

be issued by the said Department for a like period only provided the said Common Council finds 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, references and other information shown thereon, shall be as much a part of this Ordinance as if the matters and information set forth by said 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 balconies which are open and unenclosed, and marquee, 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

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is taken and with the board of appeals of a notice 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.

(c) Stay. 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 of appeals 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 of appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(d) Hearing of and decision upon appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties (including all owners of record of property within 300 feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll), and (shall) decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The board of appeals 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 his opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, the board of appeals shall have power in passing upon appeals to vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment, or alteration of buildings, or structures, so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done. The decision of such board shall be final so far as it involves discretion or the finding of facts.

2638 CONFLICTING LAWS; GOVERNING LAW. SEC.

TION 6. Wherever the provision of any ordinance or regulations, adopted by the legislative body of any city or village under the provisions of this act, impose requirements for lower heights of buildings, or a less percentage of lot that may be occupied, or require wider or larger courts or deeper yards than are imposed or required by existing provisions of law or ordinance, the provisions of this act shall govern. Where, however, the provisions of the state housing code or other ordinances or regulations of any city or village impose requirements for lower heights of buildings or less percentage of lot that may be occupied, or require wider or larger courts or deeper yards than are required by any ordinance or regulation which may be adopted by the legislative body of any city or village under the provisions of this act, the provisions of said state housing code or other ordinance or regulations shall govern.

2639 VIOLATION NUISANCE PER SE; ABATEMENT. SECTION 7. Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of local ordinances or regulations made under the authority of this act are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se. The legislative body shall in the ordinance enacted under the provisions of this act, designate the proper officials whose duty it shall be to enforce the provisions of such ordinance and provide penalties for the violation thereof.

2640 SEVERING CLAUSE. SECTION 8. Sections of this act shall be deemed to be severable and should any section or provision of this act be declared by the courts to be unconstitutional or invalid the same shall not affect the validity of this act as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

2641 DECLARATION OF NECESSITY. SECTION 9. The provisions of this act are hereby declared to be immediately necessary for the preservation of the public peace, health and safety and are hereby given immediate effect.

This act is ordered to take immediate effect.
Approved May 17, 1921.