

C R Stebbins
4-6-1951

See Page 11

**ZONING
ORDINANCE**

of the

**CITY OF
EAST LANSING**

6

EAST LANSING, MICHIGAN



**ZONING
ORDINANCE**

of the

**CITY OF
EAST LANSING**



Adopted May 5, 1947

Effective May 11, 1947

EAST LANSING, MICHIGAN

ZONING ORDINANCE No. 25

City of East Lansing, Michigan

AN ORDINANCE to promote the health, safety and welfare of the people by regulating and restricting the location of trades and industries and the use and location of buildings designed for specific uses, to regulate and limit the use, height and bulk of buildings hereafter erected or altered, to regulate and determine the use and areas of yards, courts and other open spaces surrounding buildings, to regulate and limit the density of population, and for said purposes to divide the city into districts and prescribe for the violation of its provisions.

The City of East Lansing ordains:

ARTICLE I — DEFINITION.

For the purposes of this ordinance, certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; words in the masculine gender include the feminine and neuter; the word "person" includes a corporation as well as a natural person; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herewith defined shall be construed as defined in the Housing Code of the State of Michigan, Act 167, Public Acts of 1917, and amendments thereto.

Wherever the words "dwelling", "2 family dwelling", "multiple dwelling", "building", "house", "premises" or "lot" are used in this ordinance they shall be construed as if followed by the words "or any part thereof."

ACCESSORY BUILDING: A subordinate building or portion of main building, the use of which is incidental to that of the main building.

APARTMENT DWELLINGS: See multiple dwellings.

ATTIC: That portion of a building wholly or partly contained within the boundaries of the roof and the ceiling of the story next below.

ALLEY: A thoroughfare not over twenty feet in width dedicated to public use.

BASEMENT: A lower story or room located partly below the adjacent ground surface, having its total volume fifty per cent, or more, above the average height of the ground surface adjacent to its enclosing exterior walls, and with not less than six feet, six inches average height between the floor and the ceiling or any projections below the ceiling.

Use of basements for the purposes other than storage and utility installation is limited by restrictions set forth, hereinafter.

BOARDING HOUSE: A building, other than a hotel, where lodgings and meals for five or more persons, other than the family, are served for compensation.

BUILDING, DEFINITION: A fabric or edifice, framed or constructed upon a suitable foundation, designed to stand more or less permanently, and covering a space of land, for use as a dwelling, store, store-house, factory, shelter or some other useful purpose. Building in this sense does not include a mere wall, fence, monument, hoarding, or similar structure; nor a steam boat, ship or other vessel of navigation; nor any house-car or tent.

BUILDING, Existing: Any building actually constructed or started previous to the adoption of this ordinance. Any frame building located in the Fire Zone shall not be considered an existing building after it has been damaged to the extent of fifty per cent, or more, of its assessed value as last determined prior to the damage; nor shall any other building damaged by fire, collapse, or decay to the extent of sixty (60) per cent of its assessed value as of record at the time of damage, be considered an existing building.

BUILDING, Height of: Is the vertical distance from the average elevation of the street curb paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is a gable, hip or gambrel type. For buildings set back from the street line this vertical distance shall be taken above the average elevation of the ground along the front of the building, provided its distance from the street line is more than the height of such ground above the established curb elevation.

BUILDING, New: Any building the construction of which has not started prior to the adoption of this ordinance and any building rebuilt or repaired subsequent to the adoption of this ordinance, after having been damaged to an amount equal to fifty percent of its value as of record at the time of damage, if in the Fire Zone, or seventy-five per cent of such value if located elsewhere in the city.

CELLAR: Is the lowest story or room located wholly or in part below the adjacent ground surface and used only for storage or the installation of utilities.

CHURCH: A temple or building used principally for religious worship but the word "church" shall not include to mean an undertaker's chapel or funeral building.

CITY: When used herein designates the incorporated municipality of East Lansing, Michigan.

COURT: A "court" is an open unoccupied space on the same lot with

a building and bounded on two or more sides with the walls of the building.

COURT, Outer: An open, unoccupied space on the same lot with a building, opening upon a street, alley, yard or set back.

COURT, Length of Outer: The mean horizontal distance between the open and closed ends of the court.

COURT, Height of: The vertical distance from the lowest level of such court to the highest point of any bounding wall.

COURT, Inner: An open, unoccupied space enclosed on all sides by walls, or by walls and a lot line.

CURB LEVEL: The mean level of the established curb in front of the building. Where no curb has been established the city engineer shall establish such curb level for the purpose of these regulations.

DWELLING: A "dwelling" is any house, building, structure, shelter, or portion thereof, which is occupied in whole or in part as the home, residence, living or sleeping place of one (1) or more human beings, either permanently or transiently.

DWELLING, Sub-standard: A dwelling of any class which is not so equipped as to have each of the following items: running water, inside toilets; or a dwelling which has either inadequate cellar drainage, defective plumbing, and inside room having no windows therein, improper exits or defective stairways so as to make such dwelling a public nuisance, health or fire hazard.

DWELLINGS, Classes of: For the purpose of this ordinance dwellings are divided into the following classes: (a) "private dwellings," (b) "2 family dwellings," and (c) "multiple dwellings."

(a) A "private dwelling" is a dwelling occupied by but one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations for one (1) family only.

(b) A "two (2) family dwelling" is a dwelling occupied by but two (2) families, and so designed and arranged as to provide cooking and kitchen accommodations for two (2) families only.

(c) A "multiple dwelling" is a dwelling occupied other than as a private dwelling or two (2) family dwelling.

DWELLINGS, Classes of Multiple: All multiple dwellings are dwellings and for the purpose of this ordinance are divided into two (2) classes, viz: class "a" and class "b".

Class (a). Multiple dwellings of class "a" are dwellings which are occupied more or less permanently for residence purposes by several families and in which the rooms are occupied in apartments, suites or groups, in which each combination of rooms is so arranged and designed as to provide a separate room for cooking and kitchen sink accommodations or a kitchenette, and a toilet room within each of the separate units. This class includes tenement houses, flats, apartment

houses, apartment hotel, bachelor apartments, and all other dwellings similarly occupied whether specifically enumerated herein or not. Sleeping and cooking in the same room is prohibited.

Class (b). Multiple dwellings of class "b" are dwellings which are occupied as a rule transiently, as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which as a rule the rooms are occupied singly and without any provision therein or therewith for cooking or kitchen accommodations for the individual occupants. This class includes hotels, lodging houses, boarding houses, furnished room houses, club houses, convents, asylums, hospitals, jails and all other dwellings similarly occupied, whether specifically enumerated herein or not.

ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES: The phrase "essential services" means erection, construction, alteration or maintenance by public utilities or municipal departments or commissions or underground or overhead distribution, transmission, collection, or communication systems, including mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment and accessories in connection herewith, but not including buildings, reasonably necessary for the furnishing of adequate service to this city and surrounding territory by such public utilities or municipal departments or commissions or for public health or safety of general welfare.

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 a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

FIRST STORY: The lowest story of a building the ceiling of which is more than seven (7) feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls.

GARAGE, Private: A building, not over fifteen (15) feet in height with capacity for not more than three (3) automobiles to be used by the occupants of the premises for storage only.

GARAGE, Public: Any building or premises used for housing or care of more than three (3) automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire or sale.

GASOLINE, Filling Station: "A gasoline filling station" is a space, structure or building or part of a building for the retail sale or supply of motor fuels, lubricants, air, water, batteries, tires; washing

and lubricating and other accessories or customary facilities for the installation of such commodities in or on such motor vehicles, but not including special facilities for the painting, repair or similar servicing thereof.

HOME OCCUPATION: An occupation for gain or support conducted only by members of a family residing on the premises, provided that no special space is designed or arranged for such occupation, and provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

HOTEL: A "hotel" is a multiple-dwelling of class "b" in which persons are lodged for hire and in which there are more than 25 sleeping rooms, a public dining room for the accommodation of at least 25 guests, and a general kitchen.

LODGING HOUSE: A building or part thereof, other than a hotel, where lodgings are provided for hire, more or less transiently, including so called Tourist Homes, and with or without provision for meals.

LOT: A parcel of land; in existence and described on the Assessment Rolls at the time of the effective date of this ordinance; and such other lots as may subsequent thereto be approved by the City Council in plats, subdivisions and annexations; occupied or to be occupied by a building and its accessory spaces as are required under this ordinance and having its principal frontage upon a public street or officially approved place.

LOTS, Corner, Interior and Through:

A "corner lot" is a lot of which at least 2 adjacent sides abut for their full length upon a street.

An "interior lot" is a lot other than a corner lot.

A "through lot" is an interior lot having frontage on two streets.

LOTS, Front, Rear and Depth: The front of a lot is that boundary line which borders on the street. In case of a corner lot the Board of Appeals shall determine which shall be the front street. The rear of a lot is the side opposite to the front. In the case of a triangular or gore lot the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the extreme rearline of the lot. In the case of irregular shaped lots the mean depth shall be taken.

LOT LINE: Lot line or adjacent property line, shall be any boundary line separating one parcel of land from another under different ownerships, whether the line be at the side, rear, or front of the properties.

NUISANCE: The word "Nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling which is overcrowded with occupants or is not provided with

adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this ordinance, nuisances and all such nuisances are hereby declared illegal.

PARTITION: An interior wall, other than a fire-wall, used to divide one room from another as distinguished from a party-wall dividing one building from another. Partitions may be either load bearing walls or non-bearing walls.

PUBLIC UTILITY: A public utility shall be defined as any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, drainage or water.

REPAIRS: The rebuilding or renewal of a part of an existing building for the purpose of maintaining its original type and classification.

ROOMING HOUSE: A "rooming house" under this ordinance shall be construed to mean any dwelling occupied in such manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for the individuals leasing or renting rooms. In the case of single and 2 family dwellings the number of such bedrooms leased or rented to roomers shall not exceed 3, unless such dwellings be made to comply in all respects with the provisions of this ordinance relating to multiple dwellings.

SETBACK: The minimum horizontal distance between the front line of building, excluding steps and unenclosed porches, and the street line.

SHED: A lightly constructed one or two story building for temporary use during the erection of a permanent building; or a light one story structure attached to, or auxillary to another building and intended for storage only.

SPACES, Occupied: Outside stairways, fire escapes, fire towers, porches, platforms, balconies, and other projections, shall be considered as part of the building and not as a part of the yards or courts or unoccupied spaces. This provision shall not apply to one (1) fireplace and one (1) chimney projecting not more than fourteen (14) inches into side yard space and not more than eight (8) feet in length, nor to unenclosed outside porches not exceeding one (1) story in height which do not extend into the front or rear yard a greater distance than ten (10) feet from the front or rear walls of the building, nor to one (1) such porch which does not extend from the building into the side yard a greater distance than five (5) feet from the side line of the lot nor exceed twelve (12) feet in its other horizontal dimension, or to cornices not exceeding fourteen (14) inches in width including the gutter.

STORY, Story Height: The portion of a building included between the surface of any floor and the surface of the floor next above it. If such space exceeds in height the limits herein given it shall be rated, for the purpose of this ordinance, as two or more stories, the maximum height for a first story is nineteen (19) feet; for a second story fifteen (15) feet; for a third story and all stories above the third except the top story, fourteen (14) feet; and for the top story, not including attic space, sixteen (16) feet.

STREET: A thoroughfare more than twenty feet wide dedicated to public use. For the purpose of this ordinance any public way, such as a road, avenue, boulevard, park, square or driveway exceeding twenty feet in width, shall be regarded as a street.

STREET LINE: The line of demarcation between a street as defined above and the property abutting thereon.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, excepting such alteration as may be required for the safety of the building.

USE: Non-Conforming. The use of a building or of land that does not conform to the regulations of this ordinance for the zoning district in which it is located.

WALL, Fire-wall: A masonry dividing wall acting as a partition and extending from the ground to and through the roof to at least eighteen inches above the roof surface, all openings in which are provided with self-closing or automatic fire-doors of type A complying with the National Board of Fire Underwriters specification. Thickness of wall shall be as hereinafter established in the building ordinance.

WALL, Foundation: That portion of an enclosing wall below the first tier of floor joists or beams or floor slab nearest to and next above the grade, and any portion of an interior wall below the basement or cellar floor.

YARDS: Rear - Side - Front.

A "rear yard" is an unoccupied space on the same lot with a dwelling, between the extreme rear line of the dwelling and the rear lot line and extending from one side lot line to the other side lot line.

A "side yard" is an unoccupied space on the same lot with a dwelling between the side lot line and the nearest side line of the dwelling and extending from the extreme rear line of the dwelling to the front lot line.

A "front yard" is an unoccupied space on the same lot with a dwelling between the extreme front line of the house and the front lot line and extending from one side yard to the other side yard.

ARTICLE 2 — USE DISTRICT REGULATIONS

In order to regulate and restrict the location of trades and industries and the location of dwellings or buildings erected or altered for specified uses, the City of East Lansing is hereby divided into "Use Districts" as follows:

- "A"—Dwelling District.
- "B"—Dwelling District.
- "C"—Multiple Dwelling District.
- "D"—Retail District.
- "E"—Commercial and Industrial District.

The boundaries of such districts are shown upon the map attached hereto and made a part of this ordinance, being designated as the "Use District Map" of the City of East Lansing, Michigan, 1946, and the said map and all notations, references and other things shown thereon shall be as much a part of this ordinance as if the matters and things set forth by said map were all fully described herein: Provided, however, that said map may be amended in any manner, from time to time, by ordinance, in which case such changes described shall be equally as effective as though incorporated in the map aforesaid.

Except as Hereinafter Provided:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the District Regulations established by this ordinance for the district in which the building or land is located.
2. No lot upon which a building has been erected shall be so reduced or diminished in area that the yards or open spaces shall be smaller than those prescribed by this ordinance; nor shall the Density of Use be increased in any manner except in conformity with regulations hereby established for the district in which such property is located.
3. Every building hereafter erected, or structurally altered, shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot.
4. 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, gutters or chimneys (not over 8' long), provided, however, that such sills, belt courses, cornices, eaves, gutters or chimneys (not over 8' long) shall not project more than fourteen (14) inches into any required yard.

ARTICLE 3 — "A" DWELLING DISTRICT

In the "A" Dwelling District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this ordinance, except for only the following uses:

1. One family dwellings.

2. Schools (Public or Parochial).
3. Library.
4. Accessory buildings.
5. Private garages in District "A"; One car capacity for each twenty (20) foot frontage up to three (3) cars. Garages are not to exceed fifteen (15) feet in height. Garages must be set back to within ten (10) feet of rear of lot, except when attached to or within twenty (20) feet of the rear of the dwelling. Garages attached to houses shall be considered as part of the house and must not be built within five (5) feet of side lot boundaries.
6. Accessory use or structures: Use or structures as accessory to a main use may be permitted when located on the same lot or lots; provided, that, such accessory use or structure shall not be used for, or involve, any business, occupation, profession, trade or dwelling purposes.
7. Any accessory building erected in a required rear yard shall not exceed one story or fifteen (15) feet in height, and shall be located not nearer than three (3) feet from any side or rear lot line, and not nearer than six (6) feet from the main building. Accessory buildings on corner lots regardless of which way such buildings face, shall be set back to conform with the full front yard set back required.
8. No part of any required yard except a rear yard, shall be used for any accessory building or any other use, or for the storage of vehicles.
9. No building except garages shall be less than twenty (20) feet from the front lot line; fifteen (15) feet from a lot line on a secondary street; five (5) feet from side lot line, sixteen (16) feet from the rear lot line; nor exceed 2½ stories or thirty-five (35) feet in height.
10. No existing yard, court or other open space shall again be used as a yard or other open space for another building for the purpose of complying with provisions of this ordinance.
11. The total area of all buildings erected on a lot shall not exceed 40 per cent of the total lot area.
12. A lot on which there are erected dwellings permitted in this district, shall contain an area of not less than five thousand (5000) square feet.
13. No name plate exceeding one (1) square foot in area, nor a temporary sign exceeding four (4) square feet in area pertaining to the lease, hire or sale of a building or premises, nor advertising sign of any other character shall be permitted in any "A" Dwelling District. (See signs, Building Ordinance P-26-Sec. 5-10-4.)
14. No professional occupancy or home occupation shall be allowed in this district.
15. No building shall be moved into this zone.
16. Automobile Storage: Facilities for the storage or parking of automobiles for the use of occupants of a dwelling hereafter erected, shall be provided and maintained on the lot occupied by such dwelling,

on the basis of one space of at least two hundred (200) square feet of accessible storage or parking area for each dwelling unit. No commercial vehicles shall be permanently stored upon the premises.

ARTICLE 4 — "B" DWELLING DISTRICT

In the "B" Dwelling District no building or premises shall be used and no building shall hereinafter be erected or altered unless otherwise provided, except for only the following uses:

1. Uses permitted in the "A" Dwelling District.
2. Two Family Dwelling.
3. Church.
4. Museum and art gallery.
5. A lot on which there are erected dwellings permitted in this district, shall contain an area of not less than 5000 square feet per family for single family dwellings and 3000 square feet per family for two-family dwellings.
6. Automobile Storage: Facilities for the storage or parking of automobiles for the use of occupants of a dwelling hereafter erected, shall be provided and maintained on the lot occupied by such dwelling, on the basis of one space of at least two-hundred (200) square feet of accessible storage or parking area for each dwelling unit. No commercial vehicles shall be permanently stored upon the premises.
7. The regulations set forth in Art. No. 3; Sections Nos. 5, 6, 7, 8, 9, 10, 11, 13, 14 and 15 of the "A" Dwelling District shall apply to the "B" Dwelling District in all respects.

ARTICLE 5 — "C" MULTIPLE DWELLING DISTRICT

In the "C" Multiple Dwelling District no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this ordinance, except for only the following uses:

1. Any use permitted in the "A" or "B" Districts.
2. Multiple Dwelling.
3. Fraternity and Sorority Dwellings.
4. Boarding or Lodging House Dwellings.
5. Apartment Dwelling.
6. Hospital or Clinic, other than those for the feeble minded or insane.
7. Institution or educational, philanthropic, or eleemosynary nature.
8. Private club, lodge, excepting those the chief activity of which is a service customarily carried on as a business.
9. Legal, professional, musician, artist or home occupation.
10. Public Utility structures.

11. Accessory use or structures: Use or structures as accessory to a main use may be permitted when located on the same lot or lots; provided, that such accessory use or structure shall not be used for, or involve, any business, occupation, profession, trade or dwelling purposes.

12. Any accessory building erected in a required rear yard shall not exceed one story or fifteen (15) feet in height, and shall be located not nearer than three (3) feet from any side or rear lot line, and not nearer than six (6) feet from the main building. Accessory buildings on corner lots, regardless of which way such buildings face, shall be set back to conform with the full front yard setback required.

13. No part of any required yard except a rear yard, shall be used for any accessory building, garage, or any other use, or for the storage of vehicles.

14. No building except garages shall be less than twenty (20) feet from the front lot line; fifteen (15) feet from a lot line on a secondary street; five (5) feet from side lot line, sixteen (16) feet from the rear lot line; nor exceed six (6) stories or sixty (60) feet in height.

15. No existing yard, court or other open space shall again be used as a yard or other open space for another building for the purpose of complying with provisions of this ordinance.

16. The total area of all buildings, including garages and accessory buildings, erected on a lot shall not exceed fifty (50) per cent of the total lot area; except: when one building only is erected on a lot, the total building area shall not exceed forty (40) per cent of the total lot area.

17. A lot on which there are erected dwellings permitted in this district, shall contain an area of not less than five thousand (5000) square feet per family for single family dwellings; three thousand (3000) square feet per family for two-family dwellings; one thousand (1000) square feet per family for apartment or multiple family dwellings; three hundred (300) square feet per person for fraternity, sorority, boarding or lodging house dwellings. Provided, a lot on which there is erected a two-family, apartment, multiple, fraternity, sorority, boarding or lodging house dwelling shall contain an area of not less than six thousand (6000) square feet.

18. No name plate exceeding one (1) square foot in area, nor a temporary sign exceeding four (4) square feet in area, pertaining to the lease, hire or sale of a building or premises, nor advertising sign of any other character shall be permitted in any "C" Dwelling District. (See signs, Building Ordinance P-26-Sec. 5-10-4.)

19. Public Garages, for storage purposes only, and where no repair facilities are maintained, and located not less than twice the distance of the average on the street within the consent area from the front lot line, nor nearer than twenty (20) feet to the nearest main building on either side, unless such building is of similar use to that of the one proposed to be built; and not less than thirty (30) feet from any other street line on which the property faces; provided, that before permit is issued there is on file in the office of the Building Inspector of the

City of East Lansing, the written consent of seventy-five (75) per cent of the property owners according to total frontage on any public street within a radius of four hundred (400) feet of any part of the premises whereon such public garage is to be established, and not separated therefrom by more than one (1) street or one (1) alley; Provided further, that the written consent shall contain signatures from not less than twenty-five (25) per cent of the property owners in the first one hundred (100) foot area; twenty-five (25) per cent of the property owners in the one hundred (100) to two hundred (200) foot area, and twenty-five (25) per cent of the property owners in the two hundred (200) to four hundred (400) foot area; Provided further, that no public garage shall have an entrance or exit for motor vehicles within three hundred (300) feet of an entrance or exit for a public school, public playground, public library, church, hospital, children's or old people's home, or other similar public or semi-public institution.

20. Parking or Automobile Storage:

(a) Facilities for the storage or parking of automobiles for the use of occupants of a building or premise, designated in Sections 1, 2 and 5 in this "Article," hereinafter erected or altered, shall be provided and maintained on the lots occupied by such structures or on privately owned property approved for such parking or storage use within one thousand (1000) feet thereof, on the basis of two hundred (200) square feet of such space for each family unit occupying such dwelling together with ingress and egress thereto; Provided, however, that the Board of Appeals may, upon due application, authorize parking of less area for multiple dwelling and apartment houses than above stipulated and provided further that such parking space shall not be less than two hundred (200) square feet for each three (3) family units, together with ingress and egress thereto.

(b) Facilities for the storage or parking of automobiles for the use of occupants of buildings or premises, designated in Sections 3 and 4 in this "Article," hereafter erected or altered, shall be provided and maintained on the lots occupied by such structures, or on privately owned property approved for such parking or storage use, within one thousand (1000) feet thereof, on the basis of two hundred (200) square feet of such space for each one-third of the number of persons residing on the premises.

(c) Facilities for the storage or parking of automobiles off the street for the use of occupants and employees in the buildings on the premises, designated in Sections 6, 7, 8, 9 and 10 in this "Article," hereafter erected or altered, shall be provided and maintained on the lots occupied, or on privately owned property approved for such parking or storage use, within one thousand (1000) feet thereof, two or more such occupancies may join in providing their parking space; the Building Inspector shall use his best judgment in estimating the amount of parking space required in each individual case, and such determination shall be subject to appeal to the Board of Appeals.

(d) All open parking spaces required shall be paved with concrete

or other suitable materials, or surfaced with dust proofed cinders, gravel or crushed stone, in accordance with plans approved by the Building Inspector.

ARTICLE 6—"D" RETAIL DISTRICT

In the "D" Retail (Fire Zone) District all buildings and premises except as otherwise provided in this ordinance may be used for any purpose permitted in the "C" Multiple Dwelling District or for any other use except the following:

1. Bakery (employing more than five (5) persons).
 2. Blacksmith or horse shoeing shop.
 3. Bottling works.
 4. Building material storage yard.
 5. Carting, express, hauling or storage yard.
 6. Contractor's plant or storage yard.
 7. Coal, coke or wood yard.
 8. Cooperage works.
 9. Dyeing and cleaning works, etc. (employing more than five (5) persons).
 10. Ice plant or storage house of more than eight (8) tons capacity.
 11. Junk business or storage yard.
 12. Laundry (employing more than five (5) persons).
 13. Livery stable or private stable.
 14. Lumber yard.
 15. Machine shop.
 16. Milk distributing station.
 17. Planing mill.
 18. Stone yard or monumental works.
 19. Storage warehouse.
 20. Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises. Provided: The manufacture and treatment is not unsightly, noisy, or odorous to persons in adjacent streets, yards, or adjoining buildings.
 21. All uses excluded in the "E" Commercial and Industrial District.
 22. Public Garages.
- Provided, however, a permit for the location and maintenance of a public garage may be granted if the application is accompanied by the written consent of seventy-five (75) per cent of the property owners according to total frontage on any public street within a radius of four hundred (400) feet from any part of the premises whereon such public garage is to be established and not separated therefrom by more than one (1) street or one (1) alley. Provided, further: That the written consent shall contain signatures from not less than twenty-five (25)

per cent of the property owners in the first one hundred (100) foot area; twenty-five (25) per cent of the property owners in the one hundred (100) to two hundred (200) foot area, and twenty-five (25) per cent of the property owners in the two hundred to four hundred (200-400) foot area and the location and plan for such public garage have been submitted to and approved by the Building Inspector of the City of East Lansing. Provided further, that no public garage shall have an entrance or exit for motor vehicles within three hundred (300) feet of an entrance or exit of a public school, public playground, public library, church, hospital, children's or old people's home, or other similar public or semi-public institution.

23. Gasoline filling stations or any public station where oil or fuel of any kind is sold and dispensed for propelling motor vehicles; Provided, that before a permit is issued to build, occupy or construct, a public gasoline, oil or motor fuel filling station or either of them, to supply motor vehicles on any site where eighty (80) per cent of the buildings within a radius of four hundred (400) feet of any part of the proposed site are used exclusively for residence purposes, there are on file in the office of the Building Inspector the written consent of seventy-five (75) per cent of the property owners according to total frontage on any public street within a radius of four hundred (400) feet of any part of the premises whereon this gasoline filling station is to be occupied or constructed and not separated therefrom by more than one (1) street or one (1) alley; Provided, further: That the written consent shall contain signatures from not less than twenty-five (25) per cent of the property owners in the first one hundred (100) foot area; twenty-five (25) per cent of the property owners in the one hundred (100) to two hundred (200) foot area, and twenty-five (25) per cent of the property owners in the two hundred to four hundred (200-400) foot area. Provided further, that the location and plans have been submitted to and approved by the Building Inspector of the City of East Lansing.

24. An existing building with "Class G" (Building Ordinance) occupancy located in the Fire Zone shall not be added to for any other class of occupancy.

25. No portion of that part of a building constructed for retail use shall be used for residential purposes.

26. When a building or structure for residence purposes is erected or altered on a lot in this district, such lot shall be subject to the same requirements and regulations as are specified for lots in the dwelling district nearest the proposed use.

27. No business shall be conducted on any vacant premises in this District until the use of such premises has been approved by the Board of Appeals.

28. Parking:

(a) Facilities for adequate off-street parking space shall be estimated and determined by the Building Inspector who shall use his best judgment in estimating the amount of parking space required in each

individual case, and such determination shall be subject to appeal to the Board of Appeals.

(b) All open parking spaces required shall be paved with concrete or other suitable materials, or surfaced with dust proofed cinders, gravel or crushed stone, in accordance with plans approved by the Building Inspector.

ARTICLE 7 — "E" COMMERCIAL AND INDUSTRIAL DISTRICT

In the "E" Commercial and Industrial District, all buildings and premises except as otherwise provided in this ordinance, may be used for any purpose permitted by law, provided, that no building or occupancy permit shall be issued for any of the following uses, unless and until the location of such use shall have been approved by the Board of Appeals, created by this ordinance:

1. Abattoirs.
2. Acetylene Gas Manufacture or Storage.
3. Acid Manufacturers.
4. Ammonia, Bleaching Powder or Chlorine Manufacture.
5. Arsenal.
6. Asphalt Manufacture or Refining.
7. Blast Furnace.
8. Boiler Works.
9. Brick, Tile or Terra Cotta Manufacture.
10. Burlap Manufacture.
11. Bag Cleaning.
12. Candle Manufacture.
13. Carpet or bag cleaning by beating or blowing.
14. Celluloid Manufacture.
15. Cement, Lime, Gypsum or Plaster of Paris Manufacture.
16. Coke Ovens.
17. Coal Tar Products Manufacture.
18. Crematory.
19. Creosote Treatment or Manufacture.
20. Disinfectants.
21. Distillation of Bones, Coal or Wood.
22. Dyestuff Manufacture.
23. Exterminator and Insect Poison Manufacture.
24. Emery Cloth and Sand Paper Manufacture.
25. Fat Rendering.
26. Fertilizer Manufacture and Bone Grinding.
27. Fireworks or Explosive Manufacture or Storage.
28. Fish Smoking and Curing.

29. Flypaper Manufacture.
30. Foundry using coal or coal products.
31. Forge Plant.
32. Gas "Illuminating or Heating" Manufacture or Storage.
33. Glue, Size or Gelatine Manufacture or Storage.
34. Incineration or Reduction of Garbage, Dead Animals, Offal or Refuse.
35. Iron, Steel, Brass. or Copper Foundry.
36. Lamp Black Manufacture.
37. Oil Cloth or Linoleum Manufacture.
38. Oiled or Rubber Goods Manufacture.
39. Ore Reduction.
40. Paint, Oil, Shellac, Turpentine or Varnish Manufacture.
41. Paper and Pulp Manufacture.
42. Petroleum Products. Refining or Wholesale Storage of Petroleum.
43. Plating Works.
44. Potash Works.
45. Printing Ink Manufacture.
46. Pyroxlin Manufacture.
47. Rock Crusher.
48. Rolling Mill.
49. Round House.
50. Rubber or Gutta Percha Manufacture or Treatment.
51. Salt Works.
52. Sauer Kraut Manufacture.
53. Sausage Manufacture.
54. Shoe Blacking Manufacture.
55. Smelters or Smelting of Tin, Copper, Zinc or Iron Ores.
56. Soap Manufacture.
57. Soda or Compound Manufacture.
58. Stock Yard or Slaughter of Animals.
59. Stone Mill or Quarry.
60. Storage or Baling of Scrap Paper, except where connected with a paper mill, Iron, Bottles, Rags or Junk.
61. Stove Polish Manufacture.
62. Sulphuric, Nitric or Hydrochloric Acid Manufacture.
63. Tallow, grease or lard manufacture or refining from animal fat, except in connection with the ordinary operation of a retail meat market.
64. Tanning, Curing or Storage of Rawhides or Skins.
65. Tar Distillation or Manufacture.
66. Tar Roofing or Water Roofing Manufacture.
67. Tobacco (chewing) Manufacture or Treatment.
68. Vinegar Manufacture.
69. Wool Pulling or Scouring.
70. Yeast Plant.
71. Public gasoline, oil, or motor fuel filling station; provided, that before a permit is issued to build, occupy, or construct same, that the consent of property owners as set forth in paragraph 23 of Article 6—

"D" Retail District of this Ordinance be complied with.

72. And in general those uses which have been declared a nuisance in any court of record, or which may be dangerous, or offensive.

73. There shall be no restrictions as far as this ordinance is concerned as to height of buildings or the minimum dimensions of yards, except, when a building or structure for residence purposes is erected or altered on a lot in this district, such lot shall be subject to the same requirements and regulations as are specified for lots in the dwelling district nearest the proposed use.

74. Parking:

(a) Facilities for adequate off-street parking space shall be estimated and determined by the Building Inspector who shall use his best judgment in estimating the amount of parking space required in each individual case, and such determination shall be subject to appeal to the Board of Appeals.

(b) In the case of factories and manufacturing plants, the Building Inspector shall require a sworn statement from the management certifying the prospective number of employees of such plant and an estimate of the average number of customers or others doing business with such plant; and required parking space to be provided shall be not less than one space of 160 square feet (plus adequate room for drives) for each two employees working on any one shift, and one such space for each customer or other visitor estimated to be present at any one time.

If such plant shall increase its capacity or for any other reason increase the number of employees, or if for any reason whatever the parking space so provided shall be found at any time to be inadequate, it shall be the duty and obligation of the management thereof to provide additional off-street parking space of sufficient area. Such parking space may be on the same lot with the plant, or within a maximum distance of 1000 feet therefrom.

(c) All open parking spaces required shall be paved with concrete or other suitable materials, or surfaced with dust proofed cinders, gravel or crushed stone, in accordance with plans approved by the Building Inspector.

ARTICLE 8 — NON-CONFORMING USES

1. The lawful use of premises existing at the time of the adoption of this Zoning Ordinance may be continued, although such use does not conform to the provisions hereof, but if such non-conforming use is discontinued for a period exceeding one year, the future use of said premises shall be in conformity with the provisions of this ordinance.

2. The lawful use of a building existing at the time of the adoption of this Zoning Ordinance may be continued although such use does not conform to the provisions hereof. Such use may be extended throughout the building provided no structural alterations are made therein, except those required by law or ordinance or such as may be necessary to secure or insure the continued advantageous

use of the building during its natural life or the erection to its full height as originally planned of a building with foundations and structural members designed to carry a higher building.

3. The expansion of a non-conforming use, not exceeding one hundred (100) per cent of the existing use, shall be permitted subject to lawful regulations now or hereafter enacted, where the result will not be to unduly prolong the existence of the use, provided such expansion shall be only on property owned at the time of the passage of this ordinance.

4. If no structural alterations are made, other than hereinbefore provided, a non-conforming use may be changed to another non-conforming use, provided, the later use is one having the same Use District classification as the former use. If hereafter a change is made in the Use District classification of any premises, any non-conforming use then existing on such premises may continue provided all other regulations governing non-conforming use, as herein provided, are then and thereafter complied with. Whenever a non-conforming use of a building or lot or parcel of ground shall have been changed to a conforming use it shall not thereafter be changed to a less restricted use.

5. Nothing in the area requirements of this ordinance, relating to lot area per family, shall hold to prohibit the erection of a one-family dwelling on a lot held under a separate and distinct ownership from adjacent lots and which has been under such separate and distinct ownership since a date prior to the date of adoption of this Ordinance, which has less area than the lot area per family requirement of this Ordinance for the district in which such lot is located, provided; all other regulations of the district are complied with.

ARTICLE 9 — ADMINISTRATION AND OPERATION

1. Changes and Amendments:

The city council may, of its own motion or upon petition signed by the owners of a majority of the property according to frontage in any district or portion thereof, prepare an ordinance amending or changing the district boundaries or the regulations herein established. The ordinance shall be referred to the Board of Appeals for review and recommendation. The city council shall upon receipt of the report of the Board of Appeals cause to be prepared a notice indicating the proposed change in the regulations or in the district boundary lines and describing the boundaries of the territory to be affected, which notice shall set a date for a public hearing for consideration of such proposed amendment, supplement or change. After due publication or posting and public hearing of such proposed amendment, supplement or change, as required by law, the city council may cause such ordinance to be introduced in the city council of the City of East Lansing. Whenever a written protest against such proposed amendment, supplement or change, signed by the owners of twenty (20) per cent of the frontage proposed to be altered, or by the owners of twenty (20) per cent of

the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) per cent of the frontage directly opposite the frontage proposed to be altered shall have been filed with the city council, the ordinance providing for such proposed amendment, supplement or change shall not be passed except by a three-fourths vote of the members of the city council.

2. Violation and Enforcement:

(a) Buildings erected, altered, razed or converted or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated, and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

(b) For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, leasee, or tenant of the land or building or part thereof where such violations have been committed or exist shall be guilty of a misdemeanor and the owner, agent, architect, builder or any person who commits, takes part or assists in such violation of any of the provisions of this Ordinance or any person who maintains any building or land in or on which such violation exists shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars for each offense or shall be punished by imprisonment in the Ingham County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

(c) The city may apply to any court of competent jurisdiction to restrain any person, firm or corporation from such disobedience or threatened violation, notwithstanding such disobedience or violation may be punishable by a fine or imprisonment as above provided.

3. Board of Appeals:

Creation and Membership:

(a) A Board of Appeals is hereby established. The word "Board" when used in this section shall be construed to mean the Board of Appeals. The board shall consist of five (5) members appointed by the mayor, by and with the consent of the council, for a term of three years.

(b) The chairman of the board shall be designated by the mayor. All members of the board shall serve without compensation.

(c) Meetings: Meetings of the board shall be held at least once every three months and at such other times as the board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the board upon each question considered. The city clerk shall be clerk to the Board. The presence of four (4) members shall be necessary to constitute a quorum.

4. Appeals:

Appeals from the decision of the Building Inspector may be made to the Board of Appeals by any person aggrieved or by any Officer, Department, Board or Bureau of the city affected by any decision of the Building Inspector within such time as shall be prescribed by the board by general rule. The appellant shall file with the Building Inspector and with the Board of Appeals on blanks to be furnished by such inspector a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

5. Stay:

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the circuit court, on application, with notice to the Building Inspector, from whom the appeal is taken and on due cause shown.

6. Powers and Duties:

(a) The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. At the hearing any person may appear in person or by agent or by attorney.

(b) The board shall hear and decide appeals do novo and review on appeal any order, requirement, decision or determination made by the Building Inspector in the enforcement or application of this ordinance, and upon such appeal may in accordance with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify, any such order, requirement, decision or determination. The concurring vote of four members of the board shall be necessary to reverse or modify any order, requirement, decision or determination of the Building Inspector or to decide in favor of the appellant or any matter upon which it is required to pass, or to effect any variation from the strict application of this ordinance.

(c) In granting variations the Board, if it deems proper to the carrying out of the intent and purpose of this ordinance, may impose such reasonable and additional area, height or use stipulations and conditions as will, in its judgment, better fulfill the purpose of the ordinance.

(d) When the street layout actually on the ground, or as recorded, differs from the street layout as shown on the Zone Map, the Board shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance and the Map for the particular section or district in question.

(e) Where by reason of topographical conditions, district borderline situations, immediately adjoining existing developments or be-

cause of other unusual circumstances, the strict application of any provision of this ordinance would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, or upon owners of properties adjoining, the Board may after public notice and hearing, make special exceptions to the terms of this ordinance, and may vary or modify such strict application or interpret the meaning of this ordinance so as to relieve such difficulty or hardship; provided that such variance, modification or interpretation shall remain in harmony with the general purpose and intent of this ordinance, so that the health, safety and general welfare of the community shall be conserved and substantial justice done.

(f) If after a permit has been authorized by the Board, such permit is not lifted from the office of the building inspector within a period of six (6) months from the date of the authorization then such authorization shall be null and void and no permit shall be issued thereunder.

(g) In determining variations the Board, if it deem proper to the carrying out of the intent and purpose of this ordinance, may impose such reasonable or additional stipulations and conditions as will, in its judgment, better fulfill the purpose of the ordinance.

(h) In the exercise of its power the Board may, in specific cases after public notice and hearings, and subject to appropriate conditions and safeguards, vary, modify or interpret the application of the use, height and area district regulations herein established in harmony with their general purpose and intent as follows:

(1) For the use of land or the erection or use of a building or structure, such as a real estate office or a contractor's building or storage yard, for commercial or industrial purposes in a Residence District, in cases where such use is incidental and reasonably necessary to the development of the district for residential purposes; or for a signboard in undeveloped territory. Any such variation shall be granted only in cases where the proposed use is clearly of a temporary nature, to be abandoned as the adjacent areas become occupied for residence purposes. Any permit so authorized shall be only for such limited period of time as the Board shall determine is reasonable, considering the character of the district in question, and in no case for a period of more than one (1) year.

(2) For a reasonable enlargement of a structure existing at the time of the passage of this ordinance and used for trade, business or industry, but located in a district restricted against such use; or for reasonable necessary additional structures for any such use, upon the same lot or plot of ground as that upon which such existing structure and use obtain.

(3) For a building or use otherwise excluded from the industrial district, provided such building or use is distinctly incidental and essential to a use of a building or plant with a series of buildings permitted in an industrial district, provided such incidental building or use occupies not more than ten (10) per cent of the lot; provided that not more than ten (10) per cent of the employees of the building or plant

are engaged therein and provided that such building or use is not located within fifty (50) feet of any street or lot line.

(4) For the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, or other publicly owned buildings, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use of premises, if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

(5) For the establishment and maintenance of a non-conforming use on a lot adjacent to a lot the use of which, at the time of the passage of this ordinance, does not conform to the regulations herein contained, when the existing non-conforming use renders reasonably impracticable the improvement of such lot without such modification; provided that any non-conforming use so permitted shall not be of a less restrictive use classification than that to which said existing non-conforming use is assigned by the terms of this ordinance.

(6) For a front yard of less depth than that required by this ordinance, where topography or existing building development makes strict compliance unreasonable or substantially impossible.

(7) For an arrangement and size of yards varying from that specified in the Schedule of Height and Area Regulations in cases of a group of buildings on a parcel of land forming in effect a multiple dwelling made up of separate units, provided that the depth of yard adjacent to a street line and the required lot area per family as specified in this ordinance shall be complied with in the location of said buildings.

(8) For such variation of the area requirements of this ordinance as the Board may deem necessary to secure an appropriate improvement of a lot of such restricted area, size or shape that it cannot be reasonably improved without modification of the strict application of the provisions of this ordinance; provided such lot, at the time of the passage of this ordinance, was held under a separate ownership from the adjoining lots.

(9) For the extension of a use or height and area district for a distance of not more than twenty-five (25) feet where the boundary line of a district divides a lot in a single ownership at the time of the adoption of this ordinance.

(10) Adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this ordinance.

(11) The board shall have the power to call on any of the other city departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

7. Administrative Officer:

(a) To administer and enforce regulations and restrictions hereinafter set forth, there is hereby established the office of Building Inspector, to be filled by an appointee of the City Manager, subject to approval by the City Council.

(b) The Building Inspector may delegate clerical, filing and recording work to the clerical employees of the City. He shall be responsible for the enforcement of all the provisions of this ordinance and he and his authorized assistants, where properly identified, shall have the authority to enter any premises, at any reasonable time, for the purpose of investigating or inspecting building conditions. It shall be the duty of the Building Inspector to receive and examine all applications for permits required by this ordinance and to approve or reject such applications. He shall collect all special fees established hereby and turn them in daily to the City Treasurer. He shall make such inspections as are necessary and he shall have authority to revoke a permit as hereinafter provided.

(c) Authority given to any person or board under this ordinance shall be construed as adding to and not taking from the authority held under any other ordinance of the City; The powers and duties contained in this ordinance shall be construed as separate and distinct from authorities or duties required of any official or board under any other ordinance of the City and shall not be construed as conflicting therewith or limiting the scope thereof.

8. Building Permits:

(a) Before proceeding with the erection, alteration, repair, moving or removing of any building, or part thereof, an owner or his authorized agent shall obtain a permit from the Building Inspector. The applicant for a permit shall file with his request a set of plans and written specifications sufficient to clearly and fully indicate the nature of the contemplated work and the kind and quality of materials to be used therein together with an estimate of the cost. Drawings shall be made to scale not less than one-eighth inch equal to one foot and shall clearly indicate the size of structural members, walls and openings, the position of the building on the site with reference to property and street lines and adjacent buildings, and such other information as may be necessary to provide for the enforcement of these regulations. It shall be the duty of all lot owners to have accurately located all corners and boundaries of their properties prior to building thereon.

(b) A permanent record of such applications and plans shall be kept in the office of the Building Inspector.

(c) When the plans submitted have been found to conform with the requirements of this ordinance, the Building Inspector shall issue a permit and affix to the plans an official stamp of approval.

(d) When alterations begin or when the footings of a building have been constructed and before the completion of the foundation walls, the owner, contractor or his agent shall notify the Building Inspector in writing in order that an inspection may be made at that time.

(e) The Building Inspector shall make a final inspection of all buildings after completion, before occupancy begins, upon receiving notice from the owner, contractor or his agent, that said building is ready for such final inspection. If such building or alterations comply with the statements in the application, plans, working drawings and specifications, a certificate of occupancy shall be issued as herein-after provided.

(f) Whenever it is found that a permit has been issued in violation of this, or any other City Ordinance or State Law, or in consequence of a false statement or misrepresentation of conditions, or whenever it is found that work is not being performed in accordance with the plans and specifications on which the permit is based, the Building Inspector shall notify the person to whom the permit was issued to appear before him at a stated time and place and show cause why the permit shall not be revoked. If after such hearing it shall appear the permit was improperly obtained, or the work is being improperly done, or if the holder of the permit, or his authorized agent fails to appear at the stated time, the Building Inspector shall issue a written order revoking the permit. The posting of a copy of such order upon the premises shall constitute service thereof upon the owner, or the contractor, or his agent in charge of the work. No other permit shall thereafter be issued to any person held to be violating any provision of this ordinance until all conditions prompting the revocation of the initial permit have been satisfactorily corrected. Failure of the Building Inspector to serve notice of any violation at the time of occurrence shall not relieve the holder of the permit from responsibility for such violation.

(g) Permits for structures on which work has not started within six months following the date of issue, and permits for structures upon which work has been abandoned for a period of six months, shall lapse and cease to be in effect.

(h) Fees shall be charged for the issuing of such building permits and shall be at the rate of One Dollar (\$1.00) for each One Thousand Dollars (\$1,000.00) or fractional parts thereof of the estimated cost of said building, but no permit shall cost to exceed Twenty-five Dollars (\$25.00). Such amount shall be paid when the permit is issued. Fees for permits required by other existing ordinances pertaining to the construction of buildings and the furnishings of miscellaneous services; in addition to all special fees and contingent deposits as established in other ordinances are to be paid in full before a permit is issued.

9. Certificate of Occupancy and Compliance:

(a) No vacant land shall be occupied or used and no building hereafter erected or altered shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector, stating that the building or proposed use of the building or premises complies with all of the building and health laws and ordinances and with the provisions of these regulations.

(b) Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the construction or alteration of such buildings shall have been substantially completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be issued on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application for a building permit. For all other certificates or for copies of any original certificates there shall be a charge of one dollar each.

(c) No permit for excavation for or the erection of any building shall be issued before application has been made for certificate of occupancy and compliance.

10. Interpretation. Purpose and Conflict:

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance or which shall be adopted or issued, pursuant to law, relating to the use of buildings or premises, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or requires larger open spaces than are imposed or required by such ordinances, rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall control. The Zoning Ordinances adopted August 13, 1926, and March 27, 1928, and March 25, 1935 and all amendments thereto, are hereby repealed.

11. Boundaries of Districts:

If uncertainty exists with respect to the boundaries of the various districts as shown on the maps accompanying and made a part of this ordinance the following rules shall apply:

(a) The district boundaries are either streets or alleys unless otherwise shown and where the designation on the maps accompanying and made a part of this ordinance indicating the various districts are approximately bounded by street or alley line, said street or alley shall be construed to be the boundary of such district.

(b) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designation on the maps accompanying and made a part of the ordinance indicating the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of

such district, unless said boundaries are otherwise indicated on the maps.

(c) In unsubdivided property, the district boundary lines on the maps accompanying and made a part of this ordinance shall be determined by the use of the scale contained on such maps.

12. Validity:

Sections of this Ordinance shall be deemed to be severable and should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 10 — WHEN EFFECTIVE

This Ordinance shall take effect upon publication.

R. P. LYMAN, JR., Mayor
HARRY W. LOTT, City Clerk