

ORDINANCE No. 302-D

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

AN ORDINANCE to amend Section 3.3 of Ordinance No. 171-D, entitled: "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," as amended:

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

Section 1. That Section 3.3 of Ordinance No. 171-D, entitled: "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," as amended, be and the same is hereby amended to read as follows:

"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 increase 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. A change of tenancy, ownership, management, occupancy or use pursuant to paragraph E, F or G of this Section shall not constitute abandonment.

(E) There may be a change of tenancy, ownership, or management of an existing non-conforming use provided there is no change in the nature or character of such non-conforming use.

(F) There may be a change in occupancy or use of an existing non-conforming structure or part thereof occupied at the effective date of the Zoning Ordinance as a retail store for direct sale of merchandise, for personal service to the consumer, or as a business office, to a new or different use as specified in this paragraph. Such new use shall be limited to a retail store for direct sale to the consumer of new merchandise such as food and food products, drygoods, articles of clothing, drugs and sundries, stationery, notions, gifts, hardware, flowers, ice cream, beverages, refreshments, and similar goods, materials and things not involving any greater noise, odor, smoke, dust or unsightliness than the specific retail store uses enumerated herein, but not including the sale of alcoholic beverages for consumption on the premises, garages, gas stations or restaurants. Such new use may also include business or professional offices, personal service shops for direct service to customers such as barber shops, beauty parlors, shoe repair shops, tailors and pressing shops, receiving stations for laundries and dry cleaners, business colleges, but not including mortuaries or undertakers' establishments, pool rooms, billiard parlors, or bowling alleys.

(G) Other than specified in paragraphs E and F preceding, there shall be no change of tenancy, occupancy or use of a non-conforming structure, provided that a structure or part thereof

ADDED.