

SEC. 4.4. DISTRICT BOUNDARY LINE PLOTS

(A) Where a R1, R2, R3, R3A, R4, R5 or R5A district and a B1, B2, B3, B4, B5 or B6 district abut each other, without any division between them such as a street, alley, park, greenbelt or other public open space, then a plot in such B1, B2, B3, B4, B5, or B6 district shall be provided with a yard of at least five (5) feet adjacent to such residential type of zoning district.

(B) Where a R1, R2, R3, R3A, R4, R5 or R5A district and C1, M1, M2, M3 or W1 abut each other, without any division between them such as a street, alley, park, greenbelt or other public open space, then a plot in such C1, M1, M2, M3 or W1 district shall be provided with a yard of at least ten (10) feet adjacent to such residential type of zoning district.

(C) Where a residential district (R1, R2, R3, R3A, R4, R5 and R5A) and an industrial district (C1, M1, M2, M3, and W1) is separated by a public street then there shall be provided a twenty (20) foot yard in such industrial district where adjacent to the street separating the residential and industrial district.

SEC. 4.5. ALLEY AS PART OF REAR YARD AND PLOT AREA MEASUREMENTS

Where a plot abuts upon an alley, one-half the width of said alley may be considered as a part of such plot for the purpose of computing the area of such plot, and for the purpose of computing the depth of any rear yard required under this Ordinance.

SEC. 4.6. PARK AS PART OF STREET FOR DETERMINING CUBICAL CONTENTS ON PLOT

Where a plot abuts upon a public street for the width or depth of the plot and there is a public park or other permanent public open space bordering on such street opposite such plot, one-half of such park or open space may be considered as a portion of the street for the purpose of determining the permissible cubical contents on such plot, provided the augmented width of such street shall not be more than one hundred and fifty (150) feet for determining the permissible cubical content on such plot.

SEC. 4.7. MAXIMUM STREET WIDTH

For the purpose of determining the permissible cubical content of any building or structure, a street more than one hundred and fifty (150) feet in width shall be considered to have a width of one hundred and fifty (150) feet.

SEC. 4.8. YARD ENCROACHMENTS

Every part of any required yard shall be open and unobstructed by any structures, from the ground to the sky, except for unenclosed porches, sills, belt courses, cornices, eaves and gutters, provided, however, that such sills, belt courses, cornices, eaves and gutters shall not project more than fourteen (14) inches into any required yard and provided, further, that unenclosed porches shall not be permitted in any required side yard.

No part of any required yard except a rear yard, shall be used for any accessory building or use, or for the storage of vehicles, and any accessory building erected in a required rear yard shall not exceed one story or fifteen (15) feet in height.

Fire escapes, stairways and balconies which are open and unenclosed, and marquee, may project not more than five (5) feet into a required yard. Chimneys and pilasters may project not more than one (1) foot into a required yard.

No required yard shall also be used as a part of the yard or plot for another building or structure.

SEC. 4.9. USES OF PREMISES WITHOUT BUILDINGS

Where a plot is to be occupied for permitted uses without buildings or structures thereon, the side yards and front yards required herein for the district within which such plot is located, shall be provided and maintained between such use and the respective plot lines, provided that front, side or rear yards shall not be required on plots without buildings or structures, used for garden purposes or public playgrounds, playfields or parks.

SEC. 4.10. LOCATION OF ACCESSORY BUILDINGS

In residential districts all accessory buildings shall be in the rear yard except when built as a part of the main building.

SEC. 4.11. SIDE YARD REDUCTION FOR OFFSETS

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

SEC. 4.12. PUBLIC THOROUGHFARES, PARKS AND WATERWAYS AS PART OF REQUIRED YARDS

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

Any portion of the adjoining one-half of an abutting public thoroughfare, park or waterway, may be utilized to supply a part of a required side yard adjacent to such public thoroughfare, park or waterway provided that, in R1 and R2 districts at least five (5) feet, and in R3, R3A, R4, R5, and R5A districts at least ten (10) feet of the required side yard is provided on the plot independently of such adjoining thoroughfare, park or waterway.

In a multiple residential district, any portion of the adjoining one-half of an abutting public park or waterway may be utilized to supply a part of the required rear yard adjacent to such public park or waterway, provided that at least twenty (20) feet of the required rear yard is provided on the plot independently of such adjoining park or waterway.

SECTION 5. R1 DISTRICTS

The following regulations shall apply in all R1 Districts:

SEC. 5.1. USES PERMITTED

No building or structure, or part thereof, shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. One Family Dwellings.
2. Churches.
3. Publicly-owned and operated museums, libraries, parks, parkways and recreational facilities.
4. Elementary public and parochial schools including dormitories owned and operated in connection therewith and when on the same plot.
5. Golf courses, tennis courts and playgrounds, not operated for profit.
6. The following uses subject to the approval of the Commission as being necessary for public convenience and/or public welfare and being in accord with the spirit and purpose of the comprehensive plan of the Ordinance. In giving such approval the Commission may impose any reasonable restrictions or requirements so as to insure that contiguous residential areas will be adequately protected, and also may require the dedication of lands for street and alley purposes which, in their opinion, is necessary to provide adequately for vehicular traffic movement:

(a) Educational, recreational, and social centers not operated for profit and intended to serve only the surrounding neighborhood.

(b) Public and parochial intermediate schools, high schools, colleges and universities including homes and dormitories owned and operated in connection therewith and when on the same plot.

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

8. Railroad right of ways, not including any switching, freight storage tracks, yards or buildings.

9. Open parking lots for the storage of self-propelled passenger vehicles and accessory to any of the above non-residential uses when located on a separate plot and not involving any business, profession, trade or occupation, where found by the Commission to be essential to the public convenience and not contrary to the

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

(a) A front yard of not less than twenty-five (25) feet shall be provided excepting where existing dwellings on the same side of the street in the same block, not including those built on the rear half of plots, have provided front yards averaging in excess of twenty-five (25) feet, in which case the open parking lot shall provide a front yard equal to that provided on the plot adjoining or equal to the average of the front yards of the existing dwellings, whichever is the greatest.

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

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

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

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

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

(g) The parking area shall be provided and maintained with a stable surface treated so as to prevent the raising of dust or loose particles and shall be so graded and drained so as to dispose of all surface water accumulation within the parking area. It may be constructed of crushed stone, slag, gravel, cinders or any permanent type of surfacing.

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

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

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

SEC. 5.2. SIGNS

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

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

Not more than one (1) non-illuminated subdivision sign advertising the sale or rental of premises for subdivision development on which it is maintained, and having an area not to exceed three hundred (300) square feet nor ten (10) square feet for each plot within the subdivision, shall be permitted on a subdivision.

The overall height of any ground sign permitted herein shall not exceed five (5) feet above the ground except that the subdivision sign permitted herein may extend to an overall height of not more than twelve (12) feet above the ground.

SEC. 5.3. SIZE OF PLOT

Every plot upon which a building for dwelling purposes is hereafter erected shall have a width of not less than forty-two (42) feet and shall be not less than five thousand (5,000) square feet in area, except that any piece or parcel of land platted and identified as a single unit on a plat officially approved and recorded after the effective date of this Ordinance and having a greater width than forty-two (42) feet and/or an area greater than five thousand (5,000) square feet shall not be developed, for residential purposes, as a plot of lesser size or area, provided that this requirement shall not apply to a piece or parcel of land platted and identified as a single unit on a plat officially approved and recorded prior to the effective date of this Ordinance.

SEC. 5.4. PLOT COVERAGE

The combined area occupied by all buildings or structures used for dwelling purposes and accessory buildings shall not exceed thirty-five (35) per cent of the area of the plot: Provided, That on plots less than four thousand (4,000) square feet in area the allowable percentage of plot coverage shall be increased by one (1) per cent for each one hundred (100) square feet by which the area of a plot is less than four thousand (4,000) square feet, with a maximum coverage in any such case not in excess of forty-five (45) per cent.

SEC. 5.5. HEIGHT

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

SEC. 5.6. REAR YARD

Every plot shall have a rear yard not less than thirty-five (35) feet in depth.

SEC. 5.7. SIDE YARDS—RESIDENTIAL USE

There shall be provided a side yard on each side of every plot which shall be not less than five (5) feet in width and the combined width of both side yards shall be not less than fourteen (14) feet, provided that on plots having a width between thirty-five (35) feet and thirty-nine (39) feet and on plots abutting on an alley and less than thirty-five (35) feet in width either side yard may be reduced one-tenth (1/10) of a foot for each one-tenth (1/10) of a foot by which the width of such plot is less than thirty-nine (39) feet to a minimum of three (3) feet for either side yard.

SEC. 5.8. SIDE YARDS—NON-RESIDENTIAL USE

Every plot on which a building or structure used for non-dwelling purposes other than accessory building is erected, shall have a side yard on each side of such plot, and each such yard shall be not less than fifteen (15) feet in width with an increase of one (1) foot in width of each side yard for each five (5) feet, or part thereof, by which the said building or structure exceeds forty (40) feet in overall dimension along the side yard and also of an additional one (1) foot for every two (2) feet in height in excess of thirty-five (35) feet.

SEC. 5.9. FRONT YARDS

Every plot, except as regulated under Section 5.1, paragraph 9 (a), shall have a front yard not less than twenty-five (25) feet in depth except that the required depth of such front yard, for plots used for dwelling purposes, shall be reduced in accordance with the following rules where such a plot is situated within eighty (80) feet of a plot in the same block upon which a building has already been erected and upon which plot there is a front yard less than twenty-five (25) feet in depth:

(A) In such cases where the plot to be built upon is situated between two plots, both of which have been built upon, and either of which has a front yard less than twenty-five (25) feet in depth, the required minimum depth of front yard for the plot to be built upon shall be equal to the distance between the front plot line and the intersection of the center of the front wall of the proposed building with a straight line running between the centers of the front walls of the existing buildings on the two plots above described.

(B) In such cases where the plot to be built upon has no plot on one side already built upon and there is a plot already built upon with a front yard less than twenty-five (25) feet in depth on the other side, the required minimum depth of front yard for the plot to be built upon shall be equal to the distance between the front plot line and the intersection of the center of the front wall of the proposed building with a straight line running between the center of the front wall of the existing building and a point twenty-five (25) feet inside of the front plot line and eighty (80) feet distant from the plot to be built upon and on the other side thereof.