APPENDIX B

ORDINANCE

To Regulate and Restrict and Limit the Uses and Location of Buildings and Other Structures, etc.

AN ORDINANCE No. 71-1924. To regulate and restrict and limit, in the interest of the public health, safety, convenience, comfort, prosperity and general welfare, the uses and the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses, the height, bulk and location of buildings and other structures hereafter erected or altered, including the percentage of lot occupancy, set-back building lines and the area of yards, courts and other open spaces; and for said purposes to divide the city into zones or districts of such number, shape and area as are deemed best suited to carry out the said purposes; and to provide a method of administration and to prescribe penalties for the violation of the within provisions, by ordaining supplementary Sections 452-5 to 452-96, inclusive, and by repealing Sections 452, 452-1, 452-2, 452-3, 452-4 and 539 of the Code of Ordinances of the City of Cincinnati.

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:


Districts

Section 452-3. For the purposes of this ordinance the City of Cincinnati is hereby divided into eight classes of districts as follows:

Residence "A" Districts.
Residence "B" Districts.
Residence "C" Districts.
Business "A" Districts.
Business "B" Districts.
Industrial "A" Districts.
Industrial "B" Districts.
Industrial "C" Districts.

The boundaries of these districts are hereby established as shown on the Building Zone Map which accompanies, and is hereby made a part of this ordinance. Except where references on said map to a street line or other designated line by dimensions shown on said map, the district boundary lines are intended to follow lot lines as they existed at the time of the enactment of this ordinance; but where a boundary line obviously does not coincide with lot lines, or where it is not designated by dimensions, it shall be deemed to be 120 feet from the nearest street line parallel to which it is drawn. All questions concerning the exact location of boundary lines shall be determined according to rules and regulations which may be adopted by the Board of Appeals as hereinafter provided.

Section 452-6. Except as hereinafter specified in Sections 452-25 to 452-28, both inclusive, no building, structure or premises shall be used and no building or part thereof or other structure shall be erected, reconstructed, enlarged or altered contrary to the regulations herein specified for the district in which such premises, building or structure is located; provided that nothing in this ordinance shall require the change of the use made of a building or premises at the time of the enactment of this ordinance or of the then existing height, set-back building line, yards or courts.

Lots

Section 452-7. No lot of an area of 3,500 square feet or less shall be occupied by more than one principal building or establishment and the accessory buildings customarily incident to it.

Section 452-8. An alley, for the purposes of this ordinance, is any public or private street, square, lane or way less than 20 feet wide.

Section 452-9. A street, for the purposes of this ordinance, is any public or private street, square, lane or way set aside as a permanent right of way for street purposes, and 20 feet or more in width.

Section 452-10. No lot shall contain any building used as a residence unless such lot abuts on at least one street, or unless there is an unobstructed easement of access at least 15 feet wide to such street.

Section 452-11. A street lot line, for the purposes of this ordinance, is a line dividing the lot from a street.

Section 452-12. The rear line of any irregular, triangular or gøre lot shall, for the purposes of this ordinance, be a line entirely within the lot,
ten feet long and parallel to and at the maximum distance from the street line.

Section 432-13. A corner lot, for the purposes of this ordinance, is any lot abutting upon intersecting streets at their intersection or upon two parts of the same street at their intersection and where such intersection forms an interior angle of less than 135 degrees.

Section 432-14. The depth of a lot, for the purposes of this ordinance, except as hereinafter specified, is the average length of all lines within the lot parallel with a line drawn from the mid-point of the street lot line through the center of area of the lot to the opposite rear line of the lot.

Section 432-15. The width of a lot, for the purposes of this ordinance is the average length of all lines within the lot perpendicular to the line from the mid-length of the street lot line through the center of area.

Section 432-16. Lots or portions of lots, for the purposes of this ordinance shall be deemed back to back where they have a common lot line or part thereof opposite on both lots to street lines which make an angle with each other of 45 degrees or less.

Section 432-17. Where at the time of enactment of this ordinance three-quarters of the lots on both sides of the street within a block front are less than 60 feet wide, the provisions of this ordinance shall be applied to the remaining property within said territory as though, at the time of the enactment of this ordinance, such remaining property had been divided into lots of the average width of the said three-quarters, except that no lot shall be deemed to be less than 25 feet in width.

Residence "A" District Uses

Section 432-18. In any Residence "A" District no building, structure or premises shall be used or arranged or designed to be used in any part except for one or more of the following specified uses:

1. A detached dwelling for only one family or for one housekeeping unit, living and entering independently of any other family or unit.
2. The taking of boarders or the leasing of rooms by a resident family, provided, however, that space for one roomer be allowed in any case and space for one additional roomer for each 150 square feet of floor area by which the total floor area of the building exceeds 600 square feet.
3. The office of a resident professional person.
5. Churches and other places of worship.
6. Schools, parks and municipal playgrounds, as hereinafter provided in Section 452-18 (12).
7. Clubs, lodges, social, recreational and community center buildings; parish houses and grounds for games or sports, except those a chief activity of which is carried on for income or is one customarily carried on primarily for gain, only as hereinafter provided in Section 452-18 (12).

8. The growing of vegetables, fruits, flowers, shrubs or trees; and the keeping of chickens and small live stock, not primarily for gain, and only within an enclosure distant at least ten feet from all lot lines.

9. A private garage on the same lot with or in the building to which it is accessory and in which garage no business or industry is conducted. Space for one non-commercial motor vehicle may be rented to persons not residing on the same lot. Garage space may be provided for two motor vehicles on any such lot. Garage space for one additional motor vehicle may be provided for each 2,000 square feet of area by which such lot area exceeds 4,000 square feet; provided that a garage for more than five vehicles shall be at least 50 feet from every lot line. Only one commercial motor vehicle not exceeding one and one-half tons weight or capacity may be stored on such lot; this does not apply to farm vehicles. The above provision shall apply to private stables. One horse being considered as the equivalent of one motor vehicle. No part of any such garage or stable shall be used for residence purposes, except that domestic employees of the owner, lessee or occupant of the principal building and the family of any such employee may have quarters in such garage or stable.

A neighborhood or community garage is permitted subject to the following restrictions: No part of such garage shall be within 100 feet of any street or within 30 feet of any other lot line, and the front of such garage shall be at least 10 feet of any lot line not a street line; no commercial repair service shall be done; all services and selling facilities for supplies shall be within the building and shall be only for the use of owners and tenants of such garage; no entrance or exit for vehicles shall be within 200 feet of any entrance or exit of any church, public library, school, playground or institution for the care of the sick or dependents located on either side of the same street; such garage shall be permitted only by resolution of the Board of Appeals, according to rules and regulations adopted by it after written consents have been filed with the Board of Appeals signed by all the owners of all lots adjoining the lot in question and not less than two-thirds of the owners of 75 percent of the frontage of all other lots, any part of any one of which is within 300 feet of the proposed structure within the same square, and of the lots within 300 feet directly across any street on which the garage has an entrance or exit. Owners of such lots as are put to a similar or non-conforming use shall be considered as having consented.

10. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained and not over 10 square feet in area on a lot 50 feet or less in width. For each 10 feet by which the width of the lot exceeds 50 feet, one square foot may be added to the above 10 square feet. Such signs shall be set back from the street line at least a distance in feet equal to the number of square-foot area of the sign, but in no case less than 20 feet. No sign shall be required to set back
from the street line more than 100 feet. No sign shall exceed an area of 250 square feet.

(11) Accessory uses, customarily incident to the above permitted uses, and located only on the same lot with them, including small announcement or professional signs not over one square foot in area, except that public, charitable or religious institutions may have one sign by street, sign or bulletin board not over six square feet in area for their own use. Such accessory buildings may be erected on the lot before a principal building, but where accessory buildings or structures are erected ahead of the principal building, on the same lot, they shall be placed on the lot as not to prevent the eventual practicable and conforming location of such principal building. Except as permitted above, "accessory uses" shall not include any use customarily carried on as a business or industry, any driveway or walk giving access thereto, any display visible from the street of goods such as are made or sold, any billboard, or advertising signboard or sign.

(12) Any school, playground, club, lodge, social, recreational or community center building or parish house or grounds for sport shall be located only adjoining another such use previously existing or adjoining premises in a Residence "C" District not used for residence purposes, or adjoining a Business or Industrial District, or on a lot bounded on all sides by streets or alleys or other public open spaces or on three sides by streets, or adjacent to a use existing at the time of the enactment of this ordinance, permitted only in Residence "C" or Business or Industrial Districts. The provisions of this sub-section (12) shall not apply to such buildings or playgrounds located more than 100 feet from any lot line or to farming or undeveloped territory. The character of such territory shall be determined according to rules and regulations adopted by the Board of Appeals.

Residence "B" District Uses

Section 432-19. Within any Residence "B" District, no building, structure or premises shall be used or arranged or designed to be used in any part except for one or more of the following specified uses:

(1) Any use permitted and as regulated by Section 432-18 in Residence "A" Districts, except that one roomer shall be permitted for each 150 square feet of floor area by which the total floor area per family exceeds 600 square feet.

(2) A detached dwelling for not more than two families or two housekeeping units, or a double dwelling for not more than two families or units on each side of a party wall common to both halves of such building. A group of row houses of not more than eight units, for one or two housekeeping units each, provided that all rooms of such structure shall be adequately lighted by openings directly either on the front yard or the rear yard. The height of such row houses shall not exceed three stories and there shall be a permanent easement of access at least three feet wide to the rear of each interior house.

(3) Customary home occupations carried on in the residence of the occupant and not in any accessory building, provided that not more than one-half of the floor area of one story is devoted to such uses.

(4) The keeping of live stock in farming or undeveloped territory and the growing of produce; provided that no mechanical or heating equipment shall be within 50 feet of any lot line.

(5) Hospitals, dispensaries, sanitariums and other welfare or charitable institutions other than penal or correctional institutions and those primarily for the care or treatment of epileptics or drug or drink addicts or the insane, provided no part of any such building is located within 50 feet of any lot line.

(6) Boarding schools and dormitories, not primarily for transient guests.

(7) Municipal buildings or properties. Telephone exchanges and transformer stations without moving machinery, provided there is no service yard or garage except as permitted below in sub-section (11).

(8) Cemeteries, including any crematory therein.

(9) Railroad or public service passenger stations, including accessory services therein, and right of way, not including switching, storage or freight yards or sidings.

(10) A detached apartment house or tenement house, or a hotel or lodging house for any number of guests, but not primarily for transient guests, including accessory services therein, provided that no building, regardless of height, can have an aggregate gross area of all floors, greater than 115 per cent of the total area of the lot in question, not including basements and unenclosed porches which are not intended for residence purposes. Restaurants and such facilities as are required for the operation of a hotel or apartment house, or for the use or entertainment of guests or tenants of the hotel or apartment house, when conducted and entered only from within the building; provided no window or other display or sign is used to advertise such use.

(11) A private garage on the same lot with or in the building to which it is accessory and in which no business or industry is conducted. Garage space may be provided for two motor vehicles on any such lot; garage space for one additional motor vehicle may be provided for each 1,500 square feet of area by which such lot area exceeds 2,500 square feet, provided that a garage for more than five motor vehicles shall be at least 20 feet from the side and 10 feet from the rear lot lines. Only one commercial motor vehicle, not exceeding one and one-half tons in weight, or capacity, may be stored on such lot; this does not apply to farms. The above provision shall apply to private stables, one horse being considered as the equivalent of one motor vehicle. The above provisions in this sub-section shall not prevent the erection of a garage to provide one space for each apartment in any building as such existed at the time of enactment of this ordinance.
A neighborhood or community garage is permitted subject to the following restrictions: No part of such garage shall be within 50 feet of any street or within 20 feet of any other lot line, and the front of such garage shall not be within 10 feet of any lot line not a street line; no commercial repair service shall be done; all services and selling facilities for supplies shall be within the building and shall be only for the use of owners and tenants of such garage; no entrance or exit for vehicles shall be within 200 feet of any entrance or exit of any church, school, public library, playground or institution for the care of the sick or dependent, located on either side of the same street; such garbage is permitted only by resolution of the Board of Appeals, according to rules and regulations adopted by it after written consents have been filed with the Board of Appeals signed by all the owners of all lots adjoining the lot in question and also by the owners of 75 percent of said frontage of all other lots, any part of any one of which is within 150 feet of the proposed structure within the same square and of the lots within 150 feet directly across any street on which the garage has an entrance or exit. Owners of such lots as are put to a similar or a non-conforming use shall be considered as having consented.

(12) Accessory uses, customarily incident to the above permitted uses, and located only on the same lot with them, including small announcement or professional signs not over one square foot in area, except that public, charitable or religious institutions may have an announcement sign or bulletin board not over six square feet in area for their own use. Such accessory buildings may be erected on the lot before a principal building, but where accessory buildings or structures are erected ahead of the principal buildings, on the same lot, they shall be so placed on the lot as not to prevent the eventual practicable and conforming location of such principal building. Except as permitted above, "accessory uses" shall not include any use customarily carried on as a business or industry, any driveway or walk giving access thereto, any display visible from the street of goods such as are made or sold, any billboard, or advertising signboard or sign.

(13) The Board of Appeals shall have the power to reduce the lot line distance requirements of Section 452-19 (5) as to such lot lines which separate properties occupied by the uses listed in that subsection from each other or from a Residence "C," a Business or Industrial District, but may not reduce the dimensions below those required for open spaces in Residence "B" Districts.

Residence "C" District Uses

Section 452-20. Within any Residence "C" District, no building, structure or premises shall be used or arranged or designed to be used in any part except for one or more of the following specified uses:

(1) Any use permitted and as regulated by Section 452-19 in Residence "B" Districts.

(2) Hotels, dormitories, boarding houses and lodging houses, including accessory services therein and for each such building an exterior announcement sign not over six square feet in area.

(3) A private garage on the same lot with or in the building to which it is accessory, and in which no business or industry is conducted. Garage space may be provided for two motor vehicles on any such lot; garage space for one additional motor vehicle may be provided for each 1,200 square feet of area by which such lot area exceeds 2,000 square feet, provided that a garage for more than five motor vehicles shall be at least ten feet from the side and five feet from the rear lot lines. Not over two commercial motor vehicles, not exceeding one and one-half tons in weight, or capacity, may be stored on such lot; this does not apply to farms. The above provisions shall apply to private stables, one horse being considered as the equivalent of one motor vehicle. The above provisions in this subsection shall not prevent the erection of a garage to provide one space for each apartment in any building as such existed at the time of enactment of this ordinance.

A neighborhood or community garage is permitted subject to the following restrictions: No part of such garage shall be within 30 feet of any street or within ten feet of any other lot line, and the front of such garage shall not be within 20 feet of any lot line not a street line; no commercial repair service shall be done; all services and selling facilities for supplies shall be within the building and shall be only for the use of owners and tenants of such garage; no entrance or exit for vehicles shall be within 200 feet of any entrance or exit of any church, school, public library, playground or institution for the care of the sick or dependent, located on either side of the same street; such garage is permitted only by resolution of the Board of Appeals, according to rules and regulations adopted by it.

(4) No building in any Residence "C" District shall have an aggregate gross area of all floors greater than 275 per cent of the total area of the lot in question, not including basements and unenclosed porches which are not intended for residence purposes.

(5) Accessory uses, customarily incident to the above permitted uses, and located only on the same lot with them, including small announcement or professional signs not over one square foot in area, except that public, charitable or religious institutions may have an announcement sign or bulletin board not over six square feet in area for their own use. Such accessory buildings may be erected on the lot before a principal building, but where accessory buildings or structures are erected ahead of the principal building, on the same lot, they shall be so placed on the lot as not to prevent the eventual practicable and conforming location of such principal building. Except as permitted above, "accessory uses" shall not include any use customarily carried on as a business or industry, any driveway or walk giving access thereto, any display visible from the street of goods such as are made or sold, any billboard, or advertising signboard or sign.
Business "A" District Uses

Section 452-21. Within any Business "A" District no building, structure or premises shall be used or arranged or designed to be used in any part for any of the following specified uses:

(a) Any use specified in Section 452-23 (a) and 452-23 (b) as prohibited in Industrial "A" and "B" Districts and any of the following specified uses:
   Acetylene gas manufacture in excess of 15 pounds pressure per square inch.
   Ammonia manufacture except for use on premises.
   Asbestos manufacture.
   Babbit metal manufacture.
   Blast furnace.
   Boiler shops, structural steel fabricating shops, steel car or locomotive shops, railway repair shops, metal-working shops operating reciprocating hammers or chisels or other noise-producing electric or pneumatic tools.
   Brewing or distilling of liquors.
   Brick, tile or terra cotta manufacture.
   Bronze powder manufacture.
   Coke ovens or distillation of coal.
   Crematory except in a cemetery.
   Cupola or metal melting furnace.
   Disinfector or inascolide manufacture, or preparation or compounding on a commercial scale.
   Enameling, japanning or lacquering, except where incidental to minor repair operations in a retail store or garage or where used in jewelry manufacture.
   Electroplating, except incidental to a retail store and under conditions approved by the Board of Appeals.
   Exsiccator and fiber manufacture.
   Felt manufacture, except where dust is not allowed to escape from the building.
   Flour milling.
   Foundry or forge shop, except where a necessary incident to a permitted principal use.
   Gas manufacture of more than 5,000 cubic feet per day.
   Gasoline or oil storage above the ground in quantities.exceeding 150 gallons.
   Lime or lime products manufacture.
   Match manufacture.
   Ore reduction or the smelting or corrosion of lead.
   Paint, oil, shellac or enamel manufacture or the grinding of colors by machinery.
   Potash refining.
   Printing ink manufacture.
   Pulp or paper manufacture.
   Radium extraction.
   Raw or green salted hides or skins, their curing, dressing or tanning.
   Rolling mill.
   Salt works.
   Soap, soda ash, caustic soda, or washing compound manufacture.
   Smelting of copper, tin, zinc or aluminum ores.
   Starch, glucose or dextrine manufacture.
   Stone or monument works, using power tools, or rock crusher.
   Storage, bailing or treatment of junk, iron, rags, bottles or scrap paper.
   Storage of any sort to a height of over three feet above the ground, except where surrounded by a tight fence at least five feet high.
   Sugar refining.
   Tar or asphalt roofing or water-proofing manufacture.
   Vinegar manufacture.
   Wire or rod drawing, nut, screw or bolt manufacture, blooming or rolling mill.
   Wool pulling, or scouring or shoddy manufacture.

Yeast manufacture.

(b) Any other industry or use, which creates corrosive, toxic or noxious fumes, gas, smoke or odors or obnoxious dust or vapor or offensive noise or vibration, except that such may be permitted by the Board of Appeals, as provided in Section 452-23, in accordance with rules and regulations adopted by it, provided it is a necessary accessory of a conforming use.

(c) Any other manufacturing, treating, converting, altering, finishing or assembling. But such uses may be carried on provided that not more than 25 per cent of the total floor space of the building is actually occupied by mechanical equipment, including the adjacent space used primarily by the machine operator; and in the aggregate does not exceed the equivalent of the entire ground floor area.

(d) Any structure not against a wall of a building, used as a billboard or an advertising signboard, that has less than two feet of clear space under it, between it and the ground, or is at any point higher than 12 feet above the ground level, or that is longer than 25 feet, or that is distant less than six feet from any other structure, or from any lot line, or less than two feet from any billboard, or that is not well lighted both front and rear all night. Any skyline that sets back less than five feet from the wall on a street front, or that projects more than 25 feet above the roof of a building, or that has a space of less than six and one-half feet in height between the bottom of the sign and the roof.

(e) Any public garage using more than seven and one-half horsepower for driving machine tools.

Any public garage having in the side or rear walls or roof any opening, except fixed wire glass sashes in non-combustible frames within 15 feet of any lot line not a street or alley line and any part of which is located within 50 feet of any Residence District.

Any stable stabling any horses or storing or handling manure or bedding within 25 feet of any street.
Any garage or stable for more than five vehicles or horses having any entrance or exit for vehicles or horses on the same side of the street within 50 feet of any Residence District or within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is on or across an intersecting street on which the lot in question does not abut.

Any gasoline filling, oil or greasing station where any appliance for such purpose is located within twelve feet of any street or within 50 feet of any Residence District, except within a building and distant at least twelve feet from any entrance or exit.

Business "B" District Uses

Section 452-21. Within any Business "B" District no building, structure or premises shall be used or arranged or designed to be used in any part for any use specified in Section 452-21 (a), (b) and (d) as prohibited in Business "A" Districts, except that:

(a) Any fabricating, manufacturing, converting, altering, finishing or assembling, not included within the prohibitions of Section 452-21 (a) and (b), may be carried on, provided that not more than 50 per cent of the total floor space of the building is actually occupied by mechanical equipment, including the adjacent space used primarily by the machine operator; and in the aggregate does not exceed the equivalent of the entire ground floor area.

(b) Any garage or stable for more than five vehicles or horses shall be permitted where not having any entrance or exit for vehicles or horses on the same side of the street within 50 feet of any Residence District, or within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is on or across an intersecting street on which the lot in question does not abut.

Industrial "A" Industrial "B" District Uses

Section 452-23. Within any Industrial "A" and any Industrial "B" District, no building, structure or premises shall be used or arranged or designed to be used in any part, for any of the following specified uses:

(a) Abattoir or slaughter house (except for poultry incidental to a retail store) or stockyards except which are under the control, supervision or inspection of the Bureau of Animal Industry of the Department of Agriculture of the United States of America, or which comply with the standards of such bureau.

Carbon, lampblack or graphite manufacture.

Celluloid or pyroxyline manufacture or explosive or inflammable cellulose or pyroxyline products manufacture.

Coal tar manufacture or tar distillation or mineral dye manufacture, except as an accessory to a permitted principal industry and conforming in their treatment to the best modern practice for the prevention of fumes, smoke, odors and vapors.

Creosote manufacture or treatment.

Emery cloth or sandpaper manufacture.

Explosive or fireworks manufacture or the storage or loading of explosives in bulk.

Fat rendering, or tallow, grease or lard refining or manufacture of candles from fats, except when accessory to a principal use which is under the control, supervision or inspection of the Board of Animal Industry of the Department of Agriculture of the United States of America, or which comply with the standards of such bureau.

Fertilizer manufacture from organic material or bone distillation or compounding on a commercial scale, except when accessory to a principal use which is under the control, supervision or inspection of the Bureau of Animal Industry of the Department of Agriculture of the United States of America, or which comply with the standards of such bureau.

Glucose manufacture.

Glue or size manufacture or processes involving recovery from fish or animal offal or fish smoking or curing.

Gypsum, cement, plaster or plaster of paris manufacture, or manufacture of products therefrom.

Ink manufacture, reduction or dumping of offal, dead animals, garbage, or refuse on a commercial basis, including loading and transfer platforms, except where controlled by the municipality and except for the purification of factory wastes.

Linoleum manufacture.

Nitrating processes.

Oil cloth or clothing, or the impregnation of any fabric by oxidizing oils.

Petroleum refining.

Pulp manufacture.

Rubber, caoutchouc or gutta percha manufacture from crude or scrap material, or the manufacture of articles therefrom or from balata.

Sewage disposal plant, except where controlled by the municipality.

Sulphuric, sulphuric acid, nitric, picric or hydrochloric acid manufacture, or their use or storage, except as accessory to a permitted industry and under conditions prescribed by the Board of Appeals.

Turpentine, varnish or size manufacture or refining.

Wood distillation.

(b) Any other industry or use, which creates corrosive, toxic or noxious fumes, gas, smoke or odors or obnoxious dust or vapor or offensive noise or vibration, except that such may be permitted by the Board of Appeals, as provided in Section 452-83 in accordance with rules and regulations adopted by it, provided it is a necessary accessory to a conforming use.

(c) Any garage or stable for more than five vehicles or horses having any entrance or exit for vehicles or horses on the same side of the street.
within 50 feet of any Residence District or within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is across an intersecting street on which the lot in question does not abut.

**Industrial “C” District Uses**

Section 452-24. Within any industrial “C” District nothing in this ordinance shall prevent any use of any building, structure or premises.

**Existing Non-Conforming Uses**

Section 452-25. Any building, structure or use existing at the time of the enactment of this ordinance may be continued, even though such building, structure or use does not conform with the provisions of this ordinance for the district in which it is located. Such existing non-conforming use may be hereafter extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of enactment of this ordinance. No building or premises containing a non-conforming use shall hereafter be extended unless such extension shall conform with the provisions of this ordinance for the district in which it is located, except as hereinafter provided. No building, structure or premises with regard to which a non-conforming use is abandoned or is superseded by a use permitted in the district in which it is located shall again be devoted to any use prohibited in such district.

Section 452-26. In specific cases, after due notice and public hearing, the Board of Appeals, in accordance with rules and regulations adopted by it, may permit, as prescribed in Sections 452-28, 452-29, 452-30, 452-31, 452-32, 452-33, 452-34, 452-35, 452-36 and 452-37, a substitution for or an extension to non-conforming uses existing at the time of enactment of this ordinance, but not both a substitution and extension, except that in any Residence District no change shall be permitted to any use prohibited in any Business District, and in any Business District no change shall be permitted to any use prohibited in any Industrial “A” or “B” District.

Section 452-27. Any non-conforming building or structure damaged by fire, flood, earthquake or act of God, unless substantially destroyed, may be re-constructed and used as before such calamity. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the Commissioner of Buildings, or compliance with the lawful requirements of the Commissioner of Buildings.

Section 452-28. Any lot abutting any public street in any Residence “B” or “C” District may be used for any purpose permitted in Business “A” Districts, whenever such lot, not more than 50 feet wide, is located immediately between lots which, at the time of enactment of this Ordinance, are occupied by buildings used primarily and principally for purposes not permitted herein in a Residence District and which uses cover at least 25 per cent of the respective lot areas.

**Heights**

Section 452-29. In any Residence “A” District no building or structure shall exceed three stories in height. The average distance of all parts of such building over 40 feet in height shall be distant from any lot line at least one foot for each three feet of total height.

Section 452-30. No building or structure in any Residence “B” District shall exceed eight stories or 100 feet in height, and in any Residence “C” District ten stories or 120 feet.

Section 452-31. In any Business “A” or in any Industrial “B” or “C” District, no part of any building or structure shall be higher than ten stories or 141 feet.

Section 452-32. In any Business “A” District no part of any building or structure shall be erected on the street lot line to a height in excess of one and one-half times its horizontal distance from the opposite side of each street on which the lot abuts, provided that no street shall for this purpose be considered to be less than 50 or more than 94 feet wide; in Industrial “A” and “C” Districts such ratio shall be increased to two times the street width, provided that no street shall for this purpose be considered to be less than 50 nor more than 70.5 feet wide; in Business “B” and Industrial “A” Districts, to four times the street width, provided that no street for this purpose shall be considered to be less than 50 nor more than 66 feet wide.

Section 452-33. The parts of any building or structure which exceed the height allowable on the street line shall set back or step back from the street line at the ratio of one foot for each three feet of such excess height in Business “A” Districts. This ratio shall be one foot for each four feet in Industrial “B” and “C” Districts, and one foot for each five feet in Business “B” and Industrial “A” Districts.

Section 452-34. The provisions of Sections 452-29, 452-30, 452-31, 452-32 and 452-33 shall not apply to church spires, belfries, cupolas, domes, water towers, observation towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles or aerals.

Section 452-35. The provisions of Sections 452-29, 452-30, 452-31, 452-32 and 452-33 shall not apply to a parapet wall extending not more than four feet above the limiting height of the building on which it rests. No cornice shall project in front of any street lot line more than five feet in any case.

Section 452-36. In Residence “C” and in Business and Industrial Districts, the provisions of Sections 452-29, 452-30, 452-31, 452-32 and 452-33 shall not apply to bulkheads, elevator pent houses, water tanks, monitors and scenery lofts occupying the aggregate not more than 25 per cent of the area of the lot, or in lineal dimensions not more than 50 per cent of the street lot line frontage of the lot most nearly parallel thereto. On a corner lot such 50 per cent shall apply to both street lot lines.

Section 452-37. In Business and Industrial Districts the provisions of Sections 452-29, 452-30, 452-31, 452-32, 452-33, 452-34, 452-35 and 452-36 shall
not apply to towers, including monuments, fire towers, hose towers, cooling towers, grain elevators or gas holders occupying not more than 25 per cent of the area of the lot and distant not less than 25 feet in all parts from any lot line not a street lot line; and distant at least as far from the center line of any street as the width of the tower measured parallel to the street lot line.

Section 452-38. The height limitations of a wider street shall govern for a distance of 120 feet along a narrower intersecting street measured at right angles to such wider street, provided that such 120 feet be within the same district.

Section 452-39. Where the street frontage of buildings existing at the time of enactment of this ordinance within 50 feet on either side of or directly across the street from a proposed building exceed the height regulations of this ordinance, the proposed building or structure may be erected to the average height, weighted by such frontage, of such existing building.

Section 452-40. For the purposes of Section 452-29 to 452-39, inclusive, the "height" of a wall or structure or of a part of a building is the mean vertical distance from the average established grade in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of flat roofs, or roof line, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof. Where a lot faces on two or more streets or alleys of different average established grades in front of the lot, the higher of such grades shall control only for a depth of 120 feet perpendicularly back from the street lot line of the higher street or alley. On a corner lot the height is the mean vertical distance from the average established grade or from the average natural grade at the building line if higher, on the street of greatest width, or if two or more such streets are of the same width, from the highest of such grades. The lowest story or the ground story or first story of any building is the lowest story, whose floor is not more than three feet six inches below the average contact ground level at the exterior walls of the building, such ground level to be at the top of any areas, except that any basement used for residence other than for a janitor or caretaker or his family, shall be deemed the ground or first story. A mezzanine story shall be deemed a full story where it covers more than 50 per cent of the ground story area.

Set-Back Building Lines

Section 452-41. In any Residence District, no part of any story of any building shall be nearer to the street lot line of any street on which it faces than the average set-back alignment of the corresponding parts of stories of existing buildings within the same district, within 200 feet on each side of it on the same side of the street and within the same square; but if there are less than two houses within such distance, the average alignments of corresponding stories of two or more existing buildings within 200 feet on each side of a frontage directly across the street from the lot in question shall govern; but, except as hereinbefore provided, no story of any building shall, under the above provisions, be required to set back more than 30 feet from any street lot line. On a corner lot, the street frontages which are not opposite to the rear lot line, as prescribed in Sections 452-7 to 452-17, inclusive, shall be exempt from the provisions of this Section 452-41.

Section 452-42. Except as hereinbefore provided, where a building in any Residence "B" or "C" District is not controlled by Section 452-41, it shall set back within a building line 30 feet from the street lot line, except that ground story parts of the building may project ten feet in front of such building line.

Section 452-43. Except as hereinbefore provided, where a building in any Residence "B" or "C" District is not controlled by Section 452-41, it shall set back from the street lot line at any given story level within the following set-back building lines:

<table>
<thead>
<tr>
<th>Stories</th>
<th>Setback in Residence &quot;B&quot;</th>
<th>Setback in Residence &quot;C&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>2</td>
<td>20 &quot;</td>
<td>10 &quot;</td>
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<tr>
<td>3</td>
<td>20 &quot;</td>
<td>10 &quot;</td>
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<tr>
<td>4</td>
<td>26 &quot;</td>
<td>14 &quot;</td>
</tr>
<tr>
<td>5</td>
<td>32 &quot;</td>
<td>17 1/2 &quot;</td>
</tr>
<tr>
<td>6</td>
<td>38 &quot;</td>
<td>21 &quot;</td>
</tr>
<tr>
<td>7</td>
<td>44 &quot;</td>
<td>24 1/2 &quot;</td>
</tr>
<tr>
<td>8</td>
<td>50 &quot;</td>
<td>27 &quot;</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>31 1/2 &quot;</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>35 &quot;</td>
</tr>
</tbody>
</table>

Section 452-44. No fence or planting shall be maintained within 20 feet of any corner street lot line intersection so as to interfere with traffic visibility around the corner. No part of any accessory building, within 25 feet of a side lot line of an adjoining lot in a residential district shall project in front of the set-back building line required for any building on such adjoining lot, except that in the case of a narrower corner lot where such regulation would give an impracticable depth to a private garage or stable, such garage or stable shall be erected entirely within 25 feet of the interior side lot line of the corner lot which is approximately parallel to the street on which the above adjoining lot abuts; but in no case shall any part of such garage or stable be within less than five feet of any street lot line.

Section 452-45. The above provision shall not apply to front fences or walls not over six feet high above the average natural grade, and terraces, steps, uncovered porches, or other similar features not over three feet high above the level of the floor of the ground story and distant five feet from each lot line.

Section 452-46. No part of any building used for residence purposes, except for a caretaker, in any Business or Industrial District, shall be within less than 15 feet of the center line of any street or alley, or any right of way or easement of access used by more than one family.
Section 452-47. Where a lot runs through the block from street to street, a set-back building line, as specified in Sections 452-41 to 452-50, inclusive, shall be required on each street.

Section 452-48. No building shall be required in any case to set back from the street lot line a distance any greater than the set-back of that one of two existing buildings on the immediately adjoining lots on either side which is furthest from the street line, except for such parts of the building as may be higher than either of such adjoining buildings.

Section 452-49. Private garages, as regulated above in Section 452-16 (9), other accessory buildings and signs shall set back within the above set-back building lines, except that where the natural level of the ground at such set-back building line is over eight feet above the average established or natural grade of the abutting street, such garages, other accessory buildings and signs may be within not less than five feet of the street lot line, provided that no floor level of any such garage or accessory building be more than one foot above such street grade.

Section 452-50. In the case of a narrow corner lot or of any shallow or irregular lot existing as such at the time of enactment of this ordinance, or of any steeply sloping lot, where conformity with the provisions of Sections 452-42 to 452-45, inclusive, in addition to the other requirements of this ordinance, would make it difficult to erect a practicable building, in accordance with the rules and regulations adopted by the Board of Appeals, as provided in Sections 452-78 to 452-88, inclusive, it may allow such building to project nearer to any street lot line than is specified in Sections 452-41 to 452-49, inclusive, provided that the amount of such projection shall be added to the required depth of the rear yard.

Rear Yards

Section 452-51. In every Residence District there shall be a rear yard the full width of every lot.

Section 452-52. In Residence "A" Districts the least depth of any rear yard shall be at least 25 feet behind a one-story building or a one-story rear projection, and at least 30 feet behind a two or three-story building or a two or three-story rear projection.

In Residence "B" and "C" Districts the least depths of any rear yard at the levels of the lowest window sills of the various stories shall be as follows:

<table>
<thead>
<tr>
<th>Stories</th>
<th>Rearyard, least depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20 ft.</td>
</tr>
<tr>
<td>2</td>
<td>25 &quot;</td>
</tr>
<tr>
<td>3</td>
<td>30 &quot;</td>
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<tr>
<td>4</td>
<td>35 &quot;</td>
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<tr>
<td>5</td>
<td>40 &quot;</td>
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<tr>
<td>6</td>
<td>45 &quot;</td>
</tr>
<tr>
<td>7</td>
<td>50 &quot;</td>
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<td>8</td>
<td>55 &quot;</td>
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<td>9</td>
<td>60 &quot;</td>
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<tr>
<td>10</td>
<td>65 &quot;</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Stories</th>
<th>Rearyard, least depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15 ft.</td>
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<tr>
<td>2</td>
<td>20 &quot;</td>
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<tr>
<td>3</td>
<td>25 &quot;</td>
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<tr>
<td>4</td>
<td>30 &quot;</td>
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<td>5</td>
<td>35 &quot;</td>
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<td>6</td>
<td>40 &quot;</td>
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<td>7</td>
<td>45 &quot;</td>
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<td>8</td>
<td>50 &quot;</td>
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<tr>
<td>9</td>
<td>55 &quot;</td>
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<tr>
<td>10</td>
<td>60 &quot;</td>
</tr>
</tbody>
</table>

Section 452-53. In Business "A" and Industrial "B" Districts there shall be a rear yard the full width of every lot. A non-residence building on a corner lot or on such parts of any other lot as may be back to back with such corner lot or such parts of any lot as may be within 50 feet of any street lot line, and a ground story on any lot not used for residence purposes may cover the whole lot up to a height of 25 feet above the established or the natural grade which controls the height of the building. The least depths of rear yards at the levels of the lowest window sills of the various stories shall be as follows:

<table>
<thead>
<tr>
<th>Stories</th>
<th>Rearyard, least depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15 ft.</td>
</tr>
<tr>
<td>2</td>
<td>20 &quot;</td>
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<tr>
<td>3</td>
<td>25 &quot;</td>
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<tr>
<td>4</td>
<td>30 &quot;</td>
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<tr>
<td>5</td>
<td>35 &quot;</td>
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<tr>
<td>6</td>
<td>40 &quot;</td>
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<td>7</td>
<td>45 &quot;</td>
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<tr>
<td>8</td>
<td>50 &quot;</td>
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<tr>
<td>9</td>
<td>55 &quot;</td>
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<tr>
<td>10</td>
<td>60 &quot;</td>
</tr>
</tbody>
</table>

The depth of the rear yard behind any upper story used for residence purposes in a non-residence building shall be at least five feet deeper than above prescribed for a non-residence building.

Section 452-54. The rear yard depths specified in Sections 452-51, 452-52 and 452-53 are measured perpendicularly to the rear lot lines or to the center of an alley or a railroad right of way, bordering the rear of the lot. For each foot by which a lot at the time of enactment of this ordinance is less than 120 feet deep two inches may be deducted from the required depth of the rear yard, provided that no rear yard shall be less than ten feet in depth in any case. In any district no lot shall be so reduced in area after the enactment of this ordinance as to make the rear yard less in depth than is prescribed in Sections 452-51, 452-52, 452-53 and 452-54 for a lot 120 feet in depth.

Section 452-55. Chimneys or flues or elevator shafts and connecting hallways may project into a rear yard, provided that they do not obstruct free ventilation. A fire escape, fire balcony or fireproof outside stairway may project not over five feet into a required rear yard. Dais or balconies occupying in the aggregate not over one-half of the width of the rear wall of the building may project not over three feet into a required rear yard, provided that these projections come entirely within planes drawn from either main corner of the rear wall, making an interior angle of 25½ degrees in the horizontal plane with the rear wall. Cornices may project not over five feet into a required rear yard.

Section 452-56. In Residence "A" and "B" Districts accessory buildings permitted above shall not occupy in the aggregate more than 25 per cent of the required rear yard area; in Residence "C" Districts not more than 40 per cent, and in Business or Industrial Districts, where a rear yard is required at the ground story level, not more than
50 per cent. In Residence Districts such accessory buildings shall not occupy, in addition, more than 50 per cent of any extra space in the rear of the principal building not in the required rear yard. Such accessory buildings in any Residence District shall not be over 25 feet high, and shall not be within three feet of any lot line except as herein-after provided. If any part of a garage not in a dwelling is within 60 feet of any street lot line it shall be distant at least ten feet from every lot line intersecting such street that serves as a side lot line to an adjoining property in any Residence District, except that on a corner lot such garage may be erected within not less than five feet of the shorter lot line not a street line.

Section 452-57. Except as hereinbefore provided, no building in the rear of a principal building on the same lot shall be used for residence purposes except only for domestic employees of the owners or tenants of the principal building, unless such rear building shall conform to the open space requirements in this ordinance for a principal building, and shall have on the same lot an easement of access at least 15 feet wide unoccupied to a street, in addition to any other open space requirements of this ordinance. Such building shall be not over two stories high and shall not be within 30 feet of any other building not an accessory building.

Side Yards

Section 452-58. In any Residence "A" District a side yard extending through from the set-back building line to the rear yard is required along each side lot line of each lot. The least width of any side yard shall be five feet for a one-story building or projection and eight feet for a two-story and attic building, and ten feet for a three-story building. The average width of any side yard shall be at least one and one-half inches for each foot of the length of the side wall, and if there are two or more such walls which make an angle of less than 45 degrees with the side lot line, the lengths of all such walls shall be added together.

Section 452-59. In any Residence "B" District a side yard, extending through from the set-back building line to the rear yard, is required along each side lot line of each lot, except as herein-after specified. The least width of any side yard at the levels of the lowest window sills of the various stories shall be as follows:

<table>
<thead>
<tr>
<th>Stories</th>
<th>Side yard, least width</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3 ft</td>
</tr>
<tr>
<td>2</td>
<td>6 &quot;</td>
</tr>
<tr>
<td>3</td>
<td>10 &quot;</td>
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<tr>
<td>4</td>
<td>16 &quot;</td>
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<td>5</td>
<td>23 &quot;</td>
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<tr>
<td>6</td>
<td>31 &quot;</td>
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<tr>
<td>7</td>
<td>40 &quot;</td>
</tr>
<tr>
<td>8</td>
<td>50 &quot;</td>
</tr>
</tbody>
</table>

The average width of any side yard shall be at least one and one-half inches for each foot of the length of the side wall, and if there are two or more such walls which make an angle of less than 45 degrees with the side lot line, the lengths of all such walls shall be added together. For each foot by which a lot at the time of enactment of this ordinance is narrower than 50 feet, one and one-half inches may be deducted from the required width of any side yard for a building three stories or less in height, provided that no side yard shall be narrower than two and one-half feet in any case.

Section 452-60. In Residence "B" and "C" Districts the Board of Appeals may permit the side yards to be varied so as to permit a driveway, provided that no living, working or sleeping room depends solely for its light and ventilation on an opening only on the narrower side yard. In no case shall the narrower side yard be less than two and one-half feet or less than 10 per cent the width of the lot. The wider side yard shall be twice the required width less the width of the narrower side yard.

Section 452-61. In any Residence "C" District a side yard extending through from the set-back building line to the rear yard is required along each side lot line of each lot, except as herein-after specified. The least width of any side yard at the levels of the lowest window sills of the various stories shall be as follows:

<table>
<thead>
<tr>
<th>Stories</th>
<th>Side yard, least width</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3 ft</td>
</tr>
<tr>
<td>2</td>
<td>5 &quot;</td>
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<tr>
<td>3</td>
<td>7 &quot;</td>
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<td>4</td>
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<td>5</td>
<td>13 &quot;</td>
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<td>19 &quot;</td>
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<td>8</td>
<td>22 &quot;</td>
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<td>9</td>
<td>25 &quot;</td>
</tr>
<tr>
<td>10</td>
<td>28 &quot;</td>
</tr>
</tbody>
</table>

The average width of any side yard shall be at least one inch for each foot of the length of the side wall, and if there are two or more such walls which make an angle of less than 45 degrees with the side lot line, the lengths of all such walls shall be added together. For each foot by which a lot at the time of enactment of this ordinance is narrower than 50 feet, one and one-half inches shall be deducted from the required width of any side yard, provided that no side yard shall be narrower than two and one-half feet in any case.

Section 452-62. In Residence "B" and "C" Districts one side yard may be omitted entirely where two buildings for not over three families, or housekeeping units each, are erected at the same time on one or more lots with a common wall, or where one such building is erected against an existing wall, and provided that the exterior side of each building shall have a required side yard.

Section 452-63. The side yard of the two end units of a row house shall conform to those specified in this ordinance for the District involved for a semi-detached type of dwelling.

Section 452-64. In Business and Industrial Districts no side yards are required, but if a side yard is substituted for a required court it shall conform to the provisions of this ordinance for side yards.
in Residence "C" Districts and for the purpose of determining its width and the lowest story it is required to serve shall be considered the ground story.

Section 452-63. No lot shall be so reduced in area after the enactment of this ordinance as to make the minimum width of any side yard less than that required by this ordinance for lots 50 feet wide.

Section 452-66. In any Residence District, a garage may be built across a common lot line by mutual agreement between adjoining property owners.

Section 452-67. Within the limits of a side yard, no fence or wall, other than a retaining wall, shall be more than six feet high, unless any part above such height be not more than one-quarter solid and otherwise unobstructed.

Section 452-68. Balconies, chimneys, flues and fire escapes may project over to required side yard not more than one-third of the width of the latter, nor more than three feet in any case, provided that these projections come entirely within planes drawn from either main corner of the side wall, making an interior angle of 22 1/2 degrees in the horizontal plane with the side wall. Cornices, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot over a required side yard.

Section 452-69. The required width of a side yard may be measured to the center line of any alley which it abuts.

Courts

Section 452-70. In any district, wherever any room in which persons live, sleep or work, except stores or storage rooms, can not be adequately lighted and ventilated from a street or from a side yard or rear yard as required in Sections 452-51 to 452-69, inclusive, a court conforming with the provisions of Sections 452-70 to 452-75, inclusive, shall be provided, on which such room shall open. All bathrooms and water closets shall open directly on such a court, on a yard or other open space of the size required herein, except in hotels (not a tenement house as defined in the Building Code) and in non-residence buildings. Supplementary bathrooms and water closets in fireproof apartment buildings equipped with power passenger elevators, not including at least one principal bathroom and water closet in each apartment, and all of those for servants, need not open on such required court or open space, provided that each such interior bathroom or water closet shall be ventilated by a method approved by the Commissioner of Buildings. Such court need not extend below the lowest story it is required to serve. An outer court is one which extends to and opens for its full required width on a street, a set-back front yard, or a rear yard. An inner court is any other court. A court or court offset, shallower than the length of its open side, shall be deemed a part of the open space on which it abuts.

Section 452-71. In Residence Districts and wherever needed to serve rooms used for residence purposes in any district, no outer court shall be less than four feet wide, and at any given level every outer court shall be at least three inches wide for each foot of height of such level above the sill of the lowest window served by it. No inner court shall be less than six feet wide and every inner court at any given level shall be at least three inches in size for each foot of height of such level above the sill of the lowest window served by it.

In Business "A" and Industrial "B" and "C" Districts every outer court which serves no rooms used for residence purposes, shall be at least two and one-half inches wide at any given level for each foot of height above the level of the sill of the lowest window served by it, but not less than four feet wide in any case. Every inner court similarly used shall be at least three inches wide for each foot of height, but not less than five feet in any case.

In Business "B" and Industrial "A" Districts there shall be no outer court except opening on a street or other public open space. Such outer court if it serves no rooms used for residence purposes, shall be at least two inches wide at any given level for each foot of height above the level of the sill of the lowest window served by it, but not less than four feet wide in any case. All inner courts which serve no rooms used for residence purposes shall be at least three inches wide for each foot of height above the level of the lowest sill of the lowest seventh story window served by it, but not less than five feet wide in any case, and above the level of the sill of the lowest seventh story window served by it such width shall increase at the rate of two inches for each foot of height.

The width of a court is its least horizontal dimension, including the width of any public open space or alley on which its long side abuts.

No outer court shall be longer than four times its width.

No inner court shall be shorter than two times its width except that such court may be shorter and wider provided that its area is at least the same as that of the required court. In a Business "B" or Industrial "A" District an inner court whose long side horders an alley need be only one and one-half times as long as its required width, or of an equivalent area.

Section 452-72. Required courts shall be open to the sky unobstructed, except that cornices, belt courses, sills, leaders, pilasters and ornamental features may project not more than eight inches into such courts, and in a court opening for its full required width or length on a street, and within five feet of the open end thereof, a cornice may project over such court not more than one-quarter of its width and not more than two and one-half feet in any case.

Section 452-73. Except a retaining wall, no fence or wall more than one-quarter solid above a height of six feet shall be permitted within the limits of any required outer court.

Section 452-74. In any district no accessory building shall be located within any required court.

Section 452-75. An inner corner of a court of the minimum required dimensions may be cut off be-
tween walls of the same building, provided that the length of such cut-off wall does not exceed six feet.

Enforcement

Section 452-76. This ordinance shall be enforced in accordance with the administrative provisions of Title III, Sub-titles I and VII, of the Code of Ordinances.

Section 452-77. All applications for building permits as required by Section 340 of the Code of Ordinances shall be accompanied by plans in triplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the buildings and accessory buildings existing, and the lines within which the proposed building shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and all information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Commissioner of Buildings. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is started.

Board of Appeals

Section 452-78. A Board of Appeals is hereby created. Such Board shall consist of five members, to be appointed by the Mayor. One of these members shall be a member of the City Planning Commission, one a person engaged in the real estate business, one an architect and one a structural engineer. One member shall hold for a year: one for two years; one for three years; one for four years; and one for five years; and their successors for five years each. The term of the member of the City Planning Commission shall expire at the same time as his term on such commission. A member appointed to fill a vacancy shall serve for the unexpired term.

Section 452-79. All meetings of the Board of Appeals shall be public. The Board shall organize annually and elect a President and Vice-President. The Board of Appeals shall act by resolution in which three members must concur. The Zoning Engineer shall act as secretary and shall keep minutes of its proceedings.

Section 452-80. The Board of Appeals shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance. All such rules and regulations shall be in accordance therewith.

Section 452-81. The Board of Appeals shall, in accordance with the provisions hereinafter contained in this section, within ten days hear and determine appeals from any refusal of a building permit by the Commissioner of Buildings where such refusal is for non-compliance with the provisions of this ordinance, or review any order or decision of such Commissioner, where such order or decision is based upon the requirements of this ordinance.

Section 452-82. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Building Zone Map, the Board of Appeals, after due notice by registered mail to the owners of the property, and public hearing, shall interpret the map in such a way as to carry out the intent and purpose of the ordinance and map for the particular section or district in question.

Section 452-83. The Board of Appeals shall have the power, after public notice and hearing, to adopt resolutions permitting any industry or use prohibited in Sections 452-21, 452-22 or 452-23, above, only as an incident or accessory to a conforming principal use on the same lot, subject to such conditions as will safeguard the public health, safety, convenience and welfare, provided also that the entire product of such use is utilized in the principal use to which it is necessary.

Section 452-84. The Board of Appeals shall have the power to adopt resolutions granting in undevoted sections of the municipality, conditional and temporary permits for a reasonable period of time for structures and uses not permitted by this ordinance in the districts in which they are to be located, but which are promotive of the development of sections in such districts.

Section 452-85. Where the strict application of any provision of this ordinance would result in undue hardship upon the owner of specific property, or where there is reasonable doubt as to any provision of this ordinance or the maps as applied to such property, the Board of Appeals shall have the power upon application by such owner, and after public hearing, notice of which has been given by publication one time in a newspaper of general circulation seven days in advance thereof, to modify such strict application, or to interpret the meaning of this ordinance so as to relieve such hardship; provided that such modification and interpretation shall remain in harmony with the general purpose and intent of this ordinance, so that the public health, safety, convenience, comfort, prosperity and general welfare are increased and substantial justice done; and accordingly within the above limitations the Board of Appeals may permit among others the modifications and interpretations set out in Sections 452-86, 452-87 and 452-88.

Section 452-86. The extension of a non-conforming use or buildings upon a lot upon which they are applied by reason of the use or buildings at the time of enactment of this ordinance or on a lot adjoining or directly across an alley, provided that such lot was under the same ownership as the lot in question at the time of enactment of this ordinance, and where such extension is a necessary incident to the existing use, and provided that such extension or extensions shall not exceed in all 50 per cent of the reproduction value of the existing buildings and shall in any case be undertaken within five years of the enactment of this ordinance.
Section 452-87. The extension of a use or building within the same lot as such lot existed at the time of enactment of this ordinance into a contiguous, more restricted district, but not more than 25 feet beyond the dividing line of the two districts.

Section 452-88. The projection of a building in front of the set-back building line only to an extent necessary to secure a building or structure practicable in its construction and arrangement for an exceptionally shallow or irregular lot so existing at the time of enactment of this ordinance, or a steeply sloping lot.

Amendments
Section 452-89. Any owner of property desiring an amendment of this ordinance changing the shape or area of any district herein created shall proceed by filing with the City Council his petition for such change. Upon receipt of any such petition the Clerk of this Council shall immediately transmit the same to the City Planning Commission with the request for a report to this Council by the Commission upon the proposed change, and for a statement by the Commission as to whether it approves or disapproves of the proposed change and its recommendations.

Pending Applications for Building Permits
Section 452-90. Nothing herein contained shall require any change in the plan, construction, size or designated use of a building, for which a building permit has been issued before the passage of this ordinance, provided construction, under such permit, shall be started within six months and the ground story frame work including the second tier of beams shall have been completed within one year and the entire building completed within two years after the date of such permit. In cases where foundations, columns and walls existing at the time of the passage of this ordinance were designed to carry extra stories, such extra stories may be erected according to the original plans.

Certificate of Occupancy
Section 452-91. It shall be unlawful for any person to use or permit the use of any building or premises or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure, contrary to the provisions of this ordinance.

Section 452-92. No permit for construction, alteration or addition, shall be issued by the Commissioner of Buildings until he is satisfied that the plans and specifications and intended use conform to the provisions of this ordinance. Any person may apply to the Commissioner of Buildings for a Certificate of Occupancy. The Commissioner of Buildings shall prescribe the form of such applica-

tion and certificate. Each applicant shall pay the sum of $2.00 to the City Treasurer for such certificate. Such certificate shall only be issued by the Commissioner of Buildings, when the intended use or occupancy conforms to the provisions of this ordinance.

Section 452-93. Upon written request from the owner, the Commissioner of Buildings shall likewise issue Certificate of Occupancy for any buildings or premises existing at the time of enactment of this ordinance, after inspection, certifying the extent and kind of use made of the building or premises, and whether such use conforms to the provisions of this ordinance.

Section 452-94. A temporary Certificate of Occupancy for a part of a building or premises may be issued by the Commissioner of Buildings, under such rules and regulations as may be established by the Board of Appeals.

Violations and Penalties
Section 452-95. Whoever violates any of the provisions of Sections 452-5 to 452-94, inclusive, of the Code of Ordinances, or fails to conform to the provisions thereof, or fails to obey any lawful order of the Commissioner of Buildings, issued in pursuance thereof, shall be guilty of a misdemeanor and shall be fined not to exceed $500.00. Each day's continuance of a violation shall be considered a separate offense.

Validity
Section 452-96. Should any provision of Sections 452-5 to 452-95, inclusive, be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of Sections 452-5 to 452-95, inclusive, as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 2. That original Sections 452-1, 452-4: Sections 452 and 452-2 as amended by Ordinance 227-1923, passed November 27, 1923; Second 452 as amended by Ordinance 314-1926, passed August 20, 1926, be and they are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, A. D. 1924.
FROOME MORRIS, Vice-Mayor.
Attest: FRED SCHNEIDER, Clerk.
Approved: GEO. P. CARREL, Mayor,
April 3, 1924.
Approved and adopted as amended and revised, by the City Planning Commission on April 3, 1924.
Attest: C. H. MEEDS,
Executive Secretary and Engineer.