

with such building, structure, or part thereof, or within one thousand (1,000) feet thereof. The driveway area shall not be considered as parking space.

SEC. 3. 12. REPEALED BY ORDINANCE 438-D

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.

SEC. 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.
- P1. Open Parking.

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 marquise, 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.

THE ZONING ENABLING ACT OF MICHIGAN

ACT 207 OF THE PUBLIC ACTS OF 1921

As Amended by Act 306, Public Acts of 1941

An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of such buildings, and within which districts or zones the density of population may be regulated by ordinance; to provide for the administering of this act; to provide for amendments, supplements or changes hereto; to provide for conflict with the state housing code or other acts, ordinances or regulations; to provide penalties for the violation of the terms hereof and to give immediate effect hereto.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

2633 LOCATION OF TRADES AND BUILDINGS, USE; REGULATION BY LOCAL BODIES. SECTION 1. The legislative body of cities and villages may regulate and restrict the location of trades and industries and the location of buildings designed for specified uses and for such purposes divide any city or village into districts of such number, shape and area as may be deemed best suited to carry out the provisions of this section. For each of such districts regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades and industries that shall be permitted or excluded or subjected to special regulations. Such regulations shall be made in accordance with a plan designed to lessen congestion on the public streets, to promote public health, safety and general welfare, and shall be made with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values and the general trend and character of building and population development.

2634 REGULATION OF BUILDINGS; AUTHORITY TO ZONE. SECTION 2. The legislative body of cities and villages may regulate and limit the height and bulk of buildings hereafter erected, and regulate and determine the area of yards, courts, and other open spaces, and for such purposes divide any city or village into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this section. Such regulations shall be uniform for each class of buildings throughout each district, but the regulations in one (1) district may differ from those in other districts. Such regulations shall be made in accordance with a plan designed to lessen congestion on the public streets, to promote public health, safety and general welfare, and shall be made with reasonable consideration, among other things to the character of the district, its peculiar suitability for particular uses, the conservation of property values and the general trend and character of building and population development.

2635 REGULATION OF CONGESTED AREAS. SECTION 3. The legislative body of cities and villages may limit and restrict the maximum number of families which may be housed in dwellings hereafter erected or altered, and for such purposes divide any city or village into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this section. Such regulations shall be uniform throughout any specified district, but may differ from the regulations adopted for other districts. Such regulations shall be designed to limit the overcrowding of land, to avoid undue congestion of population, to facilitate adequate provision for a system of transportation, sewage disposal, water, education, recreation and other public requirements, and to promote public health, safety and general welfare.

2636 ORDINANCES, ENACTMENT; HEARING, NOTICE; COMMISSION, APPOINTMENT, PROCEEDINGS, REPORT; PROTEST, EFFECT. SECTION 4. The legislative body of any city or village may provide by ordinance for the manner in which such regulations and boundaries of districts or zones shall be determined and enforced, or from time to time amended, supplemented or changed; PROVIDED HOWEVER, That a public hearing shall be held before any such regulation shall become effective; AND PROVIDED FURTHER, That not less than 15 days' notice of the time and place of such public hearing shall

first be published in an official paper or a paper of general circulation in such city or village, (and that not less than 15 days' notice of the time and place of such public hearing shall first be given by registered United States mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected), and a hearing be granted any person interested at the time and place specified. In cities having a population of twenty-five thousand (25,000) or more according to the last federal or state census, the legislative body may appoint a commission to recommend in the first (1st) instance the boundaries of districts and appropriate regulations to be enforced therein. Such commission shall thereupon make a tentative report and hold public hearings thereon at such times and places as the legislative body shall require before submitting its final report. In cities having a population of twenty-five thousand (25,000) or more according to the last federal or state census, said legislative body shall not in the first (1st) instance determine the boundaries of districts nor impose regulations until after the final report of a commission so appointed. In cities having a population of twenty-five thousand (25,000) or more according to the last federal or state census, the hearing as above provided before the legislative body shall not take place until such final report of such commission has been received, nor shall the ordinance or maps be amended after they are adopted in the first (1st) instance until the proposed amendment has been submitted to such commission and it has made report thereon. In either case the legislative body may adopt such ordinance and maps with or without amendments, or refer same again to the commission for a further report. Where a city has a city plan commission or corresponding commission the legislative body may appoint such commission to perform the duties above specified. After the ordinance and maps have in the first (1st) instance been approved by the legislative body of a city or village, amendments or supplements thereto may be made from time to time as above provided, but in case a protest against a proposed amendment, supplement or change be presented, duly signed by the owners of twenty (20) per centum or more of the frontage proposed to be altered, or by the owners of twenty (20) per centum or more of the frontage immediately in the rear thereof, or by the owners of twenty (20) per centum of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the three-fourths (¾) vote of such legislative body.

2637 DUTIES; PROCEDURE. SECTION 5. Board of Appeals. (a) The legislative body of any city or village may act as a board of appeals upon all questions arising under a zoning ordinance, and in such event the said legislative body may fix rules and regulations to govern its procedure sitting as such a board of appeals. In the event that the legislative body of any city or village so desires, it may appoint a board of appeals consisting of five (5) members, each to be appointed for three (3) years. Such board of appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to the provisions of this act. They shall also hear and decide all matters referred to them or upon which they are required to pass under any ordinance of the legislative body adopted pursuant to this act. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation in such ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city or village. Wherever any city or village has created or may create a board of rules or board of building appeals, such board may be enlarged to consist of five (5) members, and these may be appointed as the board of appeals as herein provided.

(b) Appeals, how taken. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by the filing with the officer from whom the appeal