

sign or legal notice. Such sign or display, unless attached to a building shall not exceed in display surface an area of 100 square feet.

Banks
 Barber shops and beauty parlors
 Catering establishments
 Conservatories
 Dress making and tailor establishments
 Gasoline and oil service stations
 Messenger or telegraph service station
 Millinery shops
 Offices
 Office and showroom of a plumber, electrician, decorator or similar trade, but not including workshops.
 Photograph galleries
 Post offices
 Public utility buildings, but not including repair or storage facilities
 Restaurants
 Sales or show rooms
 Stores and shops for the conducting of retail business
 Studios
 Tire repair shops
 Undertaking establishments
 Any use similar in character to one of the uses permitted in this section.

Height

Sec. 1002. The entire volume in cubic feet of buildings erected in this district shall not exceed the number of square feet of lot area multiplied by the width of the street on which the lot faces, except that for corner lots this shall be the average width of the streets upon which the lot abuts.

Building Line

Sec. 1003. No building or part thereof shall be erected in this district within 50 feet of the centerline of the street, except that from the side street frontage of a corner lot the building may be erected to within 5 feet of the street line. Where there is an alley separating such side street frontage from the adjoining property, the building may be erected on the street line.

Side Yards

Sec. 1004. Side yards shall not be required for buildings erected in this district.

Rear Yards

Sec. 1005. Buildings erected in this district shall be provided with a rear yard not less than 15 feet in minimum depth; provided, however, that where there is an alley at the rear of a lot, one half of the width of the alley shall be considered as part of the required rear yard.

Article 11 BUSINESS-B DISTRICT Use Restrictions

Sec. 1101. The uses permitted and prohibited in districts designated in this Ordinance as Business-B districts shall be as specified below:

PERMITTED USES

(a) The following uses shall be permitted in Business-B districts. These uses are permitted in Section 1001 for Business-A districts. Twenty per cent of the entire floor area of a building may be used for industrial purposes, which are permitted in industrial districts, as an incidental or accessory use with any of the permitted Business-B uses, but not more than 20 per cent of the first floor area shall be so occupied. Any space used for the storage of goods intended for retail sale upon the premises shall not be included in the area classified as industrial use. The following trades, industries, or uses may be permitted, except that not more than 10 mechanics or workers shall be employed or mechanical power of more than 25 horsepower shall not be used.

Bakery
 Bottling works
 Canning or preserving of food
 Carpenter or wood-working shop
 Creamery
 Laundry
 Milk bottling or distributing station
 Any use similar in character to those uses listed in this section

Building material storage yard, provided that such use is entirely enclosed within a building or within a substantial fence not less than 6 feet in height

Contractors plant or storage yard, provided such use is entirely enclosed within a building or within a substantial fence not less than 6 feet in height

Garage for the repair of motor vehicles
 Lumber yard, provided such use is entirely enclosed within a building or within a substantial fence not less than 6 feet in height

Any other mercantile establishment or professional or commercial service, except those prohibited in section 1101 (b)

PROHIBITED USES

(b) The following uses shall be prohibited in Business-B districts.
 Blacksmith Shop
 Carpet or bag cleaning
 Coal or coke storage, except for consumption on the premises
 Concrete products manufacture
 Concrete batching or mixing plant
 Crematory, except in a cemetery
 Gas, illuminating or heating, manufacture or storage
 Ice manufacture or cold storage plant from which ice is sold for delivery away from the plant
 Junk, scrap paper or rag baling or handling, except where such use is purely an accessory use
 Manufacturing plants except as permitted in section 1101 (a)
 Oil or gasoline above ground storage
 Poultry killing, dressing or live storage, except for retail sale on the premises
 Stone Yard
 Any use prohibited in Industrial districts in Section 1201
 Any use similar in character to one of the uses prohibited in this section.

Height

Sec. 1102. The entire volume in cubic feet of buildings erected in this district shall not exceed the number of square feet of lot area multiplied by $1\frac{1}{2}$ times the width of the street on which the lot faces, except that for corner lots this shall be $1\frac{1}{2}$ times the average width of the streets upon which the lot abuts.

Building Line

Sec. 1103. Buildings erected in this district may be erected on the street line.

Side Yards

Sec. 1104. Side yards shall not be required for buildings erected in this district.

Rear Yards

Sec. 1105. Buildings erected in this district shall be provided with a rear yard not less than 15 feet in depth; provided, however, that where there is an alley at the rear of a lot $\frac{1}{2}$ of the width of the alley shall be considered as part of the required rear yard.

Article 12 INDUSTRIAL DISTRICT Use Restrictions

Sec. 1201. The uses permitted and prohibited in districts designated as Industrial districts in this Ordinance shall be as specified below.

Permitted Uses

(a) The following uses shall be permitted in Industrial districts: Those uses permitted in Section 1101 for Business-B districts. Any mercantile, commercial or industrial activity or establishment, except those prohibited in Section 1201 (b)

Prohibited Uses

(b) The following uses shall be prohibited in Industrial districts:
 Abattoirs
 Ammonia bleaching powder or chlorine manufacture
 Asphalt manufacture or refining
 Blast furnace
 Boiler works, forge works, aluminum, brass, copper, iron or steel foundry employing 5 or more workers
 Brick, tile or terra-cotta manufacture
 Celluloid manufacture or treatment
 Coke ovens
 Creosote treatment or manufacture
 Disinfectant or insecticide manufacture
 Distillation of bones, coal, tar or wood
 Dye manufacture
 Fat rendering
 Fertilizer manufacture
 Glue, gelatin or size manufacture
 Gun-powder manufacture or storage
 Incineration of dead animals, garbage or refuse, EXCEPT in plants designed and constructed to accomplish reduction without creating a nuisance
 Lampblack manufacture
 Lime, cement or plaster of paris manufacture
 Oil cloth or linoleum manufacture
 Pickle, sauerkraut, sausage or vinegar manufacture
 Pyroxyline plastic manufacture or articles therefrom
 Raw hides or skins or the storage, curing or tanning thereof
 Rock crushing
 Rolling mills
 Rubber manufacture
 Salt works
 Slaughtering of animals or fowl
 Smelting of iron
 Soap manufacture
 Stock yards
 Sulphuric, nitric or hydrochloric acid manufacture
 Tallow, grease or lard manufacture or refining
 Tar distillation or manufacture of dyes
 Tar roofing or tar water-proofing manufacture
 Yeast manufacture
 Any process or activity resulting in the emission of odor, fumes, dust, smoke, noise or vibration in a manner or amount making it similar in character to any of the uses specified above

Height

Sec. 1202. The entire volume in cubic feet of buildings erected in this district shall not exceed the number of square feet of lot area multiplied by 75 feet.

Building Line

Sec. 1203. Buildings erected in this district may be erected on the street line.

Side Yards

Sec. 1204. Side yards shall not be required for buildings erected in this district.

Rear Yards

Sec. 1205. Rear yards shall not be required for buildings erected in this district.

Article 13 NON-CONFORMING BUILDINGS AND USES

Sec. 1301. The lawful use of a building existing on the effective date of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance.

A non-conforming use may be changed to a use, which is of the same or higher classification. Whenever a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued, or changed to a use of similar or higher classification, provided in any case all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a non-conforming use of a lower classification. No building which has been damaged by fire or other causes to the extent of more than 75 per cent of its value shall be repaired or rebuilt except in conformity with the regulations of this Ordinance. Any such non-conforming use shall not be enlarged or extended, except by specific approval of the Board of Appeals.

Article 14 ADMINISTRATIVE Administrative Officer

Sec. 1401. The City Manager is hereby authorized and directed to enforce all the provisions of this Ordinance; He may delegate the enforcement of this Ordinance to any administrative official of the City. The administrative official shall be directly under the control of the City Manager and shall for the purposes of this Ordinance have the powers of a police officer.

Building Permits

Sec. 1402. No permit shall be issued by the City of Birmingham, or any official thereof, for the erection, alteration or removal of any building on any parcel of land unless such building is designed and arranged to conform to the provisions of this Ordinance.

Certificate of Occupancy

Sec. 1403. No building hereafter erected or remodeled shall be occupied until a certificate of occupancy has been issued therefor, nor shall the use or occupancy of any building be changed to a use or occupancy of different classification until a certificate of occupancy permitting the new use or occupancy shall have been issued. No such certificate of occupancy shall be issued for any building unless all the provisions of this Ordinance are fully complied with.

Upon written request the administrative officer shall issue a certificate of occupancy for any building or premises for the use classification as existing on the effective date of this Ordinance, stating whether such use is a conforming or non-conforming use; provided application for such certificate of occupancy is made within 1 year after the passage of this Ordinance.

Interpretation

Sec. 1404. 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 and general welfare.

Wherever any provision of this Ordinance, imposes requirements for lower heights of buildings, or a less percentage of lot that may be occupied, or requires wider or larger courts or deeper yards than are imposed or required by existing provisions of law or Ordinance, the provisions of this Ordinance shall govern. Where, however, the provisions of the State Housing Code or any ordinances or regulations of the City of Birmingham impose requirements for lower heights of buildings or

less percentage of lot that may be occupied, or require wider or larger courts or deeper yards than are required by this Ordinance, the provisions of the said State Housing Code or other ordinance or regulation shall govern.

It is not 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, the provisions of this Ordinance shall control.

Article 15 BOARD OF APPEALS Duties and Procedure

Sec. 1501. The City Commission of the City of Birmingham shall appoint a "Board of Appeals" consisting of five members, each to be appointed for three years. Such Board of Appeals shall fix rules and regulations to govern its procedure in acting upon appeals, and shall hear and decide appeals from and review any other requirement, decision or determination made by an administrative official charged with the enforcement of this Ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Ordinance. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Birmingham.

Appeals How Taken

Sec. 1502. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board, all the papers constituting the record upon which the action appealed from was taken.

Stay

Sec. 1503. An appeal stays all proceedings in furtherance of the action appealed from unless the officer 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 proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the circuit court, an application, on notice to the officer from whom the appeal is taken and on due cause shown.

Hearing of and Decision Upon Appeal

Sec. 1504. 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. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all of the powers of the officer from whom the appeal is taken.

Powers of Board of Appeals

Sec. 1505. The Board of Appeals shall not have the power of its own action to change the classification of any property on the Zoning Map nor to make any change in the terms of this Ordinance, but only to interpret this Ordinance and to authorize variations in accordance with this section.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment, or alterations of buildings or structures, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

The decision of such board shall be final so far as it involves discretion or the finding of facts.

Article 16 PENALTIES

Sec. 1601. Buildings erected, altered, razed or converted, or uses carried on in violation of any provisions 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.

For any and every violation of the provisions of this Ordinance, the owner, agent, contractor, lessee or tenant of the premises or building or part thereof where such violation has been committed or exists 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 premises in which any 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 (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense or shall be punished by imprisonment in the Oakland County jail for a period of not to exceed ninety 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.

Article 17 AMENDMENTS

Sec. 1701. The City Commission may, by ordinance, amend, supplement or change this Ordinance: Provided, however, That a public hearing shall be held before any such amendment, supplement or change shall be passed: And provided further, That not less than fifteen days notice of the time and place of such public hearing shall be given by publication in the official paper of the City, or a paper of general circulation in the city, and a hearing be granted to any person interested at the time and place specified.

In case a protest against a proposed amendment, supplement or change be presented, duly signed by the owners of twenty per cent or more of the frontage proposed to be altered, or by the owners of twenty per cent or more of the frontage immediately in the rear thereof, or by the owners of twenty per cent or more of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the three-fourths vote of the City Commission.

Article 18 VALIDITY

Severing Clause

Sec. 1801. 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 19 EFFECTIVE DATE

Section 1901. This Ordinance shall become effective on the 18th day of February, A. D. 1937.

JOHN E. MARTZ,
Mayor
IRENE E. HANLEY,
Clerk