

conformity, and of the probable resale price of the property to be acquired, after removal of the non-conformity, as obtained from the appropriate City Department, Board or Commission. The Commission shall recommend that portion of the difference between the estimated cost of acquisition and removal of the non-conformity and the probable resale price which, in their opinion, should be assessed to a benefited district.

Whenever the Common Council has under advisement the acquisition by purchase, condemnation or otherwise as provided by law of any such non-conforming building, structure or use, a preliminary public hearing thereon shall be held before that body: Provided, That not less than fifteen days notice of the time, place and purpose of such public hearing shall first be published in the official paper of the City of Detroit and that the City Clerk shall send by mail addressed to the respective owners of any such properties at the addresses given in the last assessment roll, a written notice of the time, place and purpose of such hearing: And provided further, That if the cost and expense, or any portion thereof, is to be assessed to a special district, the Board of Assessors shall be directed to furnish the Common Council with a tentative special assessment district and tentative plan of assessment, the names of the respective owners of the property in such district and the addresses thereof in the last assessment roll; and the City Clerk shall also send the said notice by mail to the said respective owners in the tentative assessment district.

Whenever the Common Council, after such public hearing, shall declare by resolution that proceedings be instituted for the acquisition of any non-conforming building, structure or use in accordance with the laws of the State of Michigan and the Charter and Ordinances of the City of Detroit, the City Clerk shall send by registered mail a certified copy of such resolution to the respective owners of the properties, and to the owners of the properties in any special assessment district, at the addresses given in the last assessment roll.

Upon the passing of title in the private property so acquired to the City of Detroit, the Common Council shall cause the discontinuance or removal of the non-conforming use or the removal or demolition or remodeling of the non-conforming structure. The Common Council shall thereafter order such property sold, or otherwise disposed of, but only for a conforming use and not for public housing. The Common Council shall confirm the cost and expense of such project and report any assessable cost to the Board of Assessors, who shall then prepare an assessment roll in the manner provided for in the Charter and Ordinances of the City of Detroit. Such an assessment roll may, in the discretion of the Common Council, be in one or more but not to exceed ten (10) annual installments.

#### 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, where in 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

(A) 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.

(B) 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, as provided

for in Section 26.7, paragraph (D) and 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.

(C) The following improvements, alterations and additions may be made to any building constructed prior to the effective date of this Ordinance.

(1) Interior alterations and/or additions to single and two-family dwellings which comply with all regulations excepting as to side yard space, provided that such alterations or additions do not exceed the allowable plot coverage and does not extend into the required front or rear yard or reduce the existing side yard, and provided further that in no event shall any new construction have a side yard less than three (3) feet.

(2) The rebuilding of garages or sheds in the rear yard plots occupied by single or two family dwellings when existing garages or sheds have been destroyed by fire or require reconstruction because of their dilapidated condition, provided that the new garage or shed does not cover any greater area than the building or structure to be rebuilt or does not exceed the permissible percentage of plot coverage plus ten (10) per cent.

(3) Increase the size of a garage existing in the rear yard of plots occupied by single or two family dwellings when such garage is inadequate to house a private automobile, when such addition would provide a plot coverage in excess of that permitted in this Ordinance, provided that no other violation exists upon the premises other than deficient side yards and provided further that in no event shall such garage be greater in size than twenty (20) feet by twenty (20) feet.

(4) The making of alterations and/or additions to dwellings and buildings accessory thereto in any M1, M2, M3 or W1 District, provided that such alterations and/or additions comply with all regulations of this Ordinance excepting those permitted in paragraphs (1), (2) and (3) of (C) of this section.

#### SEC. 3.7. 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 plot having a frontage 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 plot fronting upon it, except that no width of means of access greater than sixty (60) feet shall be required hereby.

#### SEC. 3.8. SEPARATE OWNERSHIP OF DWELLING UNITS

In a residential structure, containing more than one (1) dwelling unit, which conforms to the requirements of the district in which it was erected, individual units may be conveyed or held, under separate ownership, without being in violation of this Ordinance. Where such division of ownership is made, the percentage of plot coverage shall be computed on the basis of the plot area for each individual ownership.

#### 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.

The Commission shall have power to interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the District Maps accompanying and made a part of this Ordinance where the street or alley layout actually on the ground varies from the layout as shown on said maps after notice and hearing to parties owning property involved in such interpretation.

be provided with a side yard on each side of such plot. Each such side yard shall have a minimum width of fifteen (15) feet which shall be increased by five (5) feet for each ten (10) feet by which the height of the building or structure exceeds twenty (20) feet and also by one (1) foot for each five (5) feet or part thereof by which the length of the building or structure exceeds fifty (50) feet in overall dimension along the side yard.

#### SEC. 10.8. PLOT AREA PER ROOM

Every plot used for a multiple dwelling shall contain not less than two hundred (200) square feet of area for each living room and bedroom in such multiple dwelling.

### SECTION 11. R5A DISTRICTS

#### SEC. 11.1. USES PERMITTED

No building or structure, or part thereof, shall be erected, altered or used, or premises used in whole or in part, for other than multiple dwellings and uses accessory thereto.

#### SEC. 11.2. COMMISSION APPROVAL

The spacing, arrangement, height and location of buildings, structures, streets, parking areas, open spaces, yards and other features of the development and use of a plot in an R5A District shall be subject to the approval of the Commission as being suitable and appropriate to its locality, and in accordance with the spirit and purpose of this Ordinance.

In reviewing and approving site plans for the use and development of a plot the Commission may require reasonable dedications of land for public purposes and may attach conditions and limitations to its approval which, in its judgment, may be necessary to carry out the objectives of this Ordinance.

#### SEC. 11.3. SIZE OF PLOT

Any plot approved for development under this section shall comprise not less than five (5) acres or an entire block of land as defined under this Ordinance.

#### SEC. 11.4. HEIGHT

There shall be no height limit except as the Commission may find necessary for particular structures to properly coordinate them into the development or harmonize with surrounding residential areas.

#### SEC. 11.5. PLOT AREA PER ROOM

The plot area provided for each living room and bedroom in the multiple dwellings contained in the site shall be not less than two hundred and fifty (250) square feet exclusive of the area occupied by streets.

### SECTION 12. P1 DISTRICTS

The following regulations shall apply in all P1 Districts:

#### SEC. 12.1. USES PERMITTED

Premises in such districts shall be used only for a vehicle parking area, subject to such regulations as are hereinafter provided.

#### SEC. 12.2. LIMITATION OF USE

(A) Parking area shall be used for parking of private passenger vehicles only.

(B) No charge shall be made for parking within such premises.

(C) No business involving the repairs or services to vehicles permitted thereon, or sale, or display thereof, shall be conducted from or upon such premises.

(D) No structures other than those required by this Ordinance or specifically permitted herein shall be erected on the premises.

(E) No buildings other than those for shelter of attendants shall be erected upon premises, and there shall be not more than two such buildings in any one area and each such building shall be not more than fifty (50) square feet in area nor shall each exceed fifteen (15) feet in height.

(F) No advertising signs shall be erected on premises except that not more than one (1) directional sign at each point of

ingress or egress may be erected which may also bear the name of the operator of the parking area and enterprise it is intended to serve. Such signs shall not exceed twenty (20) square feet in area nor an overall height above the ground of fifteen (15) feet and shall not project beyond the property line of premises where the subject premises are opposite R1, R2, R3, R3A, R4, R5, or R5A Districts.

#### SEC. 12.3. INGRESS AND EGRESS

Adequate ingress and egress for vehicles to premises used for parking shall be provided and shall be by means of streets or alleys adjacent to or extending through B1, B2, B3, B4, B5, B6, M1, M2, M3, or W1 Districts, or by private roadways extending through such districts. All such roadways shall be surfaced in a manner at least equivalent with that which is hereinafter provided for the parking area.

#### SEC. 12.4. PROTECTIVE WALL

The parking area shall be provided with a continuous unpierced masonry wall five (5) feet in height on all sides where the next zoning is an R1, R2, R3, R3A, R4, R5 or R5A District, for the purpose of this section designated as residentially zoned districts.

#### SEC. 12.5. SIDE YARDS

Where the P1 district is contiguous to side plot lines of premises within a residentially zoned district, such wall shall be located at least twenty (20) feet from the side plot lines nearest the parking area.

Where the P1 district lies across a street and opposite a residentially zoned district wherein the side plot lines are contiguous to such street, the wall on the side of the parking area adjacent to such street shall be located so as to provide a yard of not less than ten (10) feet in depth.

#### SEC. 12.6. FRONT YARD

Where the P1 district is contiguous to a residentially zoned district which has a common frontage on the same block with the P1 district, and wherein residential structures have been erected having a front yard of less than twenty-five (25) feet in depth, or wherein no residential structures have been erected, such wall shall be located not less than twenty-five (25) feet from the front plot lines of the parking area.

Where the P1 district is contiguous to a residentially zoned district which has a common frontage in the same block with the P1 district, and wherein residential structures have been erected having a front yard of greater than twenty-five (25) feet in depth, or wherein the erection of residential structures on such premises is controlled by private restrictions requiring a front yard of more than twenty-five (25) feet in depth, such wall shall be located a distance from the front plot lines of the parking area equal to the established front yard or the minimum distance required by such restrictions, whichever is the greater, except in cases where residential structures have been erected at the rear of plots. In such cases, the wall shall be located so as to provide a front yard of no less than twenty-five (25) feet in depth or equal to the minimum required by the private restrictions.

Where the P1 district is an entire block and lies across a street and opposite a residentially zoned district wherein the plots front upon such street, the wall on the side of the parking area adjacent to such street shall be located so as to provide a yard of not less than twenty-five (25) feet in depth.

#### SEC. 12.7. LANDSCAPING

Wherever such wall is required, all the land between said wall and the boundaries of the P1 district shall be kept free from refuse or debris and shall be landscaped with at least one hedge-row of hardy shrubs, not less than five (5) feet in height, placed next to the wall, and the remainder of such land shall be lawn. All such landscaping shall be maintained in healthy, growing condition, neat and orderly in appearance.

#### SEC. 12.8. MODIFICATIONS

(A) The Commission, upon application by the property owner of the parking area, may modify the yard and wall requirements where, in unusual circumstances, undue hardship would be suffered or no good purpose would be served by compliance with the requirements of this section.