

SEC. 2.13. FAMILY

One person, or a group of two or more persons living together and inter-related by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

SEC. 2.14. FIRST FLOOR

The floor of a building approximately at or first above the mean level of the ground at the front of the building.

SEC. 2.15. GARAGE—PRIVATE

A building, or part thereof, not over one story or fifteen (15) feet in height for storage of self-propelled private passenger vehicles or private passenger or house trailers, wherein no servicing for profit is conducted.

SEC. 2.16. GARAGE—COMMUNITY

A building, or part thereof, used for the storage of self-propelled private passenger vehicles or private passenger or house trailers for the use of residents in the vicinity and providing only incidental service to such vehicles as are stored therein.

SEC. 2.17. GARAGE—COMMERCIAL

A garage other than a private or community garage.

SEC. 2.18.

(a) HOTEL

A building, or part thereof, occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singly for hire and in which rooms no provision for cooking is made, and in which building there is a general kitchen and public dining room for the accommodation of the occupants.

(b) JUNK YARD

Place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old iron or other metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment and excluding pawn shops, and establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

SEC. 2.19. LODGING HOUSE

A building, or part thereof, other than a hotel, where lodgings are provided for hire more or less transiently, without provisions for meals.

SEC. 2.20. LOT

A piece or parcel of land occupied or to be occupied by a building, structure or use, or by an accessory building, structure or use, including the yards required by this Ordinance.

Corner Lot

A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

SEC. 2.21. LOT LINES

The boundary lines of a lot are:

Front Lot Line

The line dividing a lot from a street. On a corner lot only one street line shall be considered as a front lot line and the shorter street line shall be considered the front lot line.

Rear Lot Line

The lot line opposite the front lot line.

Side Lot Line

Any lot lines other than front lot line or rear lot line.

SEC. 2.22. NON-CONFORMING STRUCTURE

A structure conflicting with the provisions of this Ordinance applicable to the district in which it is situated.

SEC. 2.23. NON-CONFORMING USE

The use of a structure or premises conflicting with the provisions of this Ordinance.

SEC. 2.24. OCCUPANCY, CHANGE OF

The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class.

SEC. 2.25. OCCUPIED

The word "occupied" includes arranged, designed, built, altered, converted to, rented, or leased, or intended to be occupied.

SEC. 2.26. PERSON

The word "person" includes association, firm, co-partnership or corporation.

SEC. 2.27. PUBLIC UTILITY

Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water.

SEC. 2.28. ROOMING HOUSE

A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished, usually on a weekly or monthly basis.

SEC. 2.29. STORY

That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the distance from the average established grade to the ceiling of a story partially below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

SEC. 2.30. STORY—HALF

A story which is situated within a sloping roof, the area of which at a height four feet above the floor does not exceed two-thirds of the floor area directly below it, wherein living quarters are used only as a part of a dwelling situated in the story below.

SEC. 2.31. STREET

A public thoroughfare which affords a principal means of access to abutting property.

SEC. 2.32. STRUCTURE

A structure is any production or piece of work artificially built up or composed of parts joined together in some definite manner; any construction.

SEC. 2.33. USE

The purpose for which land or building thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied or maintained.

SEC. 2.34. USED

The word "used" includes arranged, designed, or intended to be used.

SEC. 2.35. YARD

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted in Section 4.6, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

Yard—Front

A yard extending across the full width of the lot between the front lot line and the nearest line of the main building.

Yard—Rear

A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Yard—Side

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.

SECTION 3. GENERAL PROVISIONS

SEC. 3.1. CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern.

SEC. 3.2. SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no building, structure, or land, or part thereof, shall be used except in conformity with the provisions of this Ordinance.

SEC. 3.3. NON-CONFORMING BUILDINGS AND USES

The following regulations shall apply to all non-conforming buildings and structures or parts thereof, and uses existing at the effective date of this Ordinance.

(a) Any such non-conforming building or structure may be continued and maintained provided there is no physical change other than necessary maintenance and repair in such building or structure except as permitted in Section 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 or 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, dry-goods, 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.

(h) The Commission shall, from time to time, recommend to the Common Council the acquisition of such private property as does not conform in use or structure to the regulations and restrictions of the various districts defined in this ordinance; and the removal of such use or structure.

The Commission shall submit its reasons, and estimates of cost and expense of such acquisition and of the removal of the non-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 the acquisition by purchase, condemnation or otherwise as provided by law of any such non-

conforming building, structure or use under advisement, 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 properties 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 Ordinance 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 building or structure. The Common Council may thereafter elect to retain all or part of property so acquired for municipal purposes, but not for public housing. If acquisition costs and expenses are to be assessed against a special district, the amount to be assessed shall be reduced by the market value of the property retained for public use, such value having been determined by the Common Council after report on same by the Real Estate Bureau of the Corporation Counsel's Office. The Common Council shall thereafter order such portion of the property not retained for municipal purposes, 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. (Effective July 21, 1949. Ord. No. 339-E.)

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 ALTERATIONS 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, 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 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