

(B) In all cases where such a protective wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

SEC. 12.9. SURFACE OF PARKING AREA

The parking area shall be provided with pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, and dustless surface and shall be so graded and drained so as to dispose of all surface water accumulation within the parking area.

SEC. 12.10. LIGHTING

Where lighting facilities are provided they shall be so arranged as to reflect the light away from R1, R2, R3, R3A, R4, R5, or R5A Districts which are adjacent to the P1 district.

SECTION 13. B1 DISTRICTS

The following regulations shall apply in all B1 Districts:

SEC. 13.1. 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:

- Any uses permitted in R5 districts.
- Business and professional offices.
- Dry-cleaning pick-up stores.
- Generally recognized retail stores, but not including the sale of alcoholic beverages by the glass.
- Interior decorators.
- Laundries and bakeries provided the service of not more than a total of five people are utilized therein in all operations.
- Motor vehicle filling and lubricating stations.
- Personal service shops for direct service to the customers such as barber shops, beauty parlors and shoe repair shops.
- Photographic studios.
- Tailoring.
- Uses accessory to any of the above permitted uses.

SEC. 13.2. HEIGHT

No building, or structure, or part thereof, shall be erected or altered to a height exceeding thirty-five (35) feet, except that buildings permitted in these districts for non-dwelling purposes, other than accessory buildings, may be erected or altered to a height not exceeding fifty (50) feet if approved by the Commission as being reasonably necessary on account of the peculiar purpose or character of the particular building, and as being not injurious to the contiguous property and not contrary to the spirit and purpose of this Ordinance.

SECTION 14. B2 DISTRICTS

The following regulations shall apply in all B2 Districts:

SEC. 14.1. 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:

- Any uses permitted in B1 districts excepting motor vehicle filling and lubricating stations.
- Advertising signs, billboards and advertising display.
- Assembly halls.
- Banks.
- Business and professional offices.
- Business schools and colleges.
- Commercial recreation.
- Dance Halls.
- Furriers.
- Night Clubs.
- Post Offices.
- Private passenger vehicle parking lots.
- Restaurants.
- Taverns.
- Theaters.

Utility company offices for service and payment of bills.
Uses accessory to any of the above permitted uses.

SEC. 14.2. HEIGHT

No building, or structure, or part thereof, shall be erected or altered to a height exceeding fifty (50) feet.

SECTION 15. B3 DISTRICTS

The following regulations shall apply in all B3 Districts:

SEC. 15.1. 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:

- Any uses permitted in B2 districts.
- Auto wash establishments.
- Blueprint shops.
- Cat and dog hospitals.
- Dry cleaning shops employing not more than twenty-five (25) employees in the dry cleaning process and related activities such as spotters, pressers, sorters, taggers, markers, menders, and inspectors.
- Garages.
- Greenhouses and retail sales of nursery stock.
- Mortuaries.
- Motor vehicle filling and lubricating stations.
- Motor vehicles sales rooms and service stations.
- Newspaper distributing stations.
- Public utility buildings.
- Publicly-owned buildings not involved in refuse disposal or salvaging of materials.
- Radio and household appliance repair shops.
- Radio and television stations.
- Recreation buildings.
- Research and testing laboratories.
- Shops for making merchandise to be sold at retail on the premises provided the services of not more than five persons are utilized in the making of such merchandise.
- Stadia and sports arenas.
- Telephone exchanges.
- Trade schools.
- Transformer stations and substations with service yards but without storage yards.
- Upholstering shops.
- Used car sales incidental to new motor vehicle salesroom.
- Open air uses as follows:
 - Bicycle and trailer rental service.
 - Commercial recreation such as tennis courts, horseshoe courts, archery courts and similar games.
 - Display and retail sale of new house trailers, novelties, and lawn furniture.
 - Display and retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, flower pots, etc.
 - Retail sale of fruit and vegetables.
- Uses accessory to any of the above permitted uses.

SEC. 15.2. HEIGHT

No building, structure, or part thereof, shall be erected or altered to a height exceeding thirty-five (35) feet, except that buildings permitted in these districts for non-dwelling purposes, other than accessory buildings, may be erected or altered to a height not exceeding fifty (50) feet if approved by the Commission as being reasonably necessary on account of the peculiar purpose or character of the particular building, and as being not injurious to the contiguous property and not contrary to the spirit and purpose of this Ordinance.

SECTION 16. B4 DISTRICTS

The following regulations shall apply in all B4 Districts:

SEC. 16.1. 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

SEC. 2.31. ROOMING HOUSE

A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished, usually on a weekly or monthly basis.

SEC. 2.32. STORY

That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the distance from the average established grade to the ceiling of a story partially below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

SEC. 2.33. STORY—HALF

A story which is situated within a sloping roof, the area of which at a height four (4) feet above the floor does not exceed two-thirds of the floor area directly below it.

SEC. 2.34. STREET

A public thoroughfare which affords a principal means of access to abutting property.

SEC. 2.35. STRUCTURE

A structure is any production or piece of work artificially built up or composed of parts joined together in some definite manner; any construction.

SEC. 2.36. USE

The purpose for which land or building thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied or maintained.

SEC. 2.37. USED

The word "used" includes arranged, designed, or intended to be used.

SEC. 2.38. WATERWAY

A navigable canal, creek, stream or river.

SEC. 2.39. YARD

A space open to the sky and unoccupied or unobstructed except by encroachments specifically permitted in Section 4.7, on the same plot with any use, building or structure. Yard measurements shall be the minimum horizontal distances.

Yard—Front

A yard extending across the full width of the plot between the front plot line and the nearest line of the main building.

Yard—Rear

A yard extending across the full width of the plot between the rear plot line and the nearest line of the main building.

Yard—Side

A yard extending from the front yard to the rear yard between the side plot line and the nearest line of the main building ~~(or of accessory building attached thereto)~~.

SECTION 3. GENERAL PROVISIONS

SEC. 3.1. CONFLICTING REGULATIONS

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern.

SEC. 3.2. SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered and maintained, and no new use or change of use shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this Ordinance.

SEC. 3.3. BUILDING UNDER CONSTRUCTION

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been en-

tered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said building permit was granted.

SEC. 3.4. NON-CONFORMING BUILDINGS AND USE

The following regulations shall apply to all non-conforming buildings and structures or parts thereof, and non-conforming uses existing at the effective date of this Ordinance.

(A) Any such non-conforming building or structure may be continued and maintained provided there is no physical change other than necessary maintenance and repair in such building or structure except as permitted in Sections 3.5 and 3.6 and unless acquired as provided for in Paragraph (H) of this section.

(B) Any such non-conforming use may be maintained and continued, provided there is no increase or enlargement of the area, space or volume occupied by or devoted to such non-conforming use, except as provided in Paragraph (H) of this section.

(C) Any part of a building, structure or land occupied by a non-conforming use which is changed to or replaced by a use conforming to the provisions of this Ordinance shall not thereafter be used or occupied by a non-conforming use.

(D) Any part of a building, structure or land occupied by a non-conforming use, which use is abandoned, shall not again be used or occupied for a non-conforming use. Any part of a building, structure, or land occupied by such a non-conforming use, which use is discontinued for a period of two years or more, shall not again be used or occupied for a non-conforming use. A change of tenancy, ownership, management, occupancy or use pursuant to Paragraphs (E) or (F) of this section shall not constitute abandonment.

(E) There may be a change of tenancy, ownership, or management of an existing non-conforming use provided there is no change in the nature or character of such non-conforming use.

(F) There may be a change in occupancy or use of an existing non-conforming structure or part thereof occupied at the effective date of this Ordinance as a retail store for direct sale of merchandise, for personal service to the consumer, or as a business office, to a new or different use as specified in this paragraph. Such new use shall be limited to a retail store for direct sale to the consumer of new merchandise such as food and food products, dry-goods, articles of clothing, drugs and sundries, stationary, notions, gifts, hardware, flowers, ice cream, beverages, refreshments, and similar goods, materials and things not involving any greater noise, odor, smoke, dust or unsightliness than the specific retail store uses enumerated herein, but not including the sale of alcoholic beverages for consumption on the premises, garages, gas stations or restaurants. Such new use may also include business or professional offices, personal service shops for direct service to customers such as barber shops, beauty parlors, shoe repair shops, tailors and pressing shops, receiving stations for laundries and dry cleaners, business colleges and the like, but not including mortuaries or undertakers' establishments, pool rooms, billiard parlors, commercial or community garages, gas stations, auto wash, or bowling alleys.

(G) Other than specified in paragraphs (E) and (F) preceding there shall be no change of tenancy, occupancy or use of a non-conforming structure, provided that a structure or part thereof utilized for a non-conforming use at the effective date of this Ordinance may be utilized for or occupied by some other non-conforming use permissible generally in the same or in a more restricted district under this Ordinance, if the Board after public hearing approves such new use as being less injurious to the contiguous property and less detrimental to the surrounding neighborhood, provided the Board in its approval may impose any reasonable limitations and conditions which it may deem necessary to carry out the spirit and purpose of this Ordinance as provided for in Section 26.7, paragraph (C).

(H) The Commission shall, from time to time, recommend to the Common Council the acquisition of such private property as does not conform in use or structure to the regulations and restrictions of the various districts defined in this Ordinance; and the removal of such use or structure.

The Commission shall submit its reasons and estimates of cost and expense of such acquisition and of the removal of the non-