



DISTRICT MAP 70

missible in an ML6 District and the temporary expansion of such use, provided the Board finds such addition and expansion of use to be essential to National Defense, and a bond with form and sureties satisfactory to the Corporation Counsel, is filed in an amount substantially equivalent to the cost of such addition, guaranteeing the removal of the temporary addition and the additional use at the expiration of the building permit therefor, and indemnifying the City of Detroit for any expense or liability which may be incurred through obtaining, compelling or causing such removal. The approval of the Board, and any building permit based thereon, for such a temporary addition and expansion of use, shall expire six (6) months after operations or production for National Defense shall have terminated in such addition, or six (6) months after the President of the United States shall declare that the period of unlimited National Emergency has terminated. In permitting such temporary addition and expansion of use the Board may impose any reasonable requirements or condition which it deems necessary to minimize any injurious effect upon the neighborhood or to protect the contiguous property. Such temporary addition and expansion of use shall be removed forthwith on or before the expiration of the building permit under which it was erected, and its owners and lessees shall be deemed guilty of violating this Ordinance if such addition or expansion of use is not removed on or before the expiration of the building permit under which it was constructed or instituted.

(h) Permit the temporary occupancy of any existing building, structure, or premises in any B2, B6, BL, BC or C6 District by a non-conforming use permissible in an ML6 District and/or the temporary expansion of such use and/or the temporary enlargement of any such building or structure for such use, provided the Board finds such occupancy and/or expansion of use and/or enlargement of building or structure to be essential to National Defense and a bond with form and sureties satisfactory to the Corporation Counsel is filed guaranteeing the elimination, discontinuance and removal of such non-conforming use and any such enlargement of building or structure at the expiration of the building permit therefor and indemnifying the City of Detroit for any expense or liability which may be incurred through obtaining, compelling, or causing such elimination and discontinuance. The amount of such bond shall be substantially equivalent to the value of the machinery, tools, furniture, and equipment thus temporarily utilized for a non-conforming use in an existing building and in the case of any enlargement of any such building or structure, the amount of the bond shall be substantially equivalent to the value of such addition or extension.

The approval of the Board and any building permit based thereon for such temporary occupancy and/or expansion of use or enlargement of building or structure shall expire six (6) months after operations or production for National Defense shall have terminated or enlargement thereof or six (6) months after the President of the United States shall declare that the period of unlimited national emergency has terminated.

In permitting such temporary occupancy and/or expansion of use, and/or enlargement of building or structure, the Board may impose any reasonable requirement or condition which it deems necessary to minimize any injurious effect upon the neighborhood or to protect the contiguous property.

Such temporary occupancy and/or expansion of use and/or enlargement of building or structure shall be discontinued, eliminated and removed forthwith on or before the expiration of the building permit under which it was instituted, created or erected, and its owners and lessees shall be deemed guilty of violating this Ordinance if such temporary occupancy, expansion of use and/or enlargement of building or structure is not discontinued, eliminated, and removed on or before the expiration of the building permit under which it was constructed, instituted or created.

(i) Permit the alteration and use of any existing dwelling for a greater number of families than is allowed under this Ordinance for the district in which such dwelling is located, upon a finding by the Commission that such dwelling is located in a blighted area wherein rehabilitation by conversion is desirable, and upon determination by the Board that such alteration and use will not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance: Provided, That the authority granted the Board by this paragraph shall expire thirty (30) days after the President of the United States shall have declared that the period of unlimited national emergency has ended: And Provided further, That the term "blighted area"

shall mean a portion of the city in which substandard insanitary, outworn or outmoded industrial, commercial or residential buildings are prevalent, and which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have become economic or social liabilities, or both.

(j) Permit a variation in the use of and/or location of a building or structure upon a lot which abuts directly a zoned district different than the district in which the lot is located, under the following conditions and limitations:

- (1) That a reasonable need for such a variance is shown.
- (2) That such use or location will not have an injurious effect on the contiguous or the surrounding property.
- (3) That the height of the structure shall not exceed the maximum height restrictions permitted in the district in which the lot is located.
- (4) That the front yard requirements shall be not less than the front yard requirements of the district in which the lot is located.
- (5) That the rear yard requirements shall not be less than 50% of the rear yard requirements of the district in which the lot is located: Provided, however, That this limitation does not reduce the rear yard to a lesser amount than that required in the less restricted district.
- (6) That the side yard adjacent to the adjoining lot in the same district shall be not less than 50% of the total side yard required in the district in which the lot is located: Provided, however, That this limitation does not reduce the side yard to a lesser amount than that required in the less restricted district.
- (7) That the structure permitted is similar in character and appearance to the existing or permitted structures in the more restricted district.
- (8) That the distance the variation extends into the more restricted district shall be not more than 50 ft.
- (9) Such other conditions and limitations which the Board of Zoning Appeals may impose so 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.

#### 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.