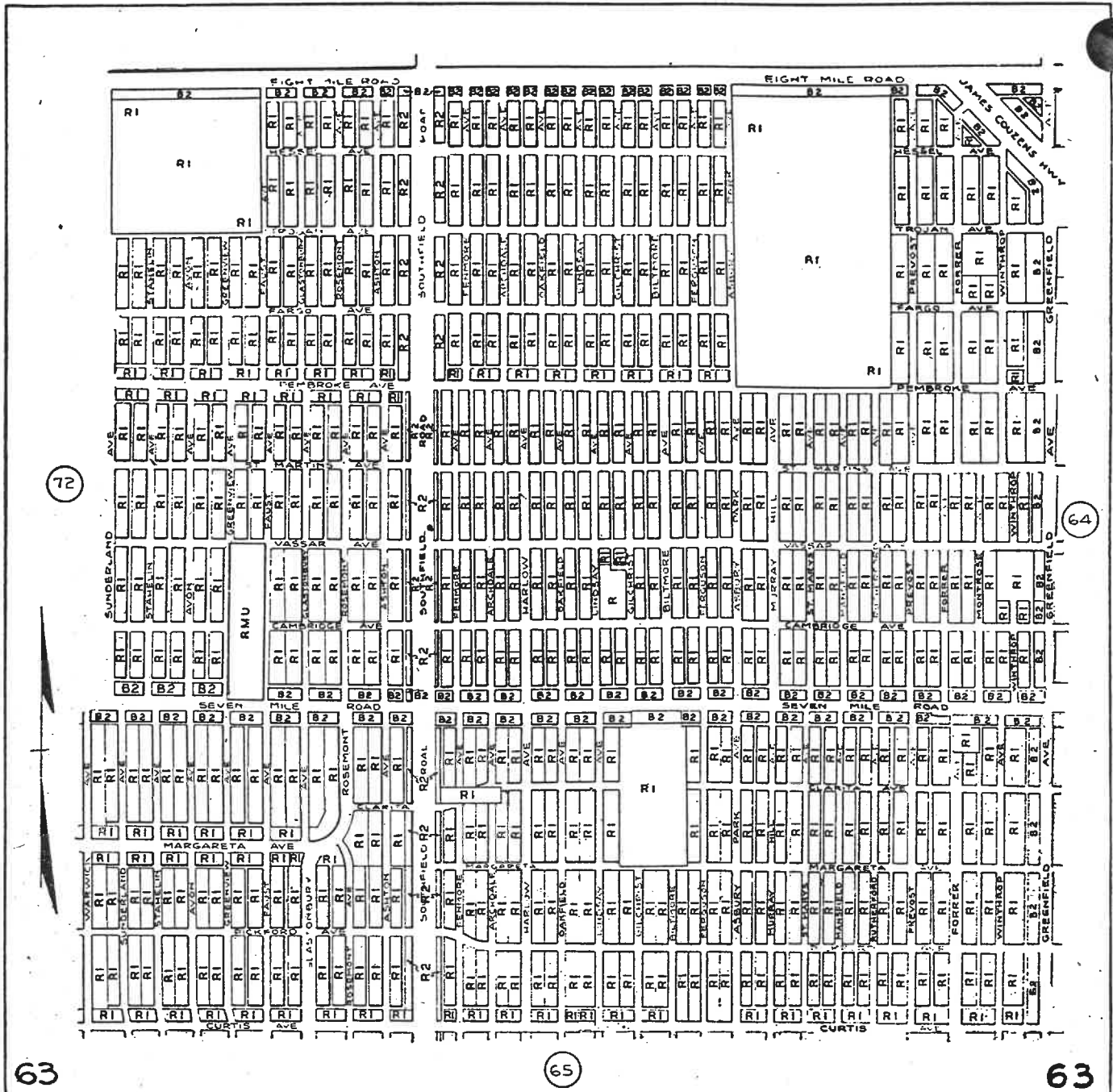


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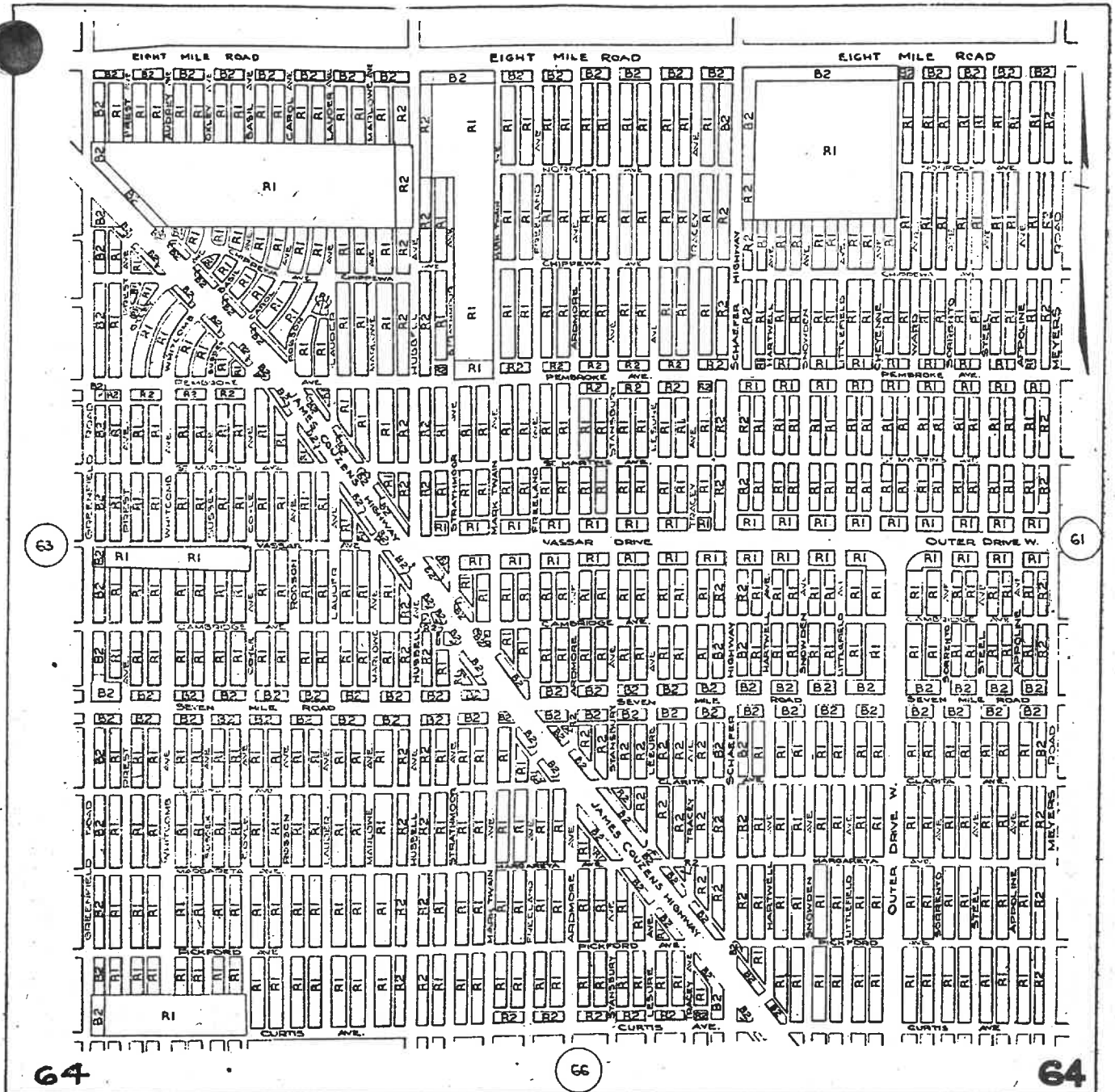




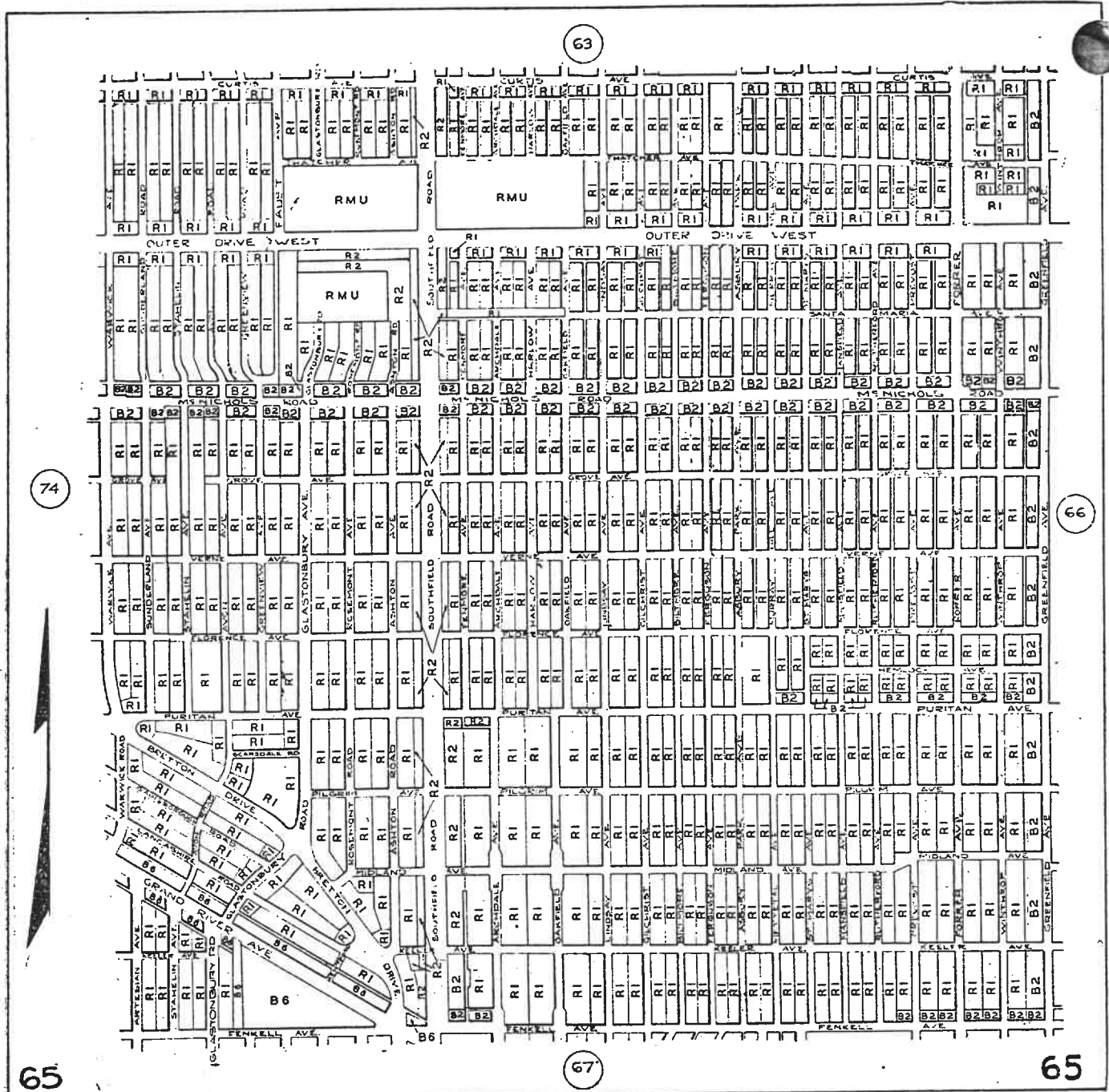
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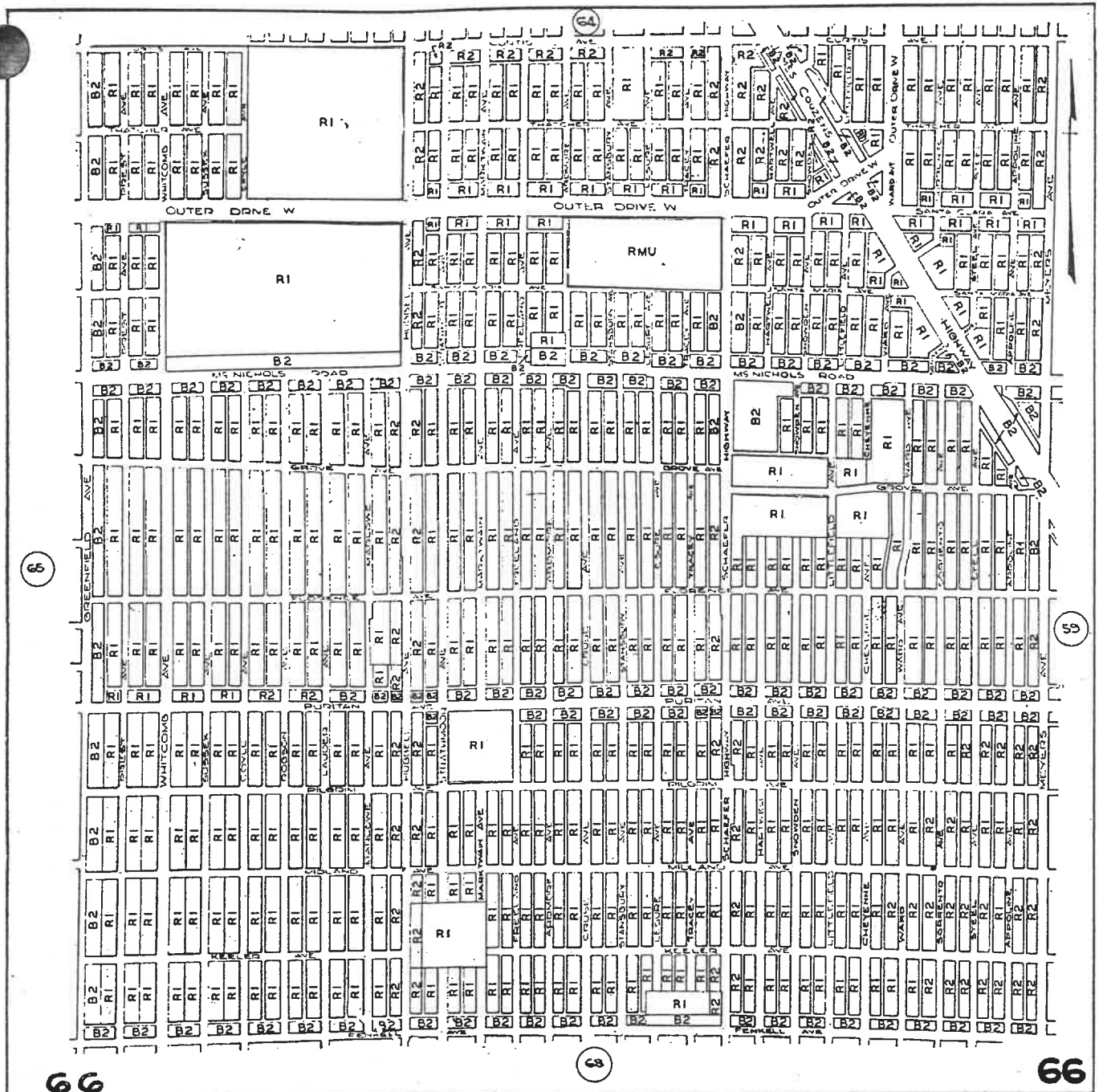
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DISTRICT MAP 64



DISTRICT MAP 65



DISTRICT MAP 66



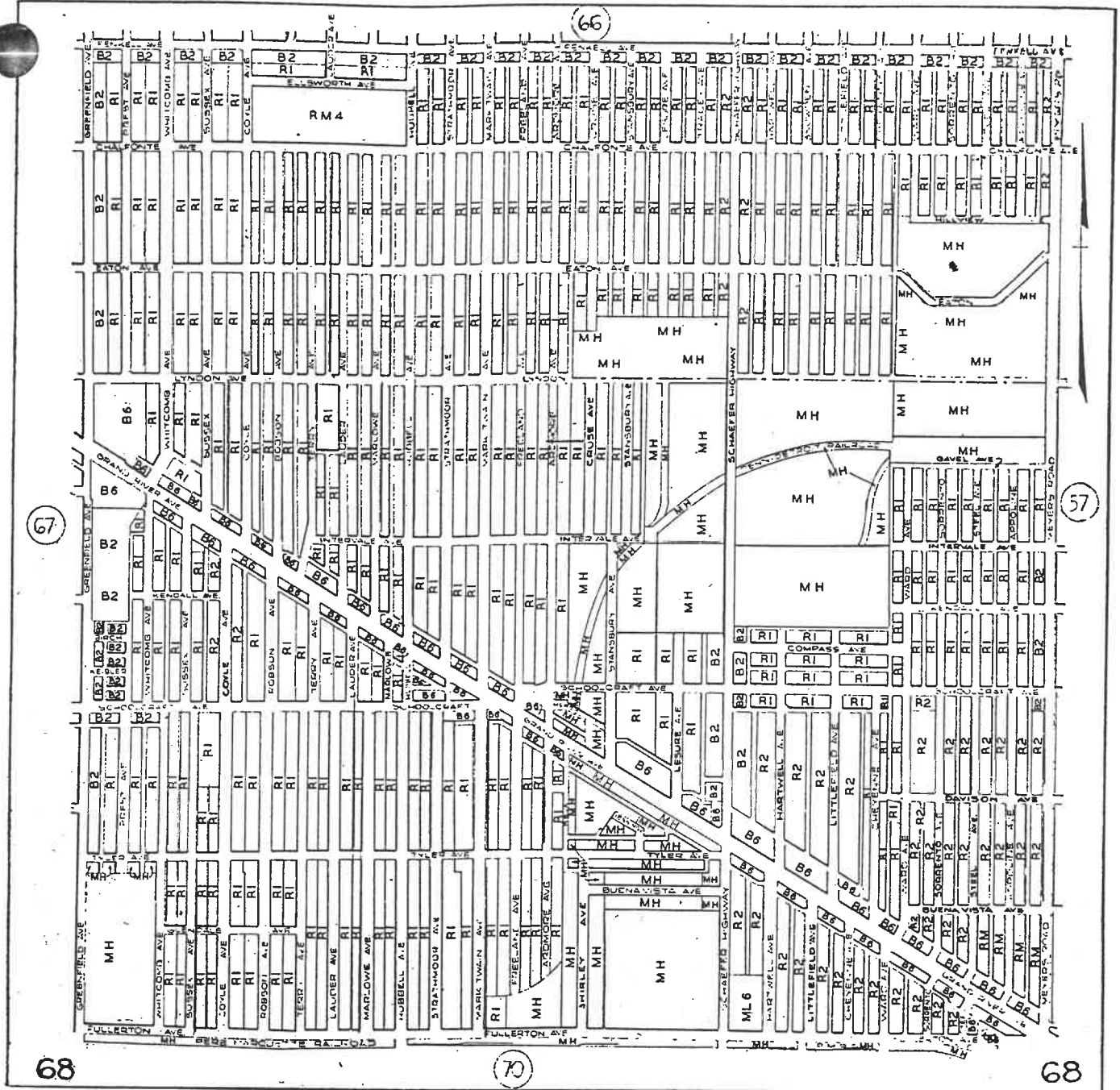
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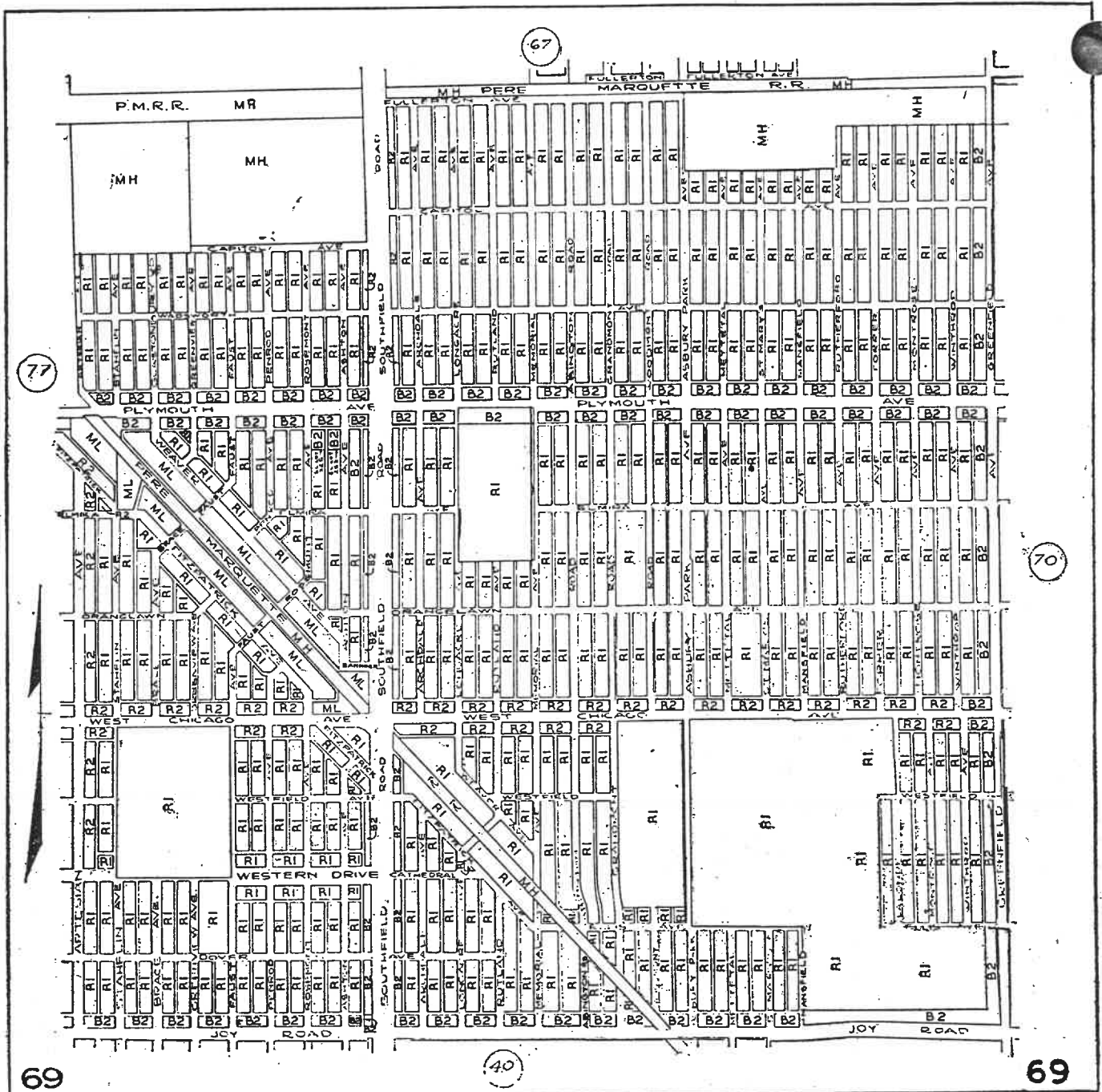
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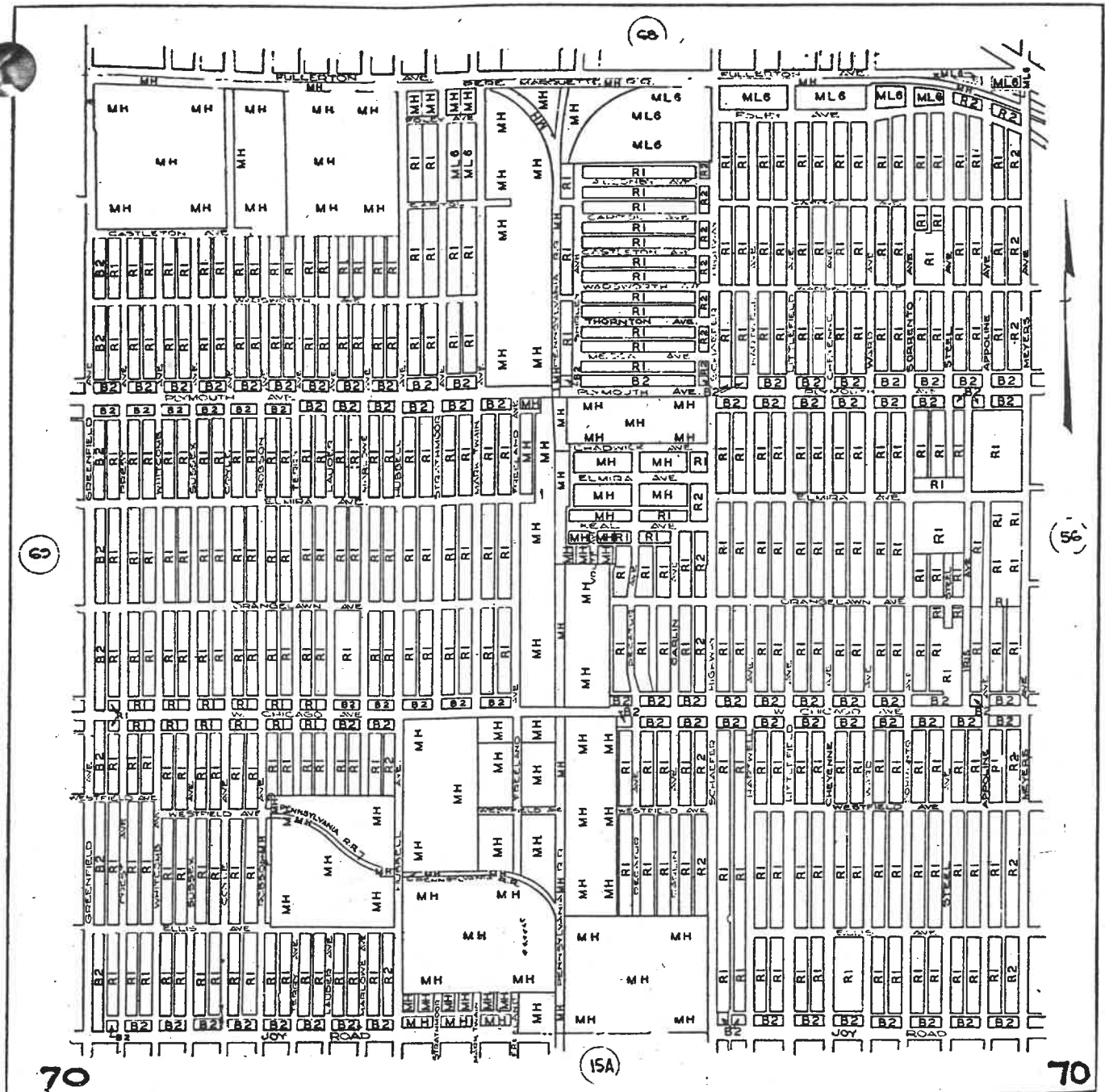
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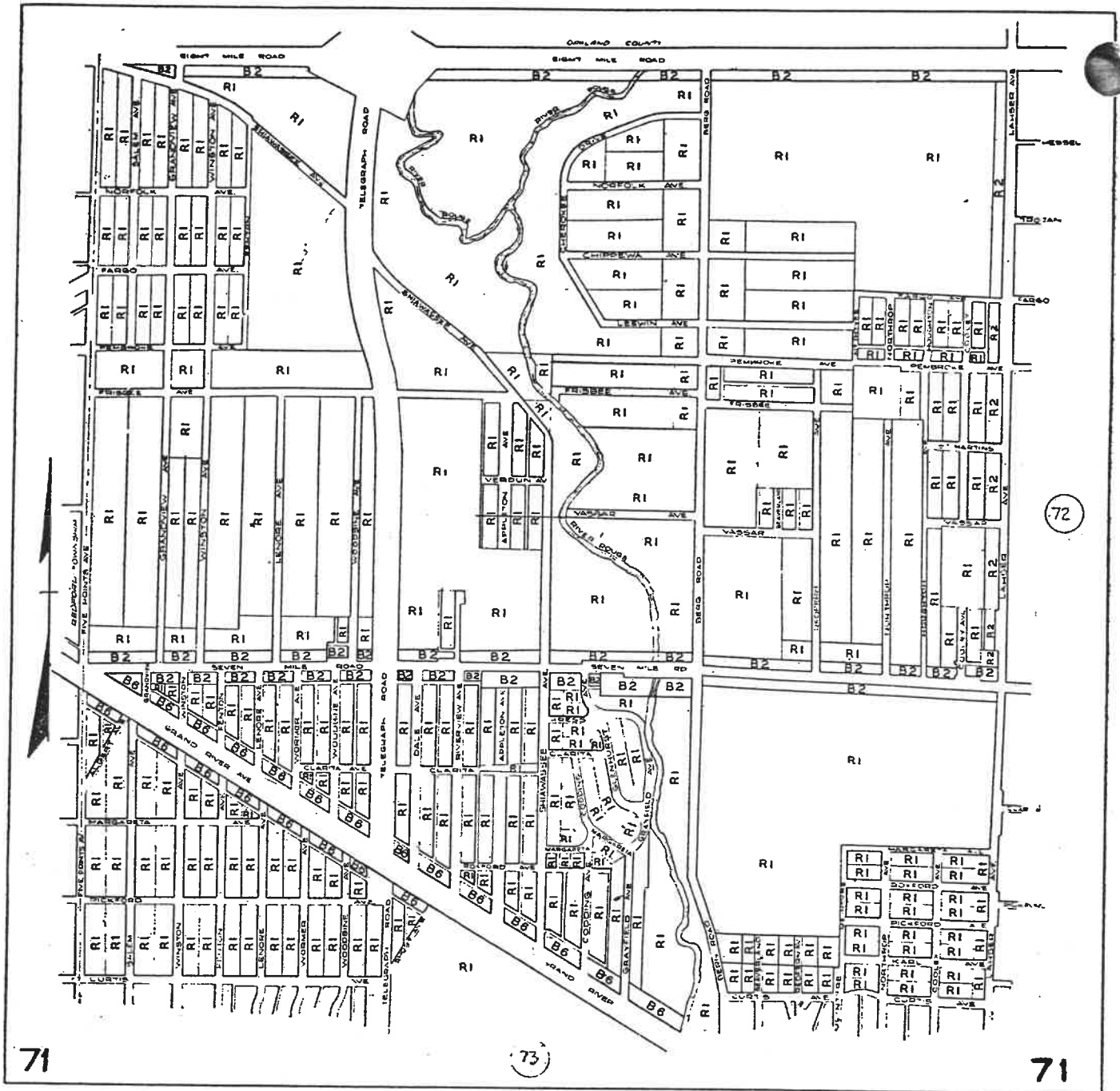
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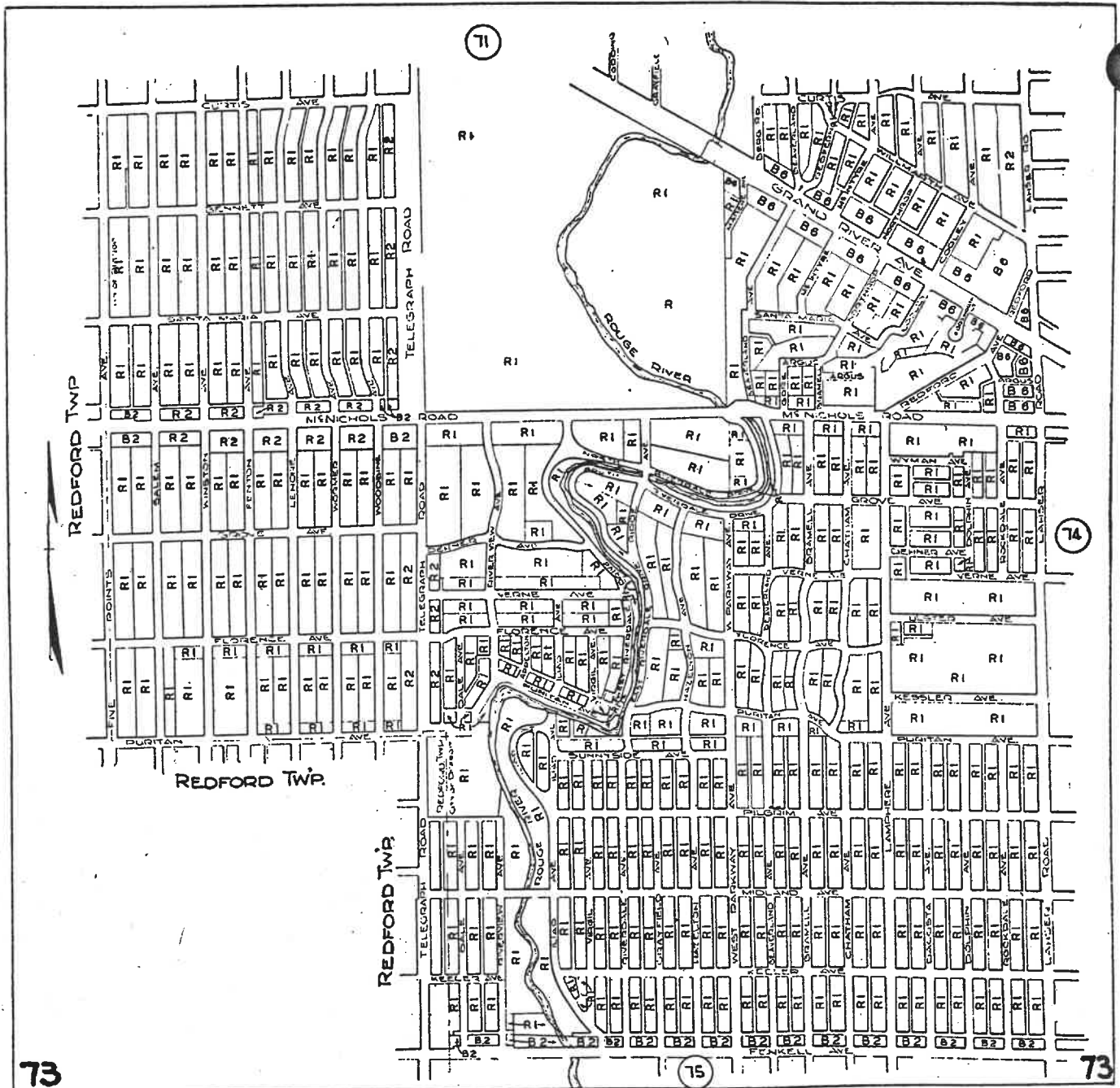
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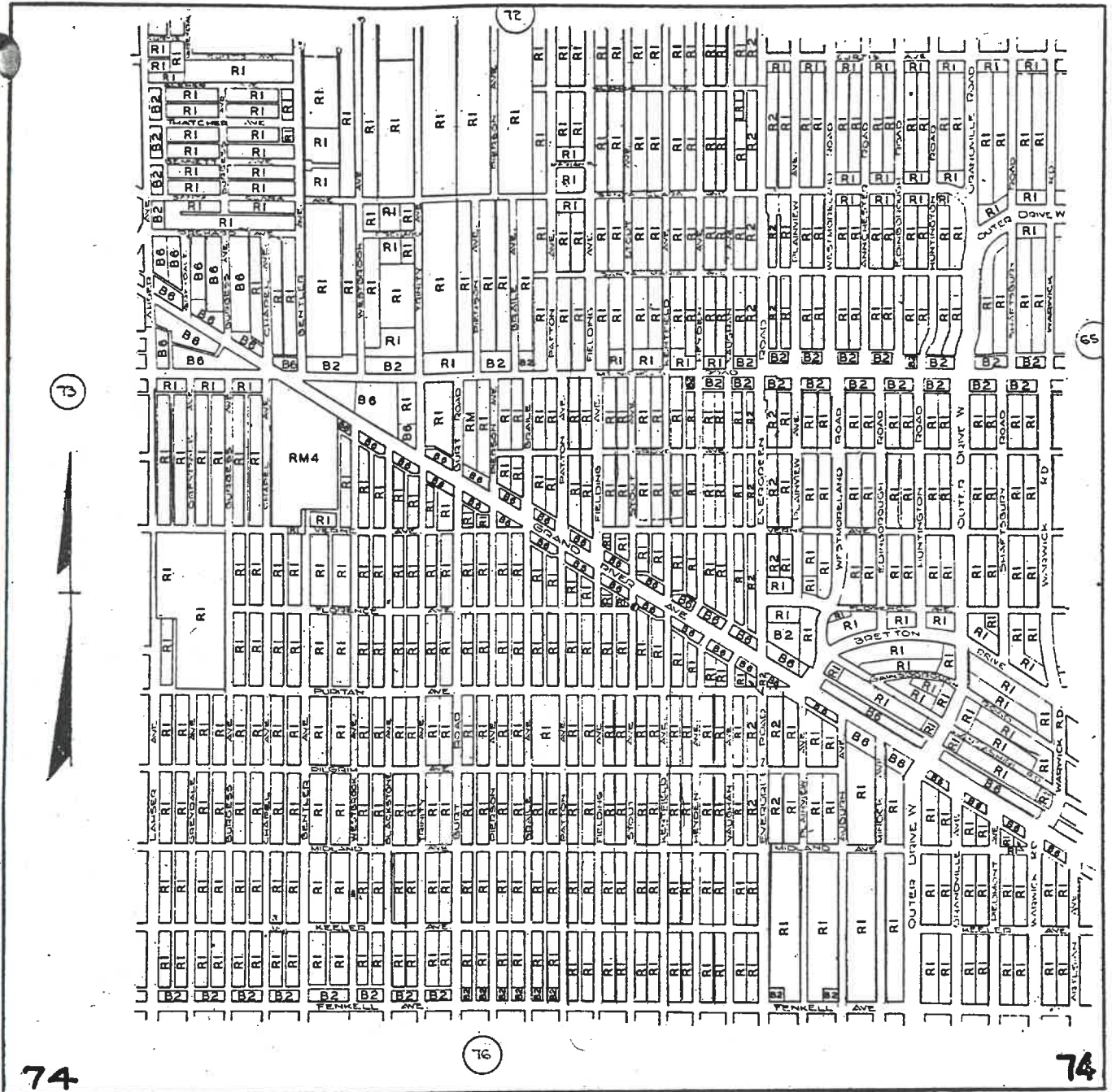
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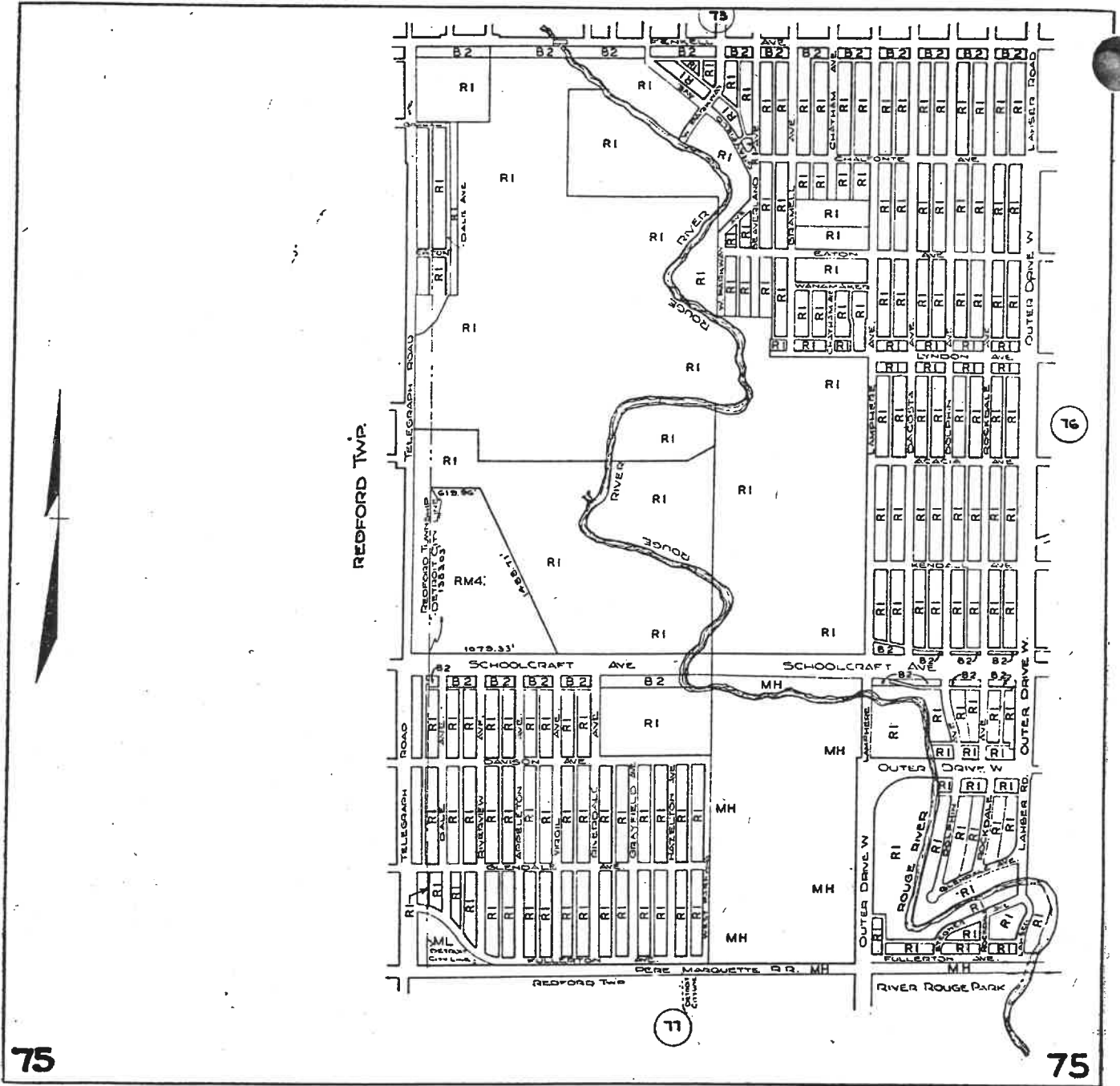
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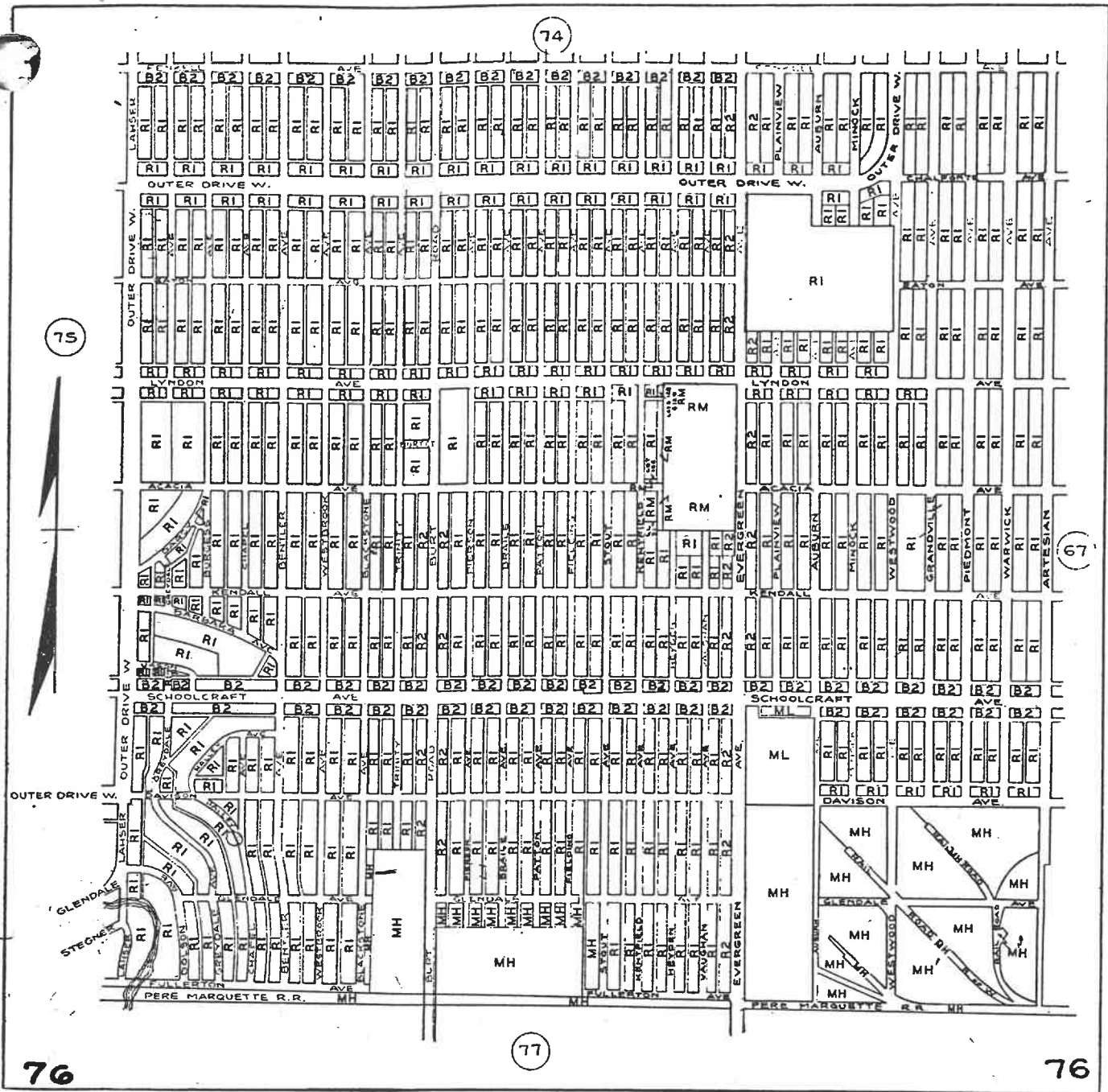
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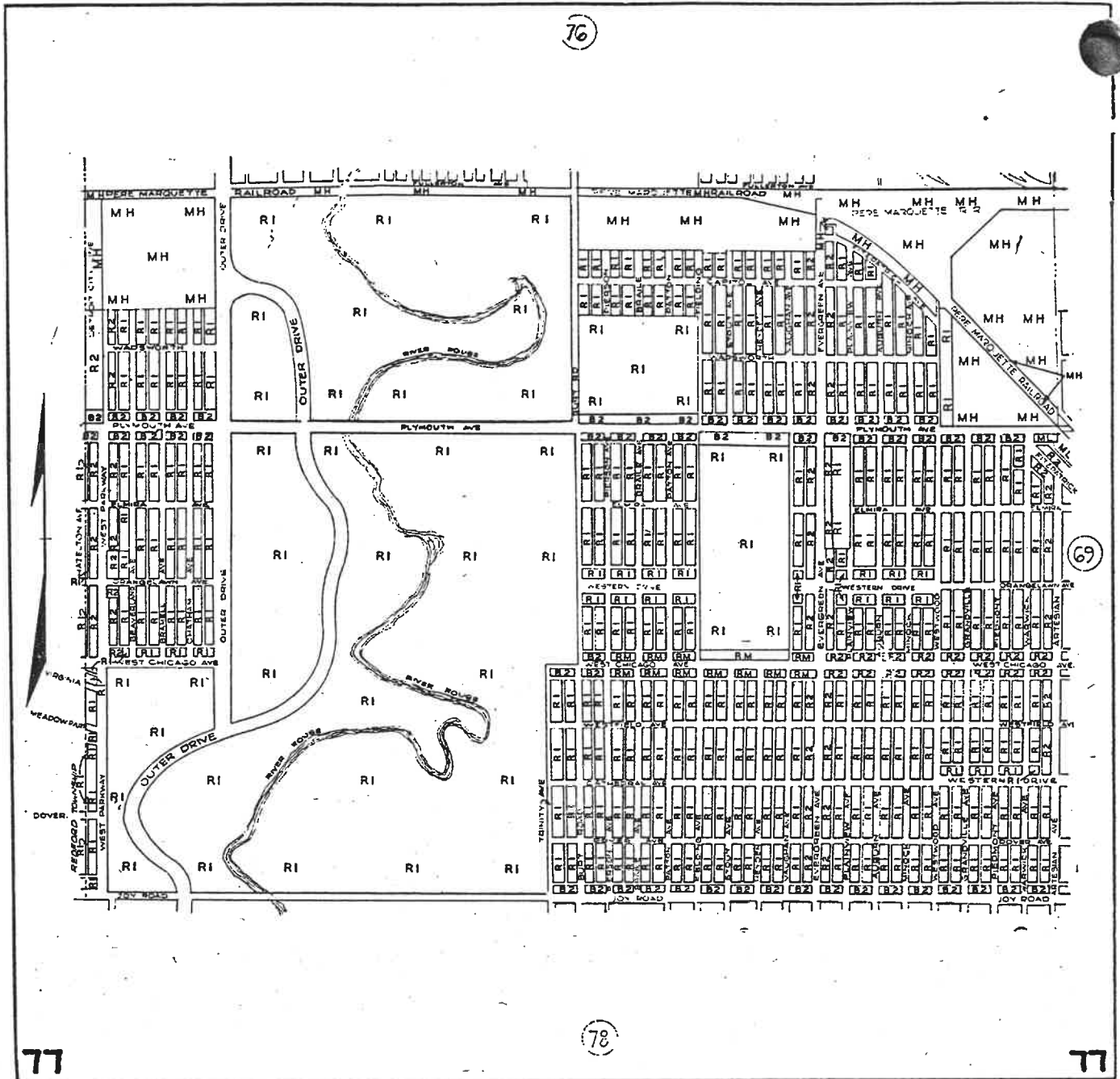
DISTRICT MAP 74



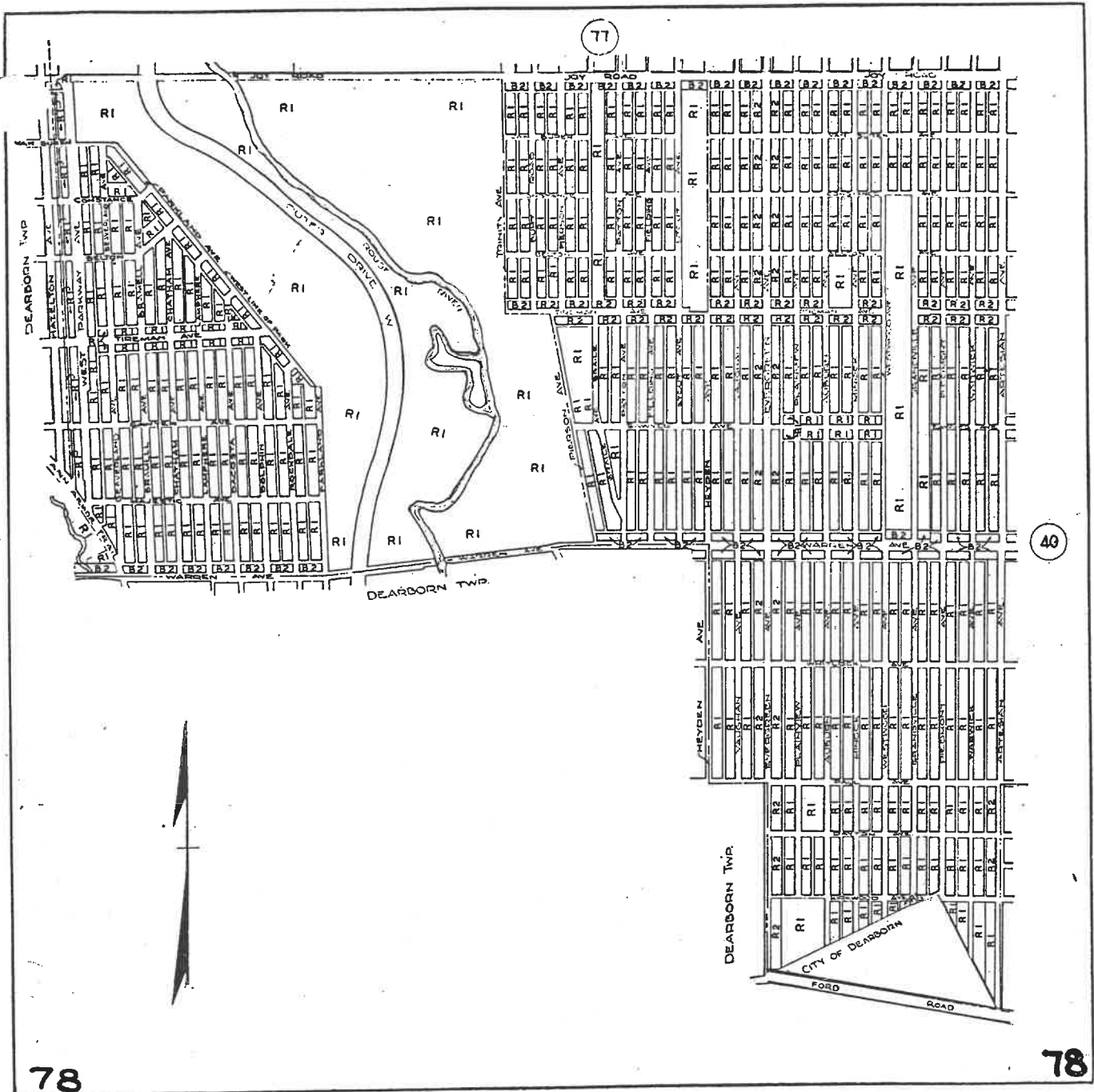
DISTRICT MAP 75



DISTRICT MAP 76



DISTRICT MAP 77



DISTRICT MAP 78

Approved December 24, 1940.

EDWARD J. JEFFRIES, JR., Mayor.

Attest: THOMAS D. LEADBETTER, City Clerk.

The above ordinance will take effect on the 25th day of December, 1940.

THOMAS D. LEADBETTER, City Clerk.

