

Zoning ordinance; ordinance no. 8169. Passed by the Council August 15, 1922

Akron (Ohio).

[Akron, 1922]

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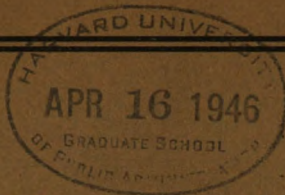


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ZONING ORDINANCE

Ordinance No. 8169

(As Amended)

AKRON, OHIO

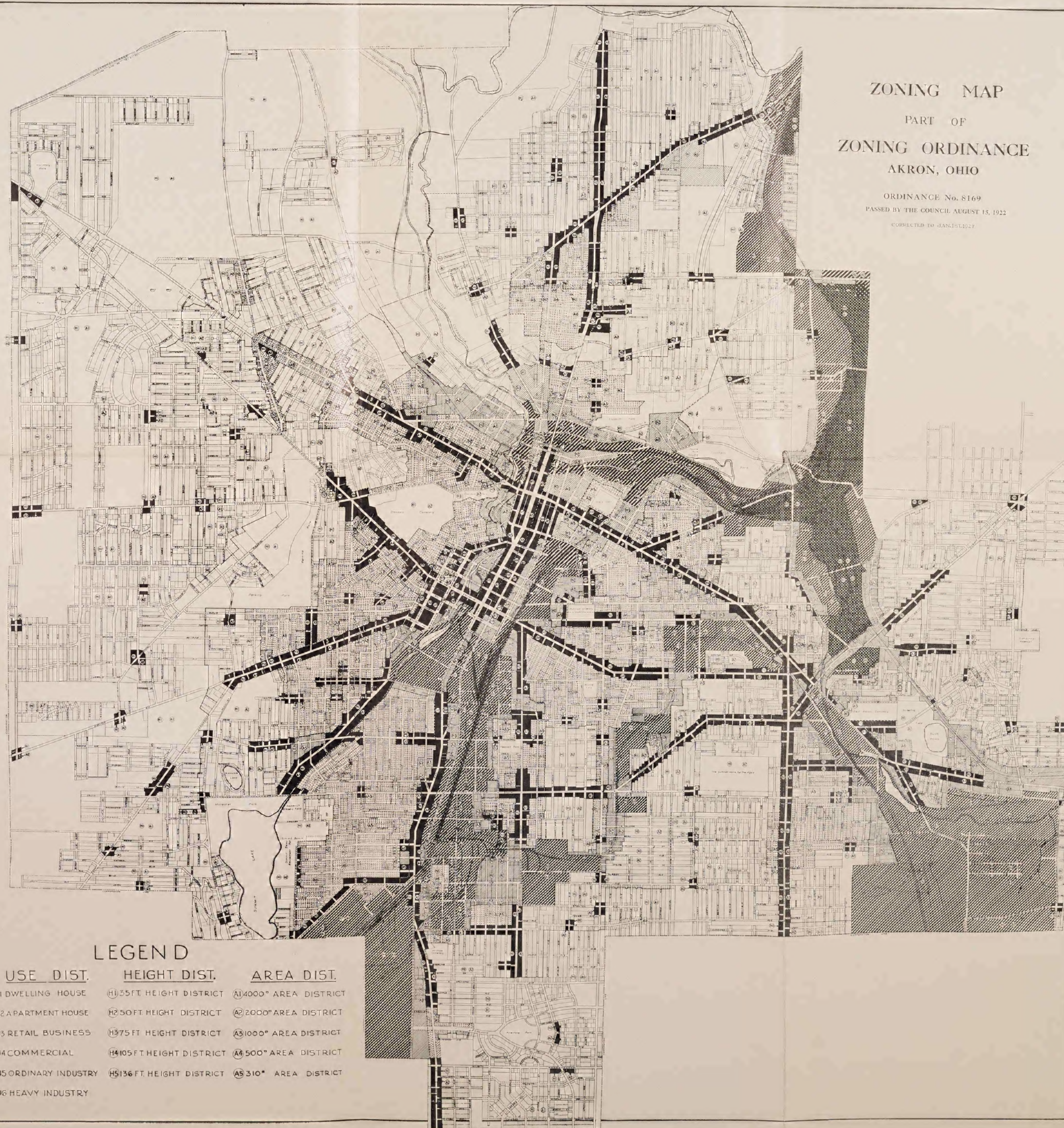
Passed by the Council August 15, 1922

~~Effective September 15, 1922~~

Effective September 15, 1922

ZONING MAP
PART OF
ZONING ORDINANCE
AKRON, OHIO

ORDINANCE No. 8169
PASSED BY THE COUNCIL AUGUST 15, 1922
CORRECTED TO JAN. 15, 1927



LEGEND

USE DIST.

HEIGHT DIST.

AREA DIST.

U1 DWELLING HOUSE	H1 35 FT. HEIGHT DISTRICT	A1 4000' AREA DISTRICT
U2 APARTMENT HOUSE	H2 50 FT. HEIGHT DISTRICT	A2 2000' AREA DISTRICT
U3 RETAIL BUSINESS	H3 75 FT. HEIGHT DISTRICT	A3 1000' AREA DISTRICT
U4 COMMERCIAL	H4 105 FT. HEIGHT DISTRICT	A4 500' AREA DISTRICT
U5 ORDINARY INDUSTRY	H5 136 FT. HEIGHT DISTRICT	A5 310' AREA DISTRICT
U6 HEAVY INDUSTRY		

ZONING ORDINANCE

ORDINANCE No. 8169

Establishing a zoning plan regulating the location of trades, industries and buildings designed for other uses, the use of premises, the height of buildings and the location and size of yards and open spaces, establishing building lines back of street lines, creating districts for said purposes, and providing penalties for the violation of its provisions.

WHEREAS, the Council of the City of Akron, Ohio, finds and determines that a zoning plan will protect residence sections, encourage home ownership, prevent undue concentration, reduce fire, health and traffic hazards, conserve property values, increase business and industrial efficiency, direct the building of the city and the development of all property along orderly and economic lines and thereby promote the public health, safety, comfort, convenience, prosperity and general welfare; now therefore,

BE IT ENACTED BY THE COUNCIL OF THE CITY OF AKRON, OHIO:

Section 1. Definitions.

For the purpose of this ordinance, certain words and terms are herewith defined.

Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(a) An "accessory use or building" is a subordinate use or building customarily incidental to, and located upon the same lot occupied by, the main use or building.

(b) An "apartment" is a household unit in an apartment house which unit is arranged, designed or intended to be occupied as the residence of a single family, individual or a group of individuals.

(c) An "apartment house" is a building arranged, intended or designed to be occupied by three or more families living independently of each other and doing their own cooking upon the premises or by three or more individuals or groups of individuals living independently but having a general heating system and a general dining-room.

(d) The "curb level" is the mean level of the curb, or established grade, in front of the building. Where no curb level has been established or where the building is back from the street line, the average ground level of the portion of the lot that is within 10 feet of the building, if higher than the curb level, shall be considered to be the curb level.

(e) An "open court" is an open unoccupied space other than a yard on the same lot with the building, extending to the street line or a rear yard.

(f) A "single family dwelling" is a detached building which is arranged, intended or designed to be occupied as the residence of a single family.

(g) A "two family dwelling" is a detached or semi-detached building arranged, intended or designed to be occupied as the residence of two families, living independently of each other.

(h) A "family" is any number of individuals living and cooking together on the premises as a single housekeeping unit, but it shall not include a group of more than five individuals not related by blood or marriage.

(i) A "gasoline filling station" is a place or premises which is arranged or intended to supply vehicles with motor fuel from tanks installed underground through a hand or electric power pump placed on the ground surface, in connection with which there may be provided a small structure for the comfort or convenience of the attendant.

(j) A "public garage" is a building, or portion thereof, without repair facilities, in which more than four motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodation; and in which no repair work is carried on.

(k) A "garage service station" is a space in a building, or portion of a building, in which motor fuel and parts of, or accessories to, motor vehicles are carried and minor changes or adjustments, not involving structural changes or the use of machinery operated by mechanical power, are made.

(l) A "garage repair shop" is a building, or portion of a building, in which only minor structural repairs are made to motor vehicles, and where mechanical power employed in the operation of any machine or tool does not exceed 5 H. P.

(m) A "motor vehicle repair shop" is a building, or portion of a building, in which machinery, operated by steam or electric power, is installed which is designed for making major structural repairs to motor vehicles.

(n) The "height of a building" is the vertical distance measured in the case of flat roofs from the curb level to the level of the highest point of the roof beams adjacent to the street wall and in case of pitched roofs from the curb level to the mean height level of the gable. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured from the curb level to the level of the highest point of the building.

(o) A "lot" is a parcel of land occupied, or to be occupied, by one building and the accessory buildings or uses customary or incident to it, including such open spaces as are required by this ordinance. A lot may or may not be the land shown as a lot on a plat filed in the office of the county recorder.

(p) A "corner lot" is a lot at the junction of and fronting on two or more intersecting streets 30 feet or more in width. For the purpose of this ordinance a corner lot shall be assumed to have an area not greater than 6,000 square feet and a frontage not greater than 120 feet on either of the intersecting streets. An "interior lot" is a lot other than a corner lot.

(q) "Lot lines" are the lines bounding a "lot" as defined herein.

(r) A "non-conforming use" is one that does not comply with the regulations of the use district in which it is situated.

(s) A "half story" is a portion of a building situated between a story and a sloping roof, the floor area of which does not exceed seventy-five (75) per cent of the area of the floor immediately under it and which is not arranged, intended or designed to be occupied as the residence of a family.

(t) The "street line" is the dividing line between the street and the lot.

(u) A "street wall" of a building at any level is the wall nearest to the street line.

(v) A "front yard" is an open, unoccupied space on the same lot with a building between the front line, or wall, of the building and the front line of the lot.

(w) A "rear yard" is an open, unoccupied space on the same lot with a building between the rear line, or wall, of the building and the rear line of the lot. On a corner lot, the owner may determine which of the lot lines, not a street line, shall be regarded as the rear line.

(x) A "side yard" is an open, unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(y) The "least dimension" of a yard or court, at any level, is the least of the horizontal dimensions of such yard or court at such level. If two opposite sides of a yard or court are not parallel, the horizontal dimension between them shall be deemed to be the mean distance between them.

(z) "Public notice" of a hearing means notice of the time and place thereof published, not less than ten nor more than thirty days prior to the date of said hearing, in three consecutive issues of at least one daily newspaper of general circulation in the municipality.

(aa) The word "use" means the purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on, in a building or on a premises, or the name of a building, place or thing which name indicates the use or intended use.

Section 2. Classification of Uses

For the purposes of this ordinance, all uses of buildings and premises are divided into residence, business, industry and special uses and into classes and subdivisions as set forth in the following

CLASSIFICATION OF USES

Residence Uses

Class U1 Uses: (Dwelling)

Class U2 Uses: (Apartment House)

Business Uses

Class U3 Uses: (Retail Business)

Class U4 Uses: (Commercial)

Industry Uses

Class U5 Uses: (Ordinary Industry)

Class U6 Uses: (Heavy Industry)

Special Uses

Class Ua Uses: (Nuisance)

Class Ub Uses: (Indeterminate)

Class Uc Uses: (Institutional)

Subdivision of Classes

Class U1 Uses: (Dwelling)

- (1) Single family dwelling. Two family dwelling.
- (2) Church. School. Public library. Public museum. Memorial building.
- (3) Private club, excepting club the chief activity of which is a service customarily carried on as a business. Community center building.
- (4) Public park. Public playground. Public recreation building.
- (5) Railway shelter station. Railway right-of-way, not including railway yard. Farming. Truck gardening. Nursery. Greenhouse, provided no building is located within 15 feet of any lot line.

Class U2 Uses: (Apartment House)

- (1) Apartment house.
- (2) Hotel.

Class U3 Uses: (Retail Business)

- (1) Retail store, wholesale sales office or sample room. Office. Bank. Studio. Telephone exchange. Gasoline filling station, provided that no part thereof, above the curb level, shall be located within 15 feet of any street line or a Class U1 or U2 District.
- (2) Restaurant or lunch counter. Theater. Moving picture show. Trade or shop for custom work or for a service customarily performed for the residents of the locality, including the making of articles to be sold at retail on the premises to the ultimate consumer, provided that not more than five skilled workers are engaged on the premises and that mechanical power in excess of 3 H. P. is not used in the operation of any machine.
- (3) Any use not included in any other class, provided such use is consistent with the uses as enumerated and specified above and is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
- (4) Newspaper printing. Job printing. Commercial school or college. Undertaking parlor. Convenience station. Public and semi-public buildings not specified in other classes. Dance hall or skating rink if operated as a business or for private profit.
- (5) Advertising sign or billboard. Poultry killing or dressing or live storage, only for sale at retail on the premises. Stable or wagon shed for not more than four horses. Public garage, provided that all entrances and exits for motor cars, if nearer than ten feet to a street line, shall have a width of not less than 10 feet.
- (6) The manufacture of the following products or articles, provided mechanical power employed does not exceed a total of 10 H. P. and that in the operation of any machine not more than 3 H. P. is employed, and provided further that not more than twenty-five (25) per cent of the ground floor area or forty (40) per cent of the total floor space of the building shall be arranged for, or shall be devoted to, such manufacturing: artificial flowers, feathers or plumes; canvas products; cigars, cigarettes; wearing apparel; food products; wood, paper, rubber, leather, bone or shell products; gas or electric fixtures; clocks, watches, jewelry or optical goods; musical, professional or scientific instruments; and any product or article other than a Class U4, U5, U6 or Ua Use, provided such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

Class U4 Uses: (Commercial)

- (1) Bottling works. Ice cream manufacture. Auto laundry. Garage service station. Garage repair shop. Dyeing and dry cleaning establishment. Galvanizing. Electroplating.
- (2) Enameling, japanning or lacquering where liquid is applied by hand brush or by dipping in tanks of not over ten cubic feet capacity and where not more than five employees are engaged. Stone cutting or monumental works where more than two and not more than five skilled workers are employed. Upholstering. Retail wood or coal

- yard. Stable for not more than eight horses. Wagon shop. Blacksmithing. Horse shoeing. Veterinary hospital. Steam laundry.
- (3) Motor vehicle repair shop where mechanical power in excess of 10 H. P. is not employed in the operation of any machine. Wholesale business. Cold storage plant. Creamery. Milk bottling or central distribution station. Central heating plant. Bakery.
 - (4) Manufacture of aluminum, brass, bronze, copper, tin or other metal products and any manufacture, productive activity or operation other than a Class U5, U6 or Ua Use, provided mechanical power in excess of 5 H. P. is not employed in the operation of any machine.
 - (5) Car barn. Motor truck terminal. Railroad, passenger or freight station. Team or loading or storage tracks. Warehouse for, or storage in bulk of, such material as asphalt, brick, cement, construction material, contractors' equipment, clothing, coal, cotton, drygoods, feed, fertilizer, furniture, gasoline, grain, gravel, grease, groceries, hardware, hay, ice, iron, lead, lime, liquor, lumber, machinery, millinery, oil, paint, plaster, pipe, provisions, roofing, rope, rubber, sand, shop supplies, stone, tar, tar or creosoted products, terra cotta, timber, tobacco, turpentine, varnish, wine, wood, wool, wholesale produce.

Class U5 Uses: (Ordinary Industry)

- (1) Shoddy manufacturing. Wool scouring. Manufacture of textile fabrics.
- (2) Carpet cleaning or beating. Brewing or distilling of liquors. Ice manufacture. Storage or live poultry or poultry killing or dressing, except for sale at retail on the premises.
- (3) Canning or preserving factory. Grain elevator. Cereals, flour and feed manufacture. Cotton seed products manufacture. Salt works. Starch, glucose or dextrine manufacture. Sugar refining. Sausage manufacture. Yeast manufacture.
- (4) Dog pound. Carriage or wagon parts manufacture. Motor vehicle repair shop where mechanical power in excess of 10 H. P. or 10 K. W. is employed in the operation of any machine. Machine shop where mechanical power in excess of 10 H. P. or 10 K. W. is employed in the operation of any machine.
- (5) Manufacture of the following: cotton machinery, cutlery or tools, electrical machinery, rubber molds, adding machines, cash registers, typewriters, bicycles, motor vehicles, airplanes, harness, saddles, belting, rasps, files, wire products, implements. Brass, bronze or aluminum foundry. Manufacture of any kind other than a Class U6 or Ua Use, where mechanical power in excess of 5 H. P. is employed in the operation of any machine. Stamping, dieing, shearing or punching metal 1-16 inches or over in thickness. Street car repair shop.
- (6) Manufacture of bronze powder, carbon batteries or electric lamps. Chemicals, other than chemicals included in other classes. Assaying, other than gold and silver.
- (7) Celluloid and similar cellulose materials manufacture. Rubber manufacture from crude or scrap material.
- (8) Basket material factory. Furniture factory. Box factory. Steam saw or planing mill. Coöperage plant. Mattress or bed spring factory.
- (9) Stone quarry. Cement products manufacture. Rock crushing.

- (10) Manufacture of oil cloth, linoleum, enamel, lacquer, oil, paint, shellac, varnish, printing ink.
- (11) Coal hoist. Coal pocket or coal car trestle, except where the coal is consumed on the premises. Railroad yard or terminal. Railroad freight car classification yard.
- (12) Scrap iron, metal or junk storage. Storing or baling of scrap paper or rags. Worn out or discarded motor vehicles dump or outside storage.
- (13) Railroad roundhouse or shop. Nut, bolt or screw manufacture. Structural iron works. Iron foundry. Match manufacture. Brick, tile or terra cotta and other clay, shale or glass products manufacture. Paper manufacture.

Class U6 Uses: (Heavy Industry)

- (1) Pulp and plaster manufacture. Emery cloth and sand paper manufacture.
- (2) Ammonia, bleaching powder, sulphuric acid or other chemical plants emitting corrosive or toxic fumes carrying beyond the premises, other than uses included in Class Ua Uses. Asphalt plant or manufacture or refining. Wood distillation, including manufacture of charcoal, tar, turpentine and other by-products. Coal distillation, including by-products manufacture. Rubber reclaiming. Creosote manufacture or treatment. Gas manufacture from coal or petroleum or storage thereof. Carbon or lamp black manufacture. Petroleum storage (in quantities greater than tank car lots). Tar distillation. Tar roofing and tar water proofing manufacture. Manufacture of disinfectant, insecticide or dyestuff.
- (3) Locomotive manufacture. Railway car manufacture. Boiler works. Reducing or refining aluminum, copper, tin or zinc. Steel furnace. Blast furnace or works. Blooming or rolling mill. Power forge. Pipe works. Wire or rod mill. Coke ovens.
- (4) Tallow, grease and lard manufacture or refining. Pickle, vinegar, or sauerkraut manufacture. Cider mill. Fish packing or storage. Tanning, curing or storage of raw hides or skins. Tobacco (chewing) manufacture.

Class Ua Uses: (Nuisance)

- (1) Petroleum refining.
- (2) Cement, lime, gypsum or plaster of paris manufacture. Manufacture of fertilizers from minerals or organic material.
- (3) Manufacture of chlorine or hydrochloric, nitric or picric acid. Smelting of copper, tin, zinc or iron ores.
- (4) Gun powder, nitro-glycerine or other explosive manufacture or storage.
- (5) Distillation of bones. Fat rendering. Glue, size or gelatine manufacture. Soap manufacture. Snuff manufacture.
- (6) Stock yard. Abattoir.
- (7) Garbage, offal or dead animal incineration, reduction, dumping or storage, except accessory or where controlled by the municipality.

Class Ub Uses: (Indeterminate)

- (1) Amusement park, including usual concessions, operated as a business for private profit.

- (2) Boat house, except in business or industry districts.
- (3) Aviation field.
- (4) Cemetery.
- (5) Crematory.
- (6) Sewage disposal or treatment plant. Water supply reservoir or tower. Filter bed. Water or sewage pumping station.
- (7) Refuse dump.
- (8) Electric sub-station or power house or plant.
- (9) Oil, gas or salt water well.

Class Uc Uses: (Institutional)

- (1) Orphanage, home for the aged or other similar institution.
- (2) Public or private hospital or sanatorium.
- (3) Sanitarium or asylum for the feeble minded or insane.
- (4) Reformatory or correctional institution.
- (5) Pest house.

Section. 3. Districts and Zoning Map

For the purpose of regulating and restricting the location of trades, industries, residences and buildings designed for other uses, the use of premises, the number of square feet of lot area per family housed, the location and size of yards and open spaces about buildings and the height of buildings, the City of Akron is hereby divided into six classes of use districts, two residence, two business and two industry districts, termed respectively:

(Residence Districts)

Class U1 or Dwelling District

Class U2 or Apartment House District

(Business Districts)

Class U3 or Retail Business District

Class U4 or Commercial District

(Industry Districts)

Class U5 or Ordinary Industry District, and

Class U6 or Heavy Industry District

and into five classes of height districts termed respectively:

Class H1 District

Class H2 District

Class H3 District

Class H4 District

Class H5 District

and into five classes of area districts termed respectively:

Class A1 District

Class A2 District

Class A3 District

Class A4 District

Class A5 District

all as shown on the Zoning Map which accompanies this ordinance and is hereby declared to be part hereof. The use, height and area districts designated on said Zoning Map are hereby established. The map designations, the designations as applied and the map designation rules and notations which accompany said Zoning Map are hereby declared to be a part thereof. No building shall be erected, and no building or premises shall be used, except in conformity with the regulations and provisions herein prescribed for the use, height and area districts in which such building or premises is located.

Section 4. Dwelling District

Within a Class U1 District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a Class U1 Use. In any portion of a Class U1 District that is within a Class A1 District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, as a dwelling for more than one family. Except as provided in Section 20 hereof, no building shall be erected in a Class U1 District which is arranged, intended or designed for a use enumerated in subdivisions two (2) and three (3) of Class U1 Uses, unless such building is located:

- (1) On a lot at present devoted to a use enumerated in said subdivisions;
- (2) On a lot fronting on a portion of a street between two intersecting streets in which portion there exists a building of a kind enumerated in said subdivisions or a building devoted to a non-conforming use;
- (3) On a lot immediately adjacent to or across the street from a public park or a public playground;
- (4) On a lot fronting on a street having street car tracks therein opposite such lot; or
- (5) On a lot immediately adjoining or immediately opposite on the other side of the street from a Class U3, U4, U5 or U6 District.

Section 5. Apartment House District

Within a Class U2 District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a Class U1 or U2 Use. In any portion of a Class U2 District that is within a Class A1, A2 or A3 District, no building shall be erected which is arranged, intended or designed to be used as a hotel.

Section 6. Accessory Uses in Residence Districts

An accessory use customarily incident to a Class U1 or U2 Use shall also be permitted in, respectively, a Class U1 or U2 District, provided such accessory use is not detrimental to the welfare or harmonious character of the neighborhood. An unnecessary structure, including a fence, the apparent purpose of which is to annoy or damage an owner of adjacent property, is hereby prohibited as an accessory use. A store, trade or business shall not be permitted as an accessory use, except that the office of a physician, dentist, musician or other professional person may be located in the dwelling or apartment used by such professional person as his private residence; and except that any person carrying on a customary home occupation may do so in a dwelling or apartment occupied by him as his private residence, provided not more than two persons other than members of his own household shall be employed in such occupation and provided no window display or signboard other than a name plate not exceeding one square foot in area, bearing only the name and occupation of the occupant, shall be permitted to advertise such use; and except that a restaurant or public dining-room and a cigar and news stand may be located as an accessory use in a hotel or apartment house in a Class A4 or A5 District. One or more rooms may be rented or table board furnished in a dwelling or apartment occupied as a private residence, provided no signboard shall be used in a Class U1 District to advertise such use. A private garage, permitted as an accessory use, shall not provide storage for more than one motor vehicle for each 1,500 square feet of the area of the lot in a Class U1 District or for each 1,000 square feet in a Class U2 District. An accessory building shall not be erected

within 3 feet of a lot line, except as a common or joint structure, unless said accessory building is of composite, or greater fire resisting construction. "Composite" construction as used in this section shall be held to mean the ordinary system of construction in which timber and iron or steel structural parts are not protected with fire-resisting coverings and in which the walls are of masonry and the roof coverings of incombustible material. A billboard, signboard or advertising sign shall not be permitted as an accessory use, except, however, that the placing back of the building line of a "For Sale" or "For Rent" sign not exceeding 4 square feet in area shall be permitted as an accessory use. A Class U4, U5, U6, Ua, Ub or Uc Use shall not be permitted as an accessory use.

Section 7. Retail Business District

(a) Within a Class U3 District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a Class U1, U2 or U3 Use. In any portion of a Class U3 District that is within a Class A1 or A2 District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for a use enumerated in subdivisions four (4), five (5) and six (6) of Class U3 Uses.

(b) An accessory use customarily incident to a Class U3 Use shall also be permitted in a Class U3 District, provided mechanical power in excess of 3 H. P. shall not be used in the operation of any machine. A private garage for motor vehicles shall not provide storage for more than one car for each 1,000 square feet of lot area. A garage service station or a garage repair shop, permitted as an accessory use in connection with a public garage or a motor vehicle sales room in any portion of a Class U3 District that is within a Class A3, A4 or A5 District, shall not be located, or occupy any space, on the ground floor within 50 feet of the front street wall of the building and shall not use total mechanical power in excess of 10 H. P. A Class U5, U6 or Ua Use shall not be permitted as an accessory use.

Section 8. Commercial District

(a) Within a Class U4 District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a Class U1, U2, U3 or U4 Use.

(b) An accessory use customarily incident to a Class U4 Use shall also be permitted, provided mechanical power in excess of 5 H. P. shall not be used in the operation of any machine. Pneumatic riveting or a power forge are prohibited as accessory uses. The manufacture of ice for use on the premises may be permitted as an accessory use. A Class U6 or Ua Use shall not be permitted as an accessory use.

Section 9. Ordinary Industry District

(a) Within a Class U5 District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a Class U1, U2, U3, U4 or U5 Use.

(b) A Class U6 or Ua Use shall not be permitted as an accessory use in a Class U5 District, except that rubber reclaiming, occupying not more than twenty-five (25) per cent of the ground floor area of the plant, may be permitted as an accessory to a Class U5 Use.

Section 10. Heavy Industry District

(a) Within a Class U6 District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for a Class Ua, Ub or Uc Use.

(b) A Class Ua Use shall not be permitted as an accessory use in a Class U6 District.

Section 11. Regulations for Special Uses

(a) (Nuisance) In the City of Akron, no building or premises shall be used, except as provided by Section 12 hereof, and no building shall be erected which is arranged, intended or designed to be used for a Class Ua Use.

(b) (Indeterminate) A Class Ub Use existing in any district at the time of the passage of this ordinance shall be deemed an authorized use upon the premises devoted to such use at the time of the passage of this ordinance. No building or premises shall be used, and no building shall be erected in any district which is arranged, intended or designed to be used, for a Class Ub Use except as provided by Section 20 hereof.

(c) (Institutional) A Class Uc Use existing in any district at the time of the passage of this ordinance shall be deemed an authorized use upon the premises devoted to such use at the time of the passage of this ordinance. No building or premises shall be used, and no building shall be erected in any district which is arranged, intended or designed to be used for a Class Uc Use except as provided by Section 20 hereof.

Section 12. Non-conforming Buildings and Uses

(a) A non-conforming use existing at the time of the passage of this ordinance may be continued or extended to any portion of a building which portion was arranged or designed for such non-conforming use at the time of the passage of this ordinance, but a non-conforming use shall not be otherwise extended except as authorized by Section 20 hereof.

(b) A building arranged or designed for or devoted to a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered, during any ten year period, to an extent exceeding in aggregate cost sixty (60) per cent of the value at which said building stands on the tax duplicate unless the use of said building is changed to a conforming use.

(c) A non-conforming use if changed to a conforming use may not thereafter be changed back to any non-conforming use.

(d) A non-conforming use may not be changed unless changed to a higher use and, if changed, may not thereafter be changed unless changed to a still higher use.

(e) A non-conforming use included in a Class U6 or Ua Use and an authorized use included in a Class Ub or Uc Use shall not be changed unless changed to a conforming use.

(f) In a residence district, a non-conforming use included in a Class U4 or U5 Use shall not be changed unless changed to a conforming use.

(g) For the purpose of this ordinance, a use shall be deemed to be changed if changed from a use included in a subdivision of a use class to a use not included in the same subdivision, and a non-conforming use shall be deemed to be changed to a higher use if the use to which such non-conforming use is changed is a use included in a subdivision of a use class that, in the arrangement of classes and subdivisions in the classification of uses, precedes the subdivision in which such non-conforming use is included.

Section 13. Height Districts

(a) In a Class H1 District, no building shall be erected to a height in excess of 35 feet or in excess of two and one-half stories, except that in the

case of church, school, library, hospital, sanitarium or public or semi-public building such limit shall be 50 feet.

(b) In a Class H2 District, no building shall be erected to a height in excess of 50 feet.

(c) In a Class H3 District, no building shall be erected to a height in excess of 75 feet.

(d) In a Class H4 District, no building shall be erected to a height in excess of 105 feet, nor shall the height of any portion of the building exceed three times the distance of such portion of the building from the center line of the street, provided that in the case of a corner building the height permitted on either street may be carried back 125 feet along the other street.

(e) In a Class H5 District, no building shall be erected to a height in excess of 136 feet, nor shall the height of any portion of the building exceed three and one-half times the distance of such portion of the building from the center line of the street, provided that in the case of a corner building the height permitted on either street may be carried back 150 feet along the other street.

Section 14. Height District Exceptions

(a) The provision of the preceeding section shall not apply to restrict the height of chimneys, flues, cooling towers, fire towers, church towers and spires, belfries, wireless towers, electric signs, water tanks or towers, stacks, elevator bulk heads, gas holders or stage towers or scenery lofts.

(b) Nothing in this ordinance shall prevent the erection above the height limit of a parapet wall or cornice, solely for ornament and without windows, extending above such height limit not more than 5 feet, nor the projection of a cornice beyond the street line or the building line to an extent of not more than 5 feet.

(c) Within a residence district, any portion of a building may be erected to a height in excess of the height limit, but not in excess of 50 feet in an H1 height district, 80 feet in an H2 height district, 100 feet in an H3 height district or 125 feet in an H4 height district, provided that such building is set back from all required rear and side yards and from all building lines, except a building line that is back of the front line of a lot 35 feet or more or back of the side line of a corner lot 15 feet or more, one foot for each two feet of height in excess of the height limit of the height district in which it is located.

(d) Within a use district other than a residence district, any portion of a building may be erected to a height in excess of the height limit, provided that the total volume of such building does not exceed by more than twenty per cent the volume permitted under Section 13 hereof, and provided that the height of such portion does not exceed five times the distance of such portion from the center line of the street upon which the building faces, and provided further:—

(1) That such portion shall not be erected to a height of more than fifty (50) feet in an H1 height district, eighty (80) feet in an H2 height district or one hundred (100) feet in an H3 height district, and shall set back from all lot and required building lines one foot for each two feet of such additional height in an H1 or an H2 height district and one foot for each three feet of such additional height in an H3 height district, and

(2) That such portion shall set back from all lot lines, except one, one foot for each five feet of such additional height in an H4 or an H5 height district, but such required set-back, at any height, need not exceed twenty (20) feet, and where the area of the horizontal cross-section of the portion above the height limit does not exceed fifty (50) per cent of the ground floor area

of the building of which it is a part, such portion may be constructed for not more than seventy-five (75) per cent of the frontage of the street upon which the building faces and for a depth of not over one hundred fifteen (115) feet without providing such set-backs.

(e) In any height district a tower may be erected in excess of the height limit, provided the area of its horizontal cross section above the height limit does not exceed twenty-five (25) per cent of the ground area of the building of which it is a part and such tower is not nearer to any side line than twenty (20) feet.

Section 15. Area Districts

Except as hereinafter provided, every building erected or altered which is arranged, intended or designed to be used in whole or in part for residence purposes, shall conform with the regulations, as herein prescribed, of the area district in which it is located. No lot area shall be so reduced or diminished in area that the yards and open spaces shall be smaller than prescribed herein.

(a) Class A1 District

(1) **Lot Area per Family.** No building shall accommodate or make provision for more than one family for each 4,000 square feet of the area of the lot of an interior lot or for each 3,600 square feet if a corner lot.

(2) **Rear Yard.** Every building shall have a rear yard which shall be in least dimension not less than twenty-five (25) per cent of the depth of the lot, but such least dimension need not be more than 25 feet.

(3) **Side Yards.** Every building shall have a side yard along each lot line other than a front line or a rear line. The least dimension of a side yard shall be not less than 5 feet. At least twenty-five (25) per cent of the width of the lot shall be devoted to side yards, but the sum of the widths of the two opposite side yards need not be more than 15 feet.

(b) Class A2 District

(1) **Lot Area per Family.** No building shall accommodate or make provision for more than one family for each 2,000 square feet of the area of the lot if an interior lot or for each 1,800 square feet if a corner lot.

(2) **Rear Yard.** Every building shall have a rear yard which shall be in least dimension not less than twenty (20) per cent of the depth of the lot, but such least dimension need not be more than 20 feet.

(3) **Side Yards.** Every building shall have a side yard along each lot line other than a front line or a rear line. The least dimension of a side yard shall not be less than 4 feet. At least twenty-five (25) per cent of the width of the lot shall be devoted to side yards, but the sum of the widths of the two opposite side yards need not be more than 15 feet.

(c) Class A3 District

(1) **Lot Area per Family.** No building shall accommodate or make provision for more than one family for each 1,000 square feet of the area of the lot if an interior lot or for each 900 square feet if a corner lot.

(2) **Rear Yard.** Every building shall have a rear yard which shall be in least dimension not less than fifteen (15) per cent of the depth of the lot, but such least dimension need not be more than 15 feet.

(3) **Side Yards.** Every building shall have a side yard along each lot line other than a front line or a rear line. The least dimension of a side yard shall be not less than 4 feet. At least twenty (20) per cent of the width of the lot shall be devoted to side yards, but the sum of the widths of the two opposite side yards need not be more than 12 feet, provided that such sum of

the widths of such side yards shall not be less than one-third of the height of the building.

(d) Class A4 District

(1) **Lot Area per Family.** No building shall accommodate or make provision for more than one family for each 500 square feet of the area of the lot if an interior lot or for each 450 square feet if a corner lot.

(2) **Rear Yard.** Every building shall have a rear yard which shall be in least dimension not less than fifteen (15) per cent of the depth of the lot, but such least dimension need not be more than 12 feet.

(3) **Side Yards.** Every building shall have a side yard along each lot line other than a front line or a rear line. The least dimension of a side yard shall not be less than 4 feet. At least twenty (20) per cent of the width of the lot shall be devoted to side yards, but the sum of the widths of the two opposite side yards need not be more than 12 feet, provided that such sum of the widths of such side yards shall be not less than one-fourth of the height of the building.

(e) Class A5 District

(1) **Lot Area per Family.** No building shall accommodate or make provision for more than one family for each 310 square feet of the area of the lot if an interior lot or for each 280 square feet if a corner lot.

(2) **Rear Yard.** The rear yard shall be the same as prescribed for a rear yard in a Class A4 District.

(3) **Side Yards.** The side yards shall be the same as prescribed for side yards in a Class A4 District.

Section 16. Rear Yards in Business Districts

In any portion of a Class A1 or A2 District that is located within a Class U3 District, rear yards shall be provided for all buildings erected on lots having a rear line adjoining a Class U1 District, except on a lot less than eighty (80) feet in depth or on a lot having its rear line adjoining a permanent open space. The least dimension of such rear yard shall be not less than ten (10) per cent of the depth of the lot, but need not be more than 10 feet.

Section 17. Area District Exceptions

(a) The area required in a yard or court at any given level shall be open from such level to the sky unobstructed, except for the ordinary projections of skylights and parapets above the bottom of such yard or court, and except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, except that within 5 feet of the street wall, a cornice may project not over 3 feet into such yard, and provided that if the building is not over 2½ stories or 35 feet in height, the cornice may project not more than 1½ feet into such yard.

(b) An open or lattice enclosed iron fire escape, a fire proof outside stairway, or solid-floored balcony to a fire tower may project not more than 5 feet into a rear yard.

(c) In residence districts, the side and rear yards shall start at the curb level. In business and industry districts, the yards shall start at the sill level of the windows of the story that is arranged, intended or designed as the residence of one or more families. Courts with a minimum dimension of 4 feet may be provided in business and industry districts in lieu of side and rear yards, provided every room that is arranged, intended or designed as a sleeping, living or dining room is constructed with one or more windows opening upon such court or courts or upon a permanent open space.

(d) An accessory building not over 15 feet in height may occupy not to exceed forty (40) per cent of the area of a rear yard, but in a Class U1 or U2 District such accessory buildings shall not be erected within 15 feet of a street line.

(e) A building and any accessory building erected on the same lot shall, for the purpose of area district regulations, be considered as a single building.

(f) In an A2 area district within a U1, or dwelling house, district, the minimum lot area required for a two family dwelling shall be required for a single family dwelling, and, in a U2, or apartment house district, the minimum lot area required for a three family apartment house within an A3 area district shall be required for a single family dwelling or a two family dwelling.

(g) Except in a Class U1 District, not to exceed six attached single family dwellings may be constructed in a row as a continuous structure, and be considered a single building in applying area district regulations, but apartment houses shall not be built in rows.

(h) A single family dwelling may be erected on any lot separately owned, or for the purchase of which a contract had been executed, at the time of the passage of this ordinance, or on any numbered lot in a recorded allotment that was on record in the office of the county recorder at the time of the passage of this ordinance, and, except in an A1 area district, a two family dwelling may be erected on any such lot having an area of not less than 3,600 square feet.

Section 18. Special Provisions

(a) In a Class U1 or U2 District, every dwelling or apartment house shall have access to, and be accessible from, a public highway. If located in the rear of another building or on a lot that does not have frontage on a public highway, there shall be provided for ingress and egress a strip of land, not less than 16 feet in width, connecting such building or lot with a public highway and such strip of land shall not be built upon or be otherwise occupied or obstructed, but shall be maintained as an easement for ingress and egress until a public highway be provided in lieu thereof. No such easement or private court shall form a part of any yard or lot areas required by this ordinance.

(b) In a Class U1 or U2 District, where a dwelling or apartment house exists or is erected in the rear of another building or on a lot that does not have frontage on a public highway, there shall be provided a front yard, exclusive of a private court or easement for ingress or egress, which shall be in least dimension not less than one-third of the height of the building and in any case not less than 15 feet .

(c) Along and adjacent to a boundary line between a Class U1 or U2 District and any use district of another class, there shall be required in the less restricted district a side yard equal in least dimension to the least dimension of the side yard required in the more restricted district.

(d) Where an apartment receives its light and air wholly from a side yard or open court, the minimum least dimension of said side yard or open court, for the distance that said apartment extends, shall be not less than 6 feet and said minimum least dimension shall be increased not less than 2 feet for each additional story above the story in which said apartment is situated.

(e) No public garage for more than four motor vehicles shall have an entrance or exit for motor vehicles within 50 feet of a Class U1 or U2 District or within 200 feet of the entrance or exit of a public or private school, playground, public library, church, hospital, orphanage or children's home housing children under 16 years of age.

(f) In a Class U1 or U2 District, no fence, wall, hedge or planting, extending in excess of 4 feet above the curb or established grade level of the street (whether the street be graded or not), or other obstruction to the vision of street traffic shall be permitted, constructed or maintained on that portion of a front or side yard of a corner lot that is included between the side lines of intersecting streets and a line connecting said lines at points which are 25 feet distant from their point of intersection, measured along said side lines.

(g) The owner or owners of any tract or tracts of land having a total area of not less than 1.5 acres may submit to the Board of Zoning Appeals a plan for the development of such area for residential purposes, and the Board of Zoning Appeals, after public notice and hearing and after approval by the City Planning Commission, may authorize a modification of the application of the height regulations, the front, side and rear yard regulations and the lot area per family regulations as herein established and such modification of the use regulations herein established as are incidental or essential to the carrying out of such residential development plan; provided that for such land area as a whole, excluding street area but including parks or other permanent open spaces, there shall not be less than the required area per family for the area district in which such land is located for each family which under such residential development plan may be housed on such tract or tracts, and provided further that under such development plan the appropriate use of property adjacent to the area included in such development plan is fully safeguarded and provided that such development plan is consistent with the public welfare.

Section 19. Building Lines

(a) For the purpose of establishing front yards and regulating the location and alignment of buildings back of street lines and for the purpose of maintaining appropriate open spaces and adequate distances between buildings on opposite sides of the same street, in the interest of the public health, safety, convenience and general welfare, building lines, as indicated and set forth on the Building Line Map which accompanies this ordinance and which is hereby declared to be a part hereof, are hereby established. The map designations and the map designation rules which accompany said map are hereby declared to be a part thereof. Between a building line and the street line, no building or portion of a building, extending above the curb level, may be erected.

(b) Exceptions. (1) Except within an A1 area district, a one or two story unenclosed porch may be erected beyond the building line in a Class U1 or U2 district as shown on the Zoning Map.

(2) In a Class U1 or U2 District, where the building line provided on a lot is a greater distance from the street line than the building line along the same street on an adjacent lot, a building may be erected beyond the building line for a distance of not more than 50 feet from such adjacent lot to a line parallel to and midway between the said building lines.

(3) In a Class U1 or U2 District, where the building line provided is a greater distance from the street line than the alignment of fifty (50) per cent or more of the existing buildings on a street frontage on either side of a street between two intersecting streets, but excluding the frontage along the side line of a corner lot or outside of such Class U1 or U2 District, the Board of Zoning Appeals may, when in its opinion the general purpose and intent of this section will be better served thereby, determine that the average distance the existing buildings are back from the street line, either for such entire frontage or for any part thereof, shall be considered the building line.

(4) In a Class U1 or U2 District, where the building line provided along a street frontage on either side of a street between two intersecting streets, but excluding the frontage along the side line of a corner lot, is more than 40 feet back from the street line, the Board of Zoning Appeals may, on petition of the owners of the majority of such frontage, when in its opinion the interests of the owners of such frontage will be better served thereby and the intent of this section will be carried out equally well, alter and change the building line as provided, but the distance of the building line from the street line shall in such case be not less than fifty (50) per cent of the distance that the building line provided herein is from the street line.

(5) In a Class U1 or U2 District, where the building line provided along the side of a corner lot is back from the street line a greater distance than ten (10) per cent of the average width of the lot, the Board of Zoning Appeals may, on application in a specific case, authorize the construction of a building beyond said building line to an extent necessary to permit an appropriate improvement on such lot.

(6) In a business or industry district, where a building, existing at the time of the passage of this ordinance, projects beyond the building line, a building or portion of a building may be erected immediately adjacent to such projecting building beyond the building line to a distance equal to one-half the distance that such projecting building extends beyond the building line for a distance of not more than 50 feet from such projecting building, provided such building or portion of a building complies with such conditions and requirements as the Board of Zoning Appeals may have prescribed for such exceptions.

Section 20. Board of Zoning Appeals

(a) **Establishment and Membership.** There is hereby created a Board of Zoning Appeals. The words "the Board" where used herein shall refer to such Board. The Board shall consist of four members who shall be appointed by the mayor, by and with the consent of the Council, for terms of four years respectively, provided, however, that when the first Board shall be appointed, under the provisions herein, one member shall be appointed for one year, one for two years, one for three years and one for four years. One member of the Board shall be an architect, one member shall be a general contractor and one member shall be a realtor or a person engaged in the real estate business. In the event of the absence from the city or incapacity of a member, the mayor may appoint a substitute who may serve as a member of the Board with the same power and authority as a regular member until such member has returned or has become capacitated for service. The services of any city employee in a consulting or technical capacity shall be available to the Board. The chief administrator shall designate an employee of the City of Akron to serve as secretary of the Board without extra compensation. The salary of each member of the Board shall be at the rate of Five Hundred Dollars (\$500.00) per annum beginning January 1st, 1923.

(b) **Organization and Meetings.** The Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance. Meetings of the Board shall be held at such times as may be necessary. All meetings of the Board shall be public. The presence of three members shall be necessary for a quorum. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question. If a member is absent or fails to vote, the minutes shall indicate such fact.

(c) **Appeals.** Any decision of the superintendent of building inspection and regulation made in the enforcement of this ordinance may be appealed to the Board by any person adversely affected by such decision. An appeal shall be perfected by the appellant filing with the superintendent of building inspection and regulation or the secretary of the Board a notice of his intention to appeal, together with a deposit of ten (\$10.00) dollars, which sum shall be refunded to the appellant in case the Board renders a decision in favor of the one appealing and in case the decision is not in favor of the appellant said sum shall be forfeited to the city. The final disposition of any appeal shall be in the form of a resolution either reversing, modifying or affirming the decision or determination appealed from. If a resolution fails to receive three votes in favor of the appellant, or in favor of a modification of the decision of the superintendent of building inspection and regulation, the action will be deemed equivalent to a denial and a resolution denying the appeal shall be formally entered on the record. The Board shall render a decision on an appeal from the decision of said superintendent within 15 days after notice of same has been given as required. Where public notice is required, the appellant or petitioner shall deposit with the superintendent of building inspection and regulation or the secretary of the Board a sum sufficient to defray the cost of printing the required notices.

(d) **Jurisdiction.**

(aa) The Board of Zoning Appeals may in specific cases, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the use, height and area district regulations and the building line regulations herein established in harmony with their general purpose and intent as follows and authorize the issuance of a permit for:

(1) The location or erection in any portion of a Class U1 District of a building which is arranged, intended or designed for a use enumerated in subdivisions two (2) and three (3) of Class U1 Uses in Section 2 hereof where such building and use will not seriously injure neighboring property for residence use;

(2) The extension of a building or use into a more restricted district, but not more than 25 feet beyond the boundary line of the district in which such use is authorized, where a use district boundary line divides a lot in a single ownership at the time of the passage of this ordinance;

(3) The extension of a non-conforming use or building or the erection of additional buildings upon the lot occupied by such use or building at the time of the passage of this ordinance where such enlargement or expansion of such use or building will not be detrimental to, or tend to alter the character of, the neighborhood;

(4) The erection of buildings or the use of buildings and premises in residential districts, that do not conform to the regulations of such districts as provided herein, for a period of not more than two years, where such buildings and uses are clearly incidental to, and necessary for, residential development, or are temporary only and will not be detrimental to or tend to alter the character of the district;

(5) The location of a Class Ub Use in any district, provided such location will not seriously injure the appropriate use of neighboring property and has been approved by the City Planning Commission;

(6) The location of a Class Uc Use in any district, provided such location will not seriously injure the appropriate use of neighboring property and has been approved by the City Planning Commission;

(7) Any use in any use district that is not specifically prohibited and that is in general keeping with, and appropriate to, the uses authorized in such district;

(8) Any public utility building or use in any district where necessary for the public convenience and welfare;

(9) A use or building within 100 feet of a less restricted district with such modifications of the regulations of the more restricted district as will tend to graduate or ease off the regulations of adjacent districts from one district to the other where an exact compliance with the regulations will result in undue hardship and a variance may be made without material damage to property in the more restricted district.

(10) The erection of an existing building to a height of not more than 25 feet in excess of the height limit prescribed, in Section 13 hereof, for the district in which such building is located, where the Board is satisfied that such building has been designed for a greater height than permitted by this ordinance and has provided in its construction, at extra cost, heavier columns and walls than a building of the height limit prescribed herein would require;

(11) The construction of a building beyond the building line to an extent necessary to secure an appropriate improvement on any lot or parcel of land, which was separately owned or leased prior to the passage of this ordinance, that is of such restricted area that it cannot be appropriately improved without building beyond the building line herein established;

(12) The construction of a building or portion of a building beyond the building line, subject to such conditions and limitations as the Board may deem reasonable and necessary, provided the public health, safety, convenience or general welfare will not thereby be injuriously affected or the appropriate use or development of neighboring property seriously injured;

(bb) The foregoing enumeration of specific cases in which the Board is authorized to make variations shall not be deemed to prevent the authorization of other proper variations in cases not included in the enumeration. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance the Board of Zoning Appeals shall have power in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, to vary the application of any such provision in harmony with the general purpose and intent of the ordinance so that the public health, safety and general welfare may be secured and substantial justice done.

(cc) Where the street layout actually on the ground varies from the street layout as shown on the Zoning Map or the Building Line Map, the Board of Zoning Appeals may apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular section in question.

Section 21. Certificates of Occupancy

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter erected, created, changed or converted wholly or partly in its use or structure until the superintendent of building inspection and regulation shall have issued a certificate of occupancy stating that the building and premises comply with the building code and the provisions of these regulations, provided that nothing in this section shall prevent the continuance of the present occupancy or use of any premises or of any existing building as provided by Section 12 hereof.

The superintendent of building inspection and regulation shall issue a certificate of occupancy and compliance within 3 days after written application therefor has been filed in his office, or, if erection or alteration of buildings is contemplated, within 3 days after such erection or alteration is completed to the point of availability for occupancy and use, provided said building or premises, and the proposed use thereof, complies with these regulations and the building code.

A record of all certificates shall be kept on file in the office of the superintendent of building inspection and regulation and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. A fee of fifty cents shall be charged for each duplicate copy of a certificate of occupancy and for each original certificate of occupancy of an existing building.

Section 22. Permits

No permit for the erection of any building shall be issued before application has been made for a certificate of occupancy and no permit for the construction, alteration or change of a building or premises shall be issued unless the plans, specifications and intended use conform in all respects with the provisions of this ordinance or amendments thereto hereafter duly enacted.

All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, all buildings existing upon said lot, the size and proposed location of the building for which the application for a permit is made and such other information as may be necessary to provide for the enforcement of these regulations, or that may be required by the rules and regulations of the Board of Zoning Appeals. Blank forms shall be provided by the superintendent of building inspection and regulation for the use of those applying for permits to build single family dwellings only on regular numbered lots or on rectangular lots where such information, as required by this section, can be provided to the satisfaction of said superintendent of building inspection and regulation. A careful record of such applications and plans shall be kept in the office of the superintendent of building inspection and regulation. The lot or yard areas provided about any existing building as required by these regulations shall not be diminished or used as a part of the required lot or yard areas of any other building.

Section 23. Enforcement: Penalties

This ordinance shall be enforced by the superintendent of building inspection and regulation under the rules and regulations of the Board of Zoning Appeals and by such other officer or officers as may be designated by the charter and ordinances of the City of Akron to enforce municipal laws and regulations.

Any person, firm, or corporation who violates any of the provisions of this ordinance shall upon conviction be fined not more than five hundred (\$500.00) dollars. Each day during which such violation shall continue shall constitute a separate offense.

Section 24. Interpretation: Purpose

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued 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 premises or upon the height of buildings or requires larger yards or other open spaces than are imposed or required by such existing provision of law or ordinance or by such rules, regulations or permits or by such easements, covenants, or agreements, the provisions of this ordinance shall control.

Section 25. Amendments

The Council may from time to time on its own motion or on petition, after public notice and hearing, amend or change the regulations, districts or building lines herein established, but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the City Planning Commission for approval, disapproval or suggestions, and the City Planning Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report. No such ordinance proposing an amendment or change which differs from the report, or has failed to receive the approval, of the City Planning Commission shall be passed except by a three-fourths vote of the full membership of the Council.

Whenever the owners of fifty (50) per cent of the land in any area shall present a petition, duly signed and acknowledged, to the Council requesting an amendment of the regulations prescribed for such area, it shall be the duty of the Council to vote upon such amendment within 90 days of the filing of the same by the petitioners with the city clerk.

If any area is hereafter transferred to another district by a change in the district boundaries by amendment as provided in this section, the provisions of this ordinance with regard to buildings or premises existing at the time of the passage of this ordinance shall apply to buildings or premises existing in such transferred area at the time the passage of such amendment.

Section 26. Completion and Restoration of Existing Buildings

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within a year of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within such year, and which entire building shall be completed according to such plans, as filed, within two years from the date of the passage of this ordinance. Nothing in this ordinance shall prevent restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy, subsequent to the passage of this ordinance, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction of such building or part thereof or prevent a change of such existing use under the limitations provided in Section 12. Nothing in this ordinance shall prevent the restoration of a wall declared unsafe by the superintendent of building inspection and regulation.

Section 27. Validity of Ordinance

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 28. When Effective

Upon its final passage, this ordinance shall be in full force and effect at the earliest period allowed by law.

JULY 1, 1929

I hereby certify that the above is a true and correct copy of Ordinance No. 8169 as amended by;

- (1) Ordinance No. 8325
- (2) Ordinance No. 673—1923
- (3) Ordinance No. 865—1924
- (4) Ordinance No. 39—1927
- (5) Ordinance No. 508—1927
- (6) Ordinance No. 314—1929
- (7) Ordinance No. 477—1929
- (8) Ordinance No. 478—1929
- (9) Ordinance No. 479—1929
- (10) Ordinance No. 480—1929

JOSEPHINE BAUMAN,

Clerk of Council.

