

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 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 alterations will not be detrimental to the contiguous property, injurious to the surrounding neighborhood or contrary to the spirit and purpose of this Ordinance.

(C) In addition to that allowed under paragraphs (A) and (B) of this section the following changes shall be permitted in non-conforming one and two family dwellings and buildings accessory thereto:

1. Interior alterations and/or addition to existing one or two family dwellings which comply with all regulations excepting minimum lot size and/or required yard spaces, provided that any addition or change in the bulk of the dwelling does not encroach into any required yard space or create a greater lot coverage than is permitted in an R1 district.

2. The conversion of a one-family dwelling, erected prior to December 25, 1940, into a two family dwelling, in any district excepting an R1 district, irrespective of yard and/or lot deficiencies, provided that any additions to or increase in the bulk of the dwelling, made as a part of the conversion, do not encroach into any required yard space and/or exceed the height or lot coverage provisions of an R2 district.

3. The rebuilding of garages or sheds in the rear yards of lots occupied by one or two family dwellings, in any district, when existing garages or sheds have been destroyed by fire or require reconstruction because of their dilapidated condition or increasing the size of existing garages where such garage is inadequate to house a private automobile, notwithstanding deficient front or side yards on the dwelling located on the premises, deficient lot size or excessive lot coverage, provided, that in no event shall the permissible maximum lot coverage be exceeded by more than ten (10) per cent of the lot area.

4. The making of alterations and/or additions to existing one and two-family dwellings and buildings accessory thereto in

any ML6 or MH district where such alterations and/or additions conform to the provisions of this and other sections of this Ordinance. (Effective October 10, 1952. Ord. 675-E.)

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. 3.8-A. DIVISION OR PARTITIONING OF LOTS.

1. No lot shall hereafter be partitioned or divided where such partitioning or division results in any portion so partitioned or divided violating the requirements of this ordinance for minimum yards, other open areas, minimum lot width, minimum lot area, percentage of lot coverage, required parking spaces or loading spaces applicable to the said lot or any lot created.

2. Upon petition by the owner of a parcel of land platted and identified as a single unit on a plat officially approved and recorded, the Common Council may approve the division of the said parcel in accordance with Act 172 of the Public Acts of 1929 of the State of Michigan, as amended, provided a finding can be made that the said division or partitioning of land will not be contrary to the spirit and purpose of this ordinance. (Ord. 464-F; effective February 18, 1960.)

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. OFF-STREET PARKING FACILITIES

The following regulations shall apply for off-street parking facilities:

Sec. 3.10-A. In all zoning districts, except BC, PC and PCA districts, off-street parking facilities for the storage or parking of self-propelled passenger vehicles for the use of occupants, employees, and patrons of buildings erected after the effective date of this ordinance, and of such extensions, alterations, additions or changes in use of such buildings as specified in Section 3.10-E below, shall be provided in amounts not less than hereinafter specified, and shall not subsequently be reduced below the requirements of this ordinance.

Provided, That nothing in this amendment shall prevent the reconstruction, repairing or rebuilding and continued use of any conforming building or structure existing at the effective date of this amendment, which is damaged by fire, collapse, explosion or Acts of God, subsequent to such effective date.

Sec. 3.10-B. For the purpose of this ordinance, a "Parking Space" shall mean an area of not less than 160 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or alleys or from private driveways or aisles leading to streets or alleys and to be usable for the storage or parking of self-propelled passenger automobiles.

Sec. 3.10-C. Loading space as required in Section 3.16 of this ordinance shall not be construed as supplying required off-street parking space.

Sec. 3.10-D. Existing off-street parking facilities provided at the effective date of this ordinance and actually being used at that date for the parking of automobiles in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required under this ordinance for a similar new building or new use except as provided in Section 3.10-L.

Sec. 3.10-E. Whenever after the effective date of this amendment (date) there is any change in use or an increase in the number of employees, or an increase in floor area, or in any other unit of measurement specified in Section 3.10-H by means of extension, addition, alteration, breaking, opening, removal of partitions or by any other means, that would require additional off-street parking facilities and the change in use or increase in number of employees or increase in floor area or in any other unit of measurement given in Section 3.10-H that would require additional off-street parking facilities required as determined by the table in Section 3.10-H of this ordinance and recited above, additional off-street parking facilities shall be provided on the basis of the resultant change in use or increase in number of employees or an increase in floor area or in any other unit of measurement given in Section 3.10-H.

Sec. 3.10-F. For the purpose of this ordinance, "Floor Area" in the case of offices, merchandising or service types of uses shall mean the gross floor area used or intended to be used for service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes, such as the storage, incidental repair, processing or packaging of merchandise for show windows, or for offices incidental to the management or maintenance of stores or buildings. Floors or parts of floors used principally for toilet or rest rooms, or for utilities or for fitting rooms, dressing rooms and alteration rooms shall also be excluded from the definition of "Floor Area" for the purpose of this ordinance.

In hospitals, bassinets shall not be counted as beds.

In stadia, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this ordinance.

Sec. 3.10-G. Not more than fifty (50) per cent of the off-street parking facilities required by this ordinance for theaters, churches, bowling alleys, dance halls, and establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments may be supplied by off-street parking facilities provided for other kinds of buildings or uses, as defined below, not normally open, used or operated during the principal operating hours of theaters, churches, bowling alleys, dance halls or establishments for the sale and consumption on the premises of alcoholic beverages, food, or refreshments, and not more than fifty (50) per cent of the off-street parking facilities required by this ordinance for buildings or uses other than theaters, churches, bowling alleys, dance halls, and establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments may be supplied by off-street parking facilities provided for theaters, churches, bowling alleys, dance halls and establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments, and other uses not normally open, used or operated during the principal operating hours of the given buildings or uses, provided that a written consent is executed by the parties concerned for the joint use of the off-street parking facilities, a copy of which shall be filed with the application for a building permit. Buildings or uses not normally open, used or operated during the principal operating hours of the theaters, churches, bowling alleys, dance halls, and establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, and manufacturing buildings and similar uses.