

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 such local ordinance or regulation adopted under 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.

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 utilized for a non-conforming use at the effective date of the Zoning Ordinance may be utilized for or occupied by some other non-conforming use permissible generally in the same or in a more restricted district under this Ordinance, if the Board after public hearing approves such new use as being less injurious to the contiguous property and less detrimental to the surrounding neighborhood, provided the Board in its approval may impose any reasonable limitations and conditions which it may deem necessary to carry out the spirit and purpose of this Ordinance.

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 structure 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 change in use or increase in height, area, bulk or number of dwelling units, except that the Board may, after public hearing, permit an increase in the number of dwelling units in a multiple dwelling existing in an R1 or R2 District at the effective date of this Ordinance, subject to the following conditions and limitations.

1. No increase is made in the height, area or bulk of the structure and no outside stairways, fire escapes or balconies are added to the exterior of the structure.

2. A finding is made by the Board that the alteration will not be detrimental to the contiguous property, injurious to the surrounding neighborhood or contrary to the spirit and purpose of this Ordinance.

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

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, due to the scale or illegibility of the district maps or due to the absence of street, alley, or recorded subdividing or plat lines, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries on a district map, the Commission shall have the power and duty of interpreting the intent of said district map so as to determine and designate the proper location for such district boundaries in accordance with the spirit and purpose of this Ordinance.

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