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ORDINANCE NO. 171-D

AS AMENDED TO DECEMBER 31, 1944

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 basis; 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.