

(c) Where a commercial or manufacturing district (C6, ML, ML6, and MH) abuts without being separated by a street or alley a residential district (R1, R2, RM, RMA, RM4, and RMU), there shall be provided a twenty (20) foot yard in such commercial or manufacturing districts where contiguous to the lot line separating the commercial or manufacturing and residential districts: Provided, This requirement shall not apply to a piece or parcel of land measuring 100 feet or less from the property line abutting the residential district to the property line opposite therefrom, all as indicated on a plat of record in the case of subdivided property, or a deed of record in the case of unsubdivided property, all as recorded at the effective date of this section. Any part of the yard provided on the lot in accordance with the provisions of this paragraph may be used for parking and loading or unloading of vehicles.

Nothing in this section shall prevent the alteration, improvement or increase in the bulk of a structure existing at the effective date of this section: Provided, That any addition resulting in an increase in ground area of the structure shall conform to the following yard requirements:

(1) If the addition exceeds the existing building in dimensions all along a street, such addition shall conform to the provisions of this section.

(2) If the addition is less than the existing building in dimension along a street, the minimum yard of the addition shall be not less than the yard of the existing building: Provided, That if the existing building exceeds the yard requirements of this section, the addition shall be subject only to the minimum yard requirements of this section. (Effective February 15, 1951. Ord. No. 532-E. Sec. 4.2C amended May 15, 1952. Ord. 630-E.)

#### 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 and as permitted in Section 4.2, paragraph (c), 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 of fifteen (15) feet in height and radio and television towers may be erected not exceeding the allowable height of structures in the district: Provided, however, that in residentially zoned districts, radio towers for licensed amateur radio stations, for which a temporary building permit must be obtained, shall not exceed seventy-five (75) feet above established grade. Ord. 628-F, effective December 14, 1961.)

Fire escapes, stairways and balconies which are open and unenclosed, and marquee may project not more than five (5) feet into a required yard. Chimney, pilasters and window air conditioners not exceeding six (6) square feet in area may project not more than one (1) foot into a required yard. (Ord. 409-F, effective September 10, 1959.)

#### 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.

#### SEC. 4.9. SIDE YARD REDUCTION FOR OFFSETS

That part of the overall dimension of a building along a side lot line, in which the exterior enclosing wall, running along the side lot line, through offset or break, is located a distance from such side lot line not less than twice the width of side yard which would otherwise be required for a building of its overall dimension along the side lot line, need not be considered in determining any required increase in width of side yard.

#### SEC. 4.10. STREETS AS REAR YARDS

Where a lot is bounded on two opposite sides by public thoroughfares other than alleys, either line separating such lot from such public thoroughfare may be designated as the front lot line. In such cases a portion of the public thoroughfare opposite the front lot line may be utilized to supply a part of a required rear yard, provided that at least twenty (20) feet of such required rear yard shall be provided on the lot independently of such public thoroughfare.

#### SEC. 4.11. PUBLIC THOROUGHFARES AS SIDE YARDS

Any portion of the adjoining one-half of an abutting public thoroughfare may be utilized to supply a part of a required side yard adjacent to such public thoroughfare, provided that at least three (3) feet of said required side yard is provided on the lot independently of such adjoining public thoroughfare.

### SEC. 5. R1 DISTRICTS

The following regulations shall apply in all R1 Districts:

#### Sec. 5.1. 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 one or more of the following specified uses:

1. One-family dwellings.

(A) Foster homes.

2. Churches and rectories incidental thereto when located upon the same lot.

3. Publicly owned and operated museums, libraries, parks, parkways, or playgrounds.

4. Neighborhood centers not operated for profit and approved by the Commission after public hearing, as being a desirable service for the residents of the neighborhood in which said use is proposed to be located and as being not injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.

5. Cemeteries, when approved by the Commission as being essential or desirable to the public convenience or welfare and not contrary to the spirit and purpose of this Ordinance:

Provided, That a written report of the Commission's decision shall be filed with the Common Council which shall become final unless within 30 days from the date of this Commission's decision a protest is filed with the Common Council in which event the Council shall by resolution approve or disapprove such use.

6. Golf courses, tennis courts, and playfields, not operated for profit.

7. Public and parochial elementary schools and their faculty housing when located upon the same lot.

7A. Public and parochial high schools approved by the Common Council after report and recommendation from the City Plan Commission and upon finding that such use is suitable in relation to the features and objectives of the master plan of the City of Detroit, not injurious to the surrounding area, and not contrary to the intent and purposes and methods of this Ordinance as set forth in Section 1.

8. The growing of vegetables, fruits, flowers, shrubs and trees, provided such use is not operated for profit.

9. Uses accessory to any of the above when located on the same lot and not involving any business, profession, trade or occupation.

10. Open parking lots accessory to any of the above non-residential uses when located on a separate lot and not involving any business, profession, trade or occupation, where found by the Commission to be essential to public convenience and not contrary

to the spirit and purpose of this Ordinance, and subject to the following conditions:

(a) A front yard of not less than 25 feet shall be provided excepting where existing dwellings on the same side of the street in the same block, not including those built on the rear half of lots, have provided front yards average in excess of 25 feet in which case the open parking lot shall provide a front yard equal to the average of the front yards of the existing dwellings.

(b) A side yard shall be provided on each side, except on alley side, of not less than 15 feet.

(c) The required front and side yard shall be kept free from refuse and debris and shall be kept in lawn that is to be maintained so as to present a healthy, neat and orderly appearance.

(d) A solid ornamental fence or wall 3 feet 6 inches in height shall be erected and maintained in good condition and appearance between the parking area and each front and side yard, alley or easement with only such openings as may be required for access. Where the side lot is adjacent to or across the alley from a business, commercial or industrial zone no wall or fence is required.

(e) The location of all entrances shall be determined by the Commission.

(f) No signs shall be permitted, other than unlighted entrance and exit markers, not exceeding 2 square feet in area, located within the parking area.

(g) The parking area shall be maintained with a stable surface that will not retain water and treated so as to prevent the raising of dust or loose particles. It may be constructed of crushed stone, slag, gravel, cinders or any permanent type of surfacing drained away from all adjacent lots and streets.

(h) If lighting is provided all lights shall be subdued, shaded and focused away from all dwellings.

(i) The Commission may increase or modify any of these requirements in specific cases, or may impose additional requirements, where necessary to protect the surrounding neighborhood.

10A. Open parking lots for private passenger vehicles only, provided the parking lot is located within an area designated on the generalized land use plan of the master plan of the City of Detroit as non-residential, on approval of the Commission after hearing, as being essential to public convenience and not contrary to the spirit and purpose of this ordinance. Such grant shall be subject to such condition and restrictions as may be deemed necessary to properly integrate this use within the surrounding area.

11. The rental or leasing of parking spaces in the rear yard where found by the Commission to be essential to the public interest as evidenced by a serious need for off-street parking facilities and as being not injurious to the surrounding neighborhood. Approval of the Commission shall be subject to the following limitations and regulations.

(a) The rental spaces shall be limited to the number that the regulations under this provision permits minus one parking space for each dwelling unit on the lot.

(b) The parking spaces shall be used for parking private passenger vehicles only.

(c) The rental of parking spaces shall be restricted to residents residing in the surrounding neighborhood.

(d) Access to rental parking spaces shall be from an alley only.

(e) Open parking rental spaces shall be hard surfaced with an asphaltic or portland cement binder so as to provide a permanent, durable and dustless surfaces.

(f) On open rental parking spaces a six (6) inch curb or other suitable stop as may be approved by the Commission shall be constructed and maintained on the side of the parking space opposite the alley in the rear of the lot as to prevent encroachment of vehicles from parking spaces into the remainder of the rear yard.

(g) In no instance shall the rental parking area include more than the rear twenty-five (25) feet of the rear yard that lies adjacent to the alley nor shall it be located nearer than twenty (20) feet to the nearest line of the main building on the premises.

(h) The Commission may increase or modify any of these requirements in specific cases or may impose additional requirements where necessary to protect the surrounding neighborhood.

(i) A building permit shall be obtained for such use.

Whenever it shall be found by any enforcing official that the area is being used contrary to such limitations and regulations the Commissioner of the Department of Buildings and Safety Engineering shall notify the person holding such permit to appear before him at a stated time and show cause why such a permit should not be revoked. If after the hearing or in case the holder

of the permit does not appear after the time set for the hearing has elapsed, it still appears that such area is being so used, the Commissioner shall issue a written order revoking the permit, mailing a copy of such order to the holder at the address on the permit, and the area shall not be used for such parking until another permit has been issued. (Ord. 693-F, effective May 20, 1962; Ord. 879-E, effective July 29, 1954; Ord. 281-F, effective May 1, 1958.)

#### SEC. 5.2. SIGNS

No signs shall be permitted on a lot other than one (1) non-illuminated real estate sign not exceeding six (6) square feet in area, advertising the sale or rental of the premises upon which it is maintained, except in the case of lots containing permitted non-residential buildings or structures other than accessory buildings, whereon one flat sign not exceeding thirty-two (32) square feet in area may be maintained.

Not more than one (1) non-illuminated trespassing, safety or caution sign not over two (2) square feet in area shall be permitted on a lot.

Not more than one (1) non-illuminated subdivision sign advertising the sale or rental of premises for subdivision development on which it is maintained, and having an area not to exceed three hundred (300) square feet nor ten (10) square feet for each lot within the subdivision, shall be permitted on a subdivision. The overall height of any ground sign permitted herein shall not exceed five (5) feet above the ground except that the subdivision sign permitted herein may extend to an overall height of not more than twelve (12) feet above the ground.

#### SEC. 5.3. SIZE OF LOT

Every lot upon which a building for single-family purposes is hereafter erected shall be not less than fifty (50') feet in width, as measured on the lot at a point twenty (20') feet distant from the front lot line and not less than five thousand (5,000) square feet in area. Provided that a building for single-family purposes may be erected on a lot of lesser width or area if such lot was platted and identified as a single unit on a plat officially approved and recorded prior to June 1, 1960 and upon which parcel said building is to be erected, except that this provision shall not apply where grants are given for division of lots under the provision of Section 3.8A, Paragraph 2. If parts of two or more parcels of land, any part of which was platted and identified as a single unit on a plat officially approved and recorded prior to June 1, 1960 are combined to create a lot upon which a building for dwelling purposes is to be built, the ensuing lot shall be no smaller in width or in area than the larger or largest of such parcels which were platted and identified as a single unit on a plat officially approved and recorded prior to June 1, 1960. (Ord. 663-E, Ord. 476-F, effective April 28, 1960.)

#### SEC. 5.4. LOT COVERAGE

The combined area occupied by all buildings or structures used for dwelling purposes and accessory buildings shall not exceed thirty-five (35) per cent of the area of the lot: Provided, That on lots less than four thousand (4000) square feet in area the allowable percentage of lot coverage shall be increased by one (1) per cent for each one hundred (100) square feet by which the area of a lot is less than four thousand (4000) square feet, with a maximum coverage in any such case not in excess of forty-five (45) per cent.

#### SEC. 5.5. HEIGHT

No building or structure, or part thereof, shall be erected or altered to a height exceeding two and one-half (2½) stories or thirty-five (35) feet except that buildings permitted in these districts under this Ordinance for non-dwelling purposes, other than accessory buildings, may be erected or altered to a height not exceeding fifty (50) feet, if approved by the Commission as being not injurious to contiguous property and as being in accordance with the spirit and purpose of this Ordinance.

#### SEC. 5.6. REAR YARD

Every lot shall have a rear yard not less than thirty (30) feet in depth.

#### SEC. 5.7. SIDE YARDS—RESIDENTIAL USE

There shall be provided a side yard on each side of every lot which shall be not less than three (3) feet in width and the combined width of both side yards shall be not less than ten (10) feet, six (6) inches, provided that on lots abutting on an alley and less than thirty-five (35) feet in width, the required combined width of side yards shall be reduced by nine-tenths (9/10) of a foot for each foot or major fraction thereof by