

ORDINANCE NO. 6 1950C H A P T E R 100

AN ORDINANCE AMENDING ORDINANCE NO. 7, 1942, ENTITLED "AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, AND USE OF BUILDINGS AND THE USE OF PREMISES IN THE CITY OF BLOOMINGTON, INDIANA, AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS", APPROVED JUNE 17, 1942, AND ALL ORDINANCES AMENDATORY OR SUPPLEMENTARY THERETO.

NOW BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, GENERAL ASSEMBLY OF THE STATE OF INDIANA:

Section 1. Title. The title of Ordinance No. 7, 1942, shall be amended to read as follows: "AN ORDINANCE CLASSIFYING, REGULATING AND RESTRICTING THE LOCATION, HEIGHT, AREA, BULK AND USE OF BUILDINGS AND STRUCTURES AND THE USE OF LAND IN THE CITY OF BLOOMINGTON, INDIANA, AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS."

Section 2. Effect of Amendment. The preamble, Sections I, II, III, IV, IV-A, V, VI, VII, VIII, IX, X, XI, XII, XIII AND XIV of of Ordinance No. 7, 1942, and all amendments thereto shall be stricken out and the following TITLES I to XI inclusive shall be inserted in their place.

TITLES I - PURPOSE.

The zoning regulations and districts as herein set forth are made in accordance with a comprehensive master plan in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the city.

TITLES II - GENERAL PROVISIONS.

Section 101. Short Title. This ordinance shall be known and may be cited as "The City of Bloomington, Indiana, Zoning Ordinance".

Section 102. Definitions.

A. In this ordinance words used in the present tense include the future, the singular includes the plural and the plural the singular, and the word "lot" includes the word "plot". The word "used" includes "designed" or "intended to be used". Unless otherwise specified, all distances shall be measured horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings.

1. Accessory Building and Use.--A subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is customarily incident to the main building or to the principal use of the land.

Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

2. Accessory Living Quarters -- Living quarters within an accessory building, for the sole use of persons employed on the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

3. Apartment Hotel -- A building or portion thereof used for or containing both individual guest rooms or suites of rooms and dwelling units designed for more or less temporary occupancy.
4. Block Frontage -- All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, end of dead-end street or city boundary measured along the street line.
5. Board -- Shall mean the Board of Zoning Appeals of the City of Bloomington.
6. Building -- Any structure having a roof supported by column or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.
7. Building, Detached -- A building having no party wall in common with another building.
8. Building, Nonconforming -- A legally existing building which fails to comply with the regulations set forth in this ordinance applicable to the district in which this building is located.
9. Building, Semi-detached -- A building having one party wall common with an adjacent building.
10. Building Height of -- The vertical distance measured from the adjoining curb grade at a point opposite the center of the principal frontage of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.
11. Camp Ground -- Any area of tract of land used to accommodate two or more camping parties, including cabins, tents, house trailers or other camping outfits.
12. Cemetery -- Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
13. City -- The City of Bloomington, Indiana.
14. Commission -- The City Plan Commission of the City of Bloomington, Indiana.
15. Council -- The Common Council of the City of Bloomington, Indiana.
16. Court -- An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings.
17. Court, Outer -- A court which opens on any yard on the lot or which extends to any street line of the lot. The width of any outer court is its least horizontal dimension measured between opposite walls. The length of any outer court is its greatest horizontal dimension measured at right angles to its width.
18. Court Inner -- Any court other than an outer court. The width of an inner court is its least horizontal dimension measured between opposite walls. The length of an inner court is its greatest horizontal dimension measured at right angles to its width.

19. Dwelling -- A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, lodging or boarding houses or tourist homes.
20. Dwelling, One-Family -- A building used for occupancy by one family.
21. Dwelling, Two-Family -- A building used for occupancy by two families living independently of each other.
22. Dwelling, Multiple -- A building or portion thereof used for occupancy by three or more families living independently of each other.
23. Dwelling, Row -- A building having a party wall on each side in common with an adjoining building.
24. Dwelling Unit -- A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living and sleeping purposes.
25. Education^a/Institution -- Preprimary, primary or grammar, public, parochial or private school; high school, preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to college or universities which award B. A. or B. S. degrees; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this Section.
26. Family -- One or more persons living as a single, housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.
27. Garage, Private -- A detached accessory building or portion of a main building, used for the storage of self-propelled vehicle where the capacity does not exceed three vehicles, or not more than one per family housed in the building to which such garage is accessory, whichever is the greater, and not more than one-third the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three vehicles may be rented for vehicles of other than occupants of the building to which such garage is accessory.
28. Garage, parking -- Any building, except those herein defined as a private garage, used exclusively for parking of self-propelled vehicles, and with not more than two pumps for the incidental sale of gasoline.
29. Grade, Curb -- The elevation of the top of the face of the curb as fixed by the City.
30. Home Occupation -- Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade nor commodity sold upon the premises and not more than two (2) persons employed. Such uses as barber shop, beauty parlor, tea room, tourist home and animal hospital shall not be deemed to be home occupations.

31. Hospital -- "Sanitarium", "sanatorium", "preventorium", "clinic", provided such institution is operated by, or treatment given under direct supervision of, a physician licensed to practice by the State of Indiana.
32. Hotel -- A building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals and in which provision for cooking is made preponderantly in a central kitchen and not in the individual rooms or suites.
33. Junk Yard, Including Automobile Wrecking -- A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal or other vehicles or machinery or parts thereof.
34. Lodging House -- A building with more than two but not more than ten guest rooms where lodging with or without meals is provided for compensation.
35. Lot -- A partel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat. In detemining lot area and boundary lines no part thereof within the limits of the street shall be included.
36. Lot, Corner -- A lot at the junction of and fronting on two or more intesecting streets both of which are 20 feet or more in width.
37. Lot, Through -- A lot having frontage on two parallel or approximately parallel streets.
38. Lot Width -- The distance parallel to the front of a building erected or to be erected, measured between side lot lines through that part of the building where the lot is narrowest.
39. Nonconforming Use -- A legally existing use of land or building which fails to comply with the regulations set forth in this ordinance applicable to the district in which such use is located.
40. Parking Area, Public -- An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.
- 40a. Parking Space, One Off-Street -- The area required for parking one automobile, which in this ordinance is held to be an area nine (9) feet wide and twenty (20)feet long, not including passageways.
41. Sign -- Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface. Signs placed or erected by the city or the state for the purpose of showing street names or traffic directions or regulations or for other municipal or governmental purposes shall not be included herein nor shall this include signs which are part of the architectural design of the building.
42. Story -- That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.

43. Street-- A public way established by or maintained under public authority, a private way open for public uses, and a private way plotted or laid out for ultimate public use, whether or not constructed.
44. Structure -- Anything constructed or erected which requires location on the ground or attachment or something having a location on the ground.
45. Tourist Home -- A building in which more than one but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.
46. Trade or Business School -- Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institutions as defined in this Section.
47. Yard -- A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.
48. Yard, Front -- A yard extending across the full width of the lot, the depth of which shall be the least distance between the average of the front lot lines on the same side of the street within the block and the front of the main building.
49. Yard, Rear -- A yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.
50. Yard, Side -- A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Section 103. Building and uses Affected by Zoning. No building or land shall hereafter be used and no building or part thereof shall be erected moved or altered unless in conformity with the regulations of this ordinance.

Section 104. Continuance of Nonconforming Uses or Buildings.

A. Nonconforming Buildings or Structures.

1. Maintenance Permitted -- A nonconforming building or structure may be maintained, except as otherwise provided in this section.
2. Repairs and Alterations -- May be made to a nonconforming building or structure, provided that in a building or structure which is nonconforming as to use regulations no enlargement shall be made.
3. Additions, Enlargements or Moving --
 - a. A building or structure nonconforming as to regulations for use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such building or structure, including such additional and enlargement is made to conform to the use and area per dwelling regulations or the zone in which it is located.

- b. A building or structure nonconforming as to height or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
- c. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

B. Nonconforming Use of Buildings or Structures.

- 1. Continuation and Change of Use -- Except as otherwise provided in this Section:
 - a. The nonconforming use of a building or structure, lawfully existing at the time this ordinance became effective, may be continued.
 - b. The nonconforming use of a building or structure may be changed only to a use of the same or more restricted classification.
- 2. Expansion Prohibited -- A nonconforming use of a building or structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.

Section 105. Amortization of Nonconforming Uses or Buildings.

- A. The nonconforming use of land where no building is involved or any nonconforming billboard not attached to a building or advertising structure lawfully existing at the time this ordinance became effective shall be discontinued within seven (7) years from the date of its passage.
- B. Whenever a nonconforming use has been discontinued for a period of six (6) months such use shall not thereafter be established any any future use shall be in conformity with the provisions of this ordinance.
- C. A building damaged by fire or other causes to the extent of more than double its assessed value may be repaired or rebuilt in conformity with the provisions of this ordinance, except that compliance with the off-street parking provision is not required.

Section 106. Nonconformance Due to Reclassifications.

The provisions of Sections 104 and 105 shall also apply to building structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this ordinance of any subsequent change in the regulations of this ordinance, and any time periods specified for discontinuance of nonconforming uses shall be measured from the date of such reclassification or change.

Section 107. General Use Provisions.

A. Conformance and Permits Required.

No building or structure shall be erected, reconstructed, enlarged or moved for any use other than that which is permitted in the zone in which such building, structure or land is located, nor shall any building structure or land be used for any other use than is permitted in the zone in which it is located.

B. Zone Group Classification.

Whenever the terms R. Zone, B. Zone or M Zone are used, they shall be deemed to refer to all zones containing the same letters in their names; e.g., B zone shall include the B1, B-2 and B-3 Zones.

C. Off-Street Parking

The following off-street parking spaces shall be provided and satisfactorily maintained, by the owner of the property, for each building which is hereafter erected, enlarged or altered for use for any of the following purposes:

1. Dwelling, at least one parking space for each dwelling unit in the building or buildings.
2. Auditorium, stadium, theater, or other places of public assemblage, at least one parking space for each eight (8) seats provided for its patrons, based on maximum seating capacity.
3. Hotel, at least one parking space for each three (3) guest sleeping rooms.
4. Restaurant or other eating place, at least one parking space for each five (5) seats, except when it is in a building which provides parking space, in which case the number of places already provided may be taken to be available for the restaurant or other eating place.
5. Hospital, sanitarium, or nursing home, at least one parking space for each five (5) patients.
6. Retail Business Establishments -- In the B-1 District, at least one parking space for each one hundred and twenty (120) square feet of store floor area devoted to retail sales.
 In the B-2 District, at least one parking space for each two hundred (200) square feet of store floor area devoted to retail sales.
 In the B-3 District, at least one parking space for each one hundred twenty (120) square feet of store floor area devoted to retail sales, plus one parking space for each five (5) workers or fraction thereof employed on the premises.
7. Office Buildings -- At least one parking space for each three hundred (300) square feet of office floor area.
8. Industrial or Manufacturing Establishments -- At least one parking space for each four hundred (400) square feet of gross floor area or for each five (5) workers, whichever is the lesser.

All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board of Zoning Appeals may permit the parking spaces to be on any lot within five hundred (500) feet of the building, if it determines that it is impractical to provide parking on the same lot with the building. The requirements set forth in paragraph 3, 4, 6 and 7 first above shall be waived by the Board whenever the Board determines that more than seventy-five (75) per cent of the privately owned lands within five hundred (500) feet of the building to be erected, enlarged or altered are improved with buildings regularly occupied and used.

D. Off-Street Loading.

On the same premises with every building, structure or part thereof, erected hereafter and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses involving and receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley

Such space, unless otherwise adequately provided for, shall include a 10 foot by 25 foot loading space with a 14 foot height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of floor area used for above mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land used for the above mentioned purposes. These requirements may, upon appeal, be increased, modified or waived by the Board where the conditions or circumstances justify such action provided it has obtained thereon recommendation from the Traffic Commission.

E. Public Parking Area.

Every parcel of land which, after the effective date of this ordinance, is changed to a public parking area, automobile or trailer sales area, filling station or garage shall be developed as follows; subject to the approval of plans thereof by the Traffic Commission:

- a. Such area, where subject to wheeled traffic, shall be paved with bituminous, concrete or equivalent surfacing and shall have appropriate bumper guards where needed.
- b. Where such area adjoins a lot in an R. Zone or is across the street from an R. Zone, a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than four (4) feet shall be erected and maintained between such area and the property in R Zones. Such enclosures shall be at least five (5) feet from the side of a lot in an R Zone, and all required front and side yards shall be properly maintained as such.
- c. Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R Zone.

Section 108. General Height Provision

A. Height Conformance.

Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.

Section 109. General Area Provisions.

A. Area Requirements

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, structure or enlargement conforms with the area regulations of the zone in which it is located.

1. Reduction of Lot Area -- No lot area shall be so reduced, diminished and maintained that the yards, other open space or total lot area shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.

2. Recorded Lots Less Than Minimum Area -- Lots of record at the time of the enactment of this ordinance, which have less than the minimum area requirements for R Zones may nevertheless be used for the purposes and subject to the following conditions:
 - a. In an R1 Zone, for any use permitted therein, except that for dwellings the lot must have a width of at least 40 feet and an area of at least 2,500 square feet.
 - b. In R2 and R3 Zones, for any use permitted in R1 Zones and for two-family dwellings, except that for one-family dwellings the lot must have a width of at least 40 feet and an area of 2,000 square feet, and for two-family dwellings a width of at least 40 feet and an area of at least 3,200 square feet.
3. Yards Apply to Only One Building -- No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot wherein a building is to be erected.
4. Only One Main Building On a Lot -- Every building hereafter erected shall be located on a lot as herein defined.

In no case shall there be more than one residential building and its accessory buildings on one lot. Row dwellings or group housing may be considered as one main residential building.
5. Corner Setback -- In all zones except the B-2 Zone, in the triangle formed by the lines of streets intersecting at an angle of less than 135 degrees and a line joining points on such lines 15 feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained between heights of 3½ feet and 10 feet above the plane through their curb grades.
6. Front Yards on a Through Lot -- At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in which each street frontage is located, and one of such front yards may serve as a required rear yard.

Section 110. Special Exceptions

The following special exception may be permitted by the Board in any zone where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the Master Plan and if their location, plan and character of development are first approved by the Commission. In the exercise of its approval the Commission may impose such conditions regarding the location, character and other features of the proposed building or structure of use as it may deem advisable in the furtherance of the purposes of this ordinance.

1. Airport or aircraft landing field.
2. Cemetery.
3. Local Government enterprise.
4. Motor Vehicle or Rail Terminal.
5. Educational Institution.

Land buildings and structures owned or used at the time of the enactment of this ordinance for the usual purposes and activities of educational institutions as defined in this ordinance, including instructional and recreational uses, provision for exhibitions and athletic contests, and provision for living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees, together with land, buildings and structures hereafter acquired for such uses by such educational institutions having a location adjacent to land now so owned or used by such educational institutions shall be deemed to be conforming uses in the zone in which the land is located, provided that no building shall be hereafter erected for such use by any such institution within 30 feet of the boundary line of a lot owned by others in an R zone.

Adjacent, as used in the above paragraph, shall be deemed to include any property within 1,000 feet of any part of any property owned or used for educational purposes by such educational institution at the time of the enactment of this ordinance.

6. Neighborhood Development Unit.

Tracts of land as herein described to be used for R Zone, B Zone or M-1 Zone purposes, may be developed as a unit; e. g. group housing, shopping center, light manufacturing district.

- a. Land Deemed One Lot - Any parcel of land including any interior streets which is used by a neighborhood development designed as a unit may be deemed to be one lot.

To be considered a neighborhood development unit, the parcel of land must include at least:

- (1) 40,000 Square feet if used only for R-Zone or only for B-Zone purposes;
- (2) 60,000 Square feet if used only for M-1 Zone purposes;
- (3) 100,000 Square feet if used for combinations of R Zone or B Zone or M-1 Zone purposes.

- (b) Application of Regulations - Where a neighborhood development unit consists of two or more buildings to be constructed on a plat of ground not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such neighborhood development unit, the application of such requirements to such unit may be varied in a manner that will be in harmony with the character of the neighborhood, and if residence use be involved, that will insure a lot area per family no lower and a standard of open space no lower than permitted by this ordinance in the zone in which the proposed neighborhood development unit is to be located.

All special exceptions, as defined in this and following Sections, which existed at the time this ordinance became effective shall be regarded as conforming uses.

TITLE III ZONES

Section III. Establishment of Zones.

For the purpose of this ordinance, the City of Bloomington is hereby divided into eight (8) zones designated as follows:

- R 1 One-Family Zone
- R2 Two-Family Zone
- R3 Multiple Dwelling Zone.
- B1 Limited Business Zone
- B2 Downtown Business Zone
- B3 General Business Zone.
- M1 General Industrial Zone.
- M2 Heavy Industrial Zone.

The above zones and the boundaries of such zones are hereby established as shown on the map entitled "Bloomington Zoning Map" dated July 18, 1950, which accompanies this ordinance and is on file in the office of the City Clerk-Treasurer and the City Plan Commission. Said map and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

Lands which may hereafter be annexed to the City shall upon such annexation be included in the R1 Zone until changed by a amendment to this ordinance.

Section 112. Zone Boundaries.

Unless otherwise indicated the zone boundary lines are the center lines of streets, parkways, alleys, or railroad right-of-way, or such lines extended. Other lines within blocks 200 feet or more wide, are 100 feet distant from the less restricted side of the blocks. Other lines within blocks are rear or side lot lines, or such lines extended.

Where the boundary line of a zone divides a lot having frontage on a street in the less restricted zone, the provisions of this ordinance covering the less restricted portion of such lot may extend to the lot, but in no case for a distance of more than 30 feet. Where the boundary line of a zone divides a lot having frontage only on a street in a more restricted zone, the provisions of this ordinance covering the more restricted portion of such lot shall extend to the entire lot.

Where the street layout actually on the ground varies from the layout as shown on the zoning map, the City Civil Engineer shall interpret said map according to the reasonable intent of this ordinance.

TITLE IV. RESIDENTIAL ZONE REGULATIONS

Section 113. R1 One-Family Zone

The following regulations and the regulations contained in TITLE II shall apply in the R1 One-Family Zone:

A. Permitted Uses.

1. One-Family detached dwelling.
2. Park, Playground or Community Center - Owned by a Government agency.
3. Crop or tree Farming - And truck gardening, including the sale of products or commodities raised on the premises provided that no retail stand or other commercial structure shall be located thereon.
4. Parking Space - On lots used for residential purposes where the capacity does not exceed one vehicle for each 2,500 square feet of lot area but in no case need be less than two vehicles; on lots below the minimum area for residential purposes as specified in Section 109, in a garage only, and where the capacity does not exceed one car for each 1,000 square feet of lot area.
5. Public Parking Area - When located and developed as required in Section 107, and where the area adjoins a commercial or industrial zone, provided such transitional use does not extend more than 100 feet from the boundary of the less restricted zone.
6. The Following Special Exeptions - If their location is first approved by the Board.

- (a) Golf course (except driving tees or ranges and similar uses operated for commercial purposes), tennis courts and similar recreational uses, all of a non-commercial nature.
7. Uses Customarily Incident - To any of the above uses including home occupation, provided that:
- (a) Such occupation is situated in the same dwelling unit as the home of the occupant;
- (b) The residential character of such dwelling is not changed and;
- (c) There shall be not more than one assistant employed.
8. Accessory Building - Including a private garage, accessory living quarters, guest house, or a recreation room provided that:
- (a) No guest house is located on a lot having an area of less than 15,000 square feet.
- (b) No accessory living quarters are located on any lot having an area of less than 8,000 square feet. Accessory living quarters, guest house, recreation room and a private garage or any combination of such uses may be included in a building of one or two stories in height provided that the portion of such building designed for accessory living quarters, guest house or recreation room exceeding 10 feet in height is located not nearer than 10 feet to any lot line.
- (c) Where the rear yard abuts upon a street no accessory building shall be erected within 20 feet of such street.
9. Name Plate or Signs - - One name plate for each dwelling unit, excluding illuminated signs of the flashing or animated type, not exceeding $1\frac{1}{2}$ square feet in area, indicating the name of the occupancy or any permitted occupation; unlighted signs not exceeding a total of 12 square feet, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall be located not less than 15 feet from the front or side lot line except where affixed to the wall of the building and not extending over the sidewalk.
10. Exeptions -- To use regulations are provided for in Section 121.

B. Height.

1. Maximum Height -- Three stories.
2. Exceptions - To height regulations are provided for in Section 122.

C. Area.

1. Lot Area -- Every lot shall have a minimum width of 60 feet and a minimum area of 6,000 square feet except that:
- (a) A lot of less than 12,000 square feet and more than 9,999 square feet may be divided into lots containing not less than 5,000 square feet each and having a width of not less than 50 feet each, and one dwelling unit may be erected on each lot.
- (b) If a lot contains more than 12,000 square feet and if after division into as many 6,000 foot lots as possible, there remains a lot of 5,000 square feet or more, one dwelling unit may be erected on such remaining lot provided the same has a width of 50 feet.

2. Front Yard -- There shall be a front yard of not less than 25 feet.
3. Side Yard -- Each lot, except as otherwise specified shall have two side yards each having a width of not less than 6 feet and the aggregate width of both side yards on any lot shall be not less than 30 per cent of the width of the lot.
4. Rear Yard -- There shall be a rear yard of not less than 25 per cent of the depth of the lot, but such rear yard need not exceed 25 feet.
5. Lot Coverage -- Not more than 30 per cent of the area of a lot may be covered by buildings or structures, provided that such lot coverage need not be reduced to less than 800 square feet.
6. Exceptions -- To yard regulations are provided for in Section 123.

Section 114. R2 - Two-Family Zone.

The following regulations and the regulations contained in TITLE II shall apply in the R2 Two-Family Zone.

A. Permitted Uses.

1. Any Use Permitted in the R1 One-Family Zone.
2. Row Dwellings -- Not to contain more than four dwelling units.
3. Two-Family Dwelling.
4. The following Special Exceptions -- If their location is first approved by the Board as provided for in Section 129.
 - (a) Lodging House or Tourist Home.
 - (b) Doctor's Office.
 - (c) Fraternity or Sorority House -- Owned by students or alumni.
 - (d) Club or Lodge (non-profit)
5. Name Plate or Signs -- One identification sign not exceeding 12 square feet in area for multiple dwellings, provided that such sign shall be located not less than 15 feet from the front or side lot line except where it is affixed to the wall of the building and does not extend over the sidewalk.
6. Exceptions -- To use regulations are provided for in Section 121.

B. Ex Height.

1. Maximum Height - Three Stories
2. Exceptions - To height regulations are provided for in Section 122.

C. Area.

1. Lot Area per Dwelling Unit -- The minimum lot area per dwelling unit shall be 2,500 square feet.
2. Lot Area -- Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
3. Front Yard -- Same as required in R1 Zone, Section 113.
4. Side Yards -- Same as required in R1 Zone, Section 113.
5. Rear Yard -- Same as required in R1 Zone, Section 113.

6. Lot Coverage -- Same as required in R1 Zone, Section 113.
7. Exceptions -- To yard regulations are provided for in Section 123.

Section 115. R3 Multiple Dwelling Zone.

The following regulations and the regulations contained in TITLE II shall apply in the R3 Multiple Dwelling Zone:

A. Permitted Uses.

1. Any Use Permitted in the R2 Two-Family Zone -- Provided that all R2 uses shall be subject to the same limitations and controls as specifically set forth in the R2 Zone, Section 114.
2. Multiple Dwelling.
3. Apartment Hotel or Hotel -- In which incidental business may be conducted only as a service for persons living therein, provided there is no entrance to such place of business except from the inside of the building.
4. Fraternity or Sorority House -- Owned by students or alumni.
5. Lodging House or Tourist Home.
6. Doctor's Office.
7. Nursing or Rest Home.
8. Exceptions -- To use regulations are provided for in Section 121.

B. Height.

1. Maximum Height -- Four stories not to exceed 50 feet.
2. Exceptions -- To height regulations are provided for in Section 122.

C. Area.

1. Lot Area per Dwelling Unit -- The minimum lot area per unit shall be 1,200 square feet.
2. Lot Area -- Same as required in R2 Zone, Section 114.
3. FRONT YARD -- There shall be a front yard of not less than 5 per cent of the depth of the lot for each story or 12 feet in height, but such front yard shall be not less than 12 feet and need not exceed 30 feet.
4. Side Yards -- Same as required in R1 Zone except that for buildings more than two stories of 25 feet in height each side yard shall be increased 1 foot in width for each additional 3 feet in height.
5. Rear Yard -- There shall be a rear yard of not less than 25 per cent of the depth of the lot, but such rear yard need not exceed 35 feet.
6. Courts.
 - (a) An inner court shall not have any horizontal dimension, measured at right angles to any wall in which are located windows, except windows which open from a public hallway, which is less than the height of the building above the floor level of the story containing such window. No other dimension of such court shall be less than 1/2 the height of the building above the floor level of the lowest story served by the court. The length of any inner court shall not exceed twice its width.

(b) Each outer court on which windows open, except windows which open from a public hallway, shall have a width equal to not less than the height of the building above the floor level of the story containing such window, but no court shall have a width of less than 20 feet; and each court shall have a depth of not more than 1½ times the actual width; provided, however, that any such court with a depth of not more than 6 feet need not have a width exceeding 20 feet.

7. Lot Coverage -- Not more than 40 per cent of the area of a lot may be covered by buildings or structures, provided that such lot coverage need not be reduced to less than 800 square feet.

8. Exceptions -- To yard regulations are provided for in Section 123.

TITLE IV. BUSINESS ZONE REGULATIONS.

Section 116. B 1 Limited Business Zone.

The following regulations and the regulations contained in TITLE II shall apply in the B1 Limited Business Zone:

A. Permitted Uses.

1. Any Use Permitted in the R3 General Residence Zone -- Provided that all R3 Uses shall be subject to the same limitations and controls as specifically set forth in Section 115.

2. The Following Uses -- Provided they are conducted wholly within a building; except for off-street loading of delivery vehicles which are incidental thereto as required in Section 107:

- (a) Bakery.
- (b) Barber Shop or beauty parlor.
- (c) Book or stationery store.
- (d) Clothes, cleaning agency or pressing establishment.
- (e) Club, lodge (non-profit) or fraternal association.
- (f) Confectionery store.
- (g) Custom dressmaking or millinery shop.
- (h) Drug Store.
- (i) Florist or gift shop.
- (j) Grocery, fruit or vegetable store.
- (k) Hardware or electric appliance store.
- (l) Jewelry store.
- (m) Laundry agency.
- (n) Meat market or delicatessen.
- (o) Music Store or newsstand.
- (p) Office, business or professional
- (q) Package liquor store.
- (r) Photographer.
- (s) Restaurant, tea room or cafe (excluding dancing or entertainment).
- (t) Shoe store or shoe repair shop.
- (u) Tailor, clothing or wearing apparel store.
- (v) Theatre.
- (w) Variety store.

The above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively.

All products shall be sold at retail on the premises and not more than four persons shall be engaged exclusively in the process of production.

3. Automobile Service Station -- With total storage capacity of petroleum products not to exceed 12,000 gallons, not more than 1,000 of which may be stored above ground in containers of not more than 55 gallons individual capacity and provided that any tire or tube repairing, battery charging and storing of merchandise or supplies are conducted wholly within a building. Plans for the erection or structural alteration of an automobile service station shall be approved by the Commission. The Commission may require such change therein in relation to yards, location of pumps and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

The service station use area shall be developed as required in Section 107.

4. Sign -- Any exterior sign displayed shall pertain only to a use conducted within the building, may not extend over any street line, and shall be located 50 feet or more from an R Zone boundary line. In no case shall a sign project above the roof line, or exceed 3 square feet in area for each front foot of the building displaying such sign.

5. Uses Customarily Incident -- To any of the above uses and accessory buildings, when located on the same lot, including a garage for the exclusive use of the patrons of the above stores or businesses.

6. Public Parking Area -- For the exclusive use of the patrons of the stores, shops or businesses in the immediate business zone when located and developed as required in Section 107.

B. Height.

1. Maximum Height -- Three Stories
2. Exceptions -- To height regulations are provided for in Section 122.

C. Area.

1. Front Yard -- Where the block frontage is located wholly in the B Zone and where the distance between the curb line of the street and the front property line is 12 feet or more in width no front yard is required. Where the block frontage is located partly in the B Zone and partly in an R Zone the front yard requirement of the R Zone shall apply in the B Zone. Where the distance between the curb line of the street and the front property line is less than 12 feet in width the ground floor setback of the business structure or use shall be sufficient to provide a 12 foot open space between said curb line and said business structure or use.
2. Side Yard -- Where the side of a lot in the B Zone abuts upon the side of lot in an R Zone, there shall be a side yard of not less than 4 feet for each story or 12 feet in height, but such side yard shall not be less than 6 feet in width. In all other cases, a side yard for a business building shall not be required, but if provided, it shall be not less than 3 feet in width.
3. Rear Yard -- Where the B Zone abuts an R Zone there shall be a rear yard of not less than 20 per cent of the depth of the lot, but such rear yard need not exceed 20 feet. In all other cases no rear yard shall be required, but if provided, it shall not be less than 3 feet in depth.
4. Exceptions -- To yard regulations are provided for in Section 123.

Section 117. B2 Downtown Business Zone.

The following regulations and the regulations contained in TITLE II shall apply in the B2 Downtown Business Zone:

A. Permitted Uses.

1. Any Use Permitted in the R3 Multiple Dwelling Zone - Provided that all R3 uses shall be subject to the same limitations and controls as specifically set forth in the R3 Zone, Section 115.
2. Any Use Permitted In the B1 Limit Business Zone -- Provided that B1 uses shall be subject to the same limitations and controls as specifically set forth in the B1 Zone, Section 116, and the following uses:
 - (a) Advertising sign and billboard.
 - (b) Apartment hotel or hotel.
 - (c) Auditorium.
 - (d) Bank.
 - (e) Bar.
 - (f) Bath, turkish and the like.
 - (g) Bird store, pet shop or taxidermist.
 - (h) Blue printing or photostating.
 - (i) Catering establishment.
 - (j) Cleaning establishment using not more than two clothes cleaning units neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is nonexplosive and non-inflammable.
 - (k) Department, furniture or radio store.
 - (l) Film exchange.
 - (m) Interior decorating store.
 - (n) Medical or dental clinic or laboratory.
 - (o) Music conservatory or music instruction.
 - (p) Parking garage.
 - (q) Pawnshop.
 - (r) Rescue or Temporary revival mission.
 - (s) Supermarket.
 - (t) Trade or business school or private school operated as a commercial enterprise.
 - (u) Wholesale merchandise broker, excluding wholesale storage.
 - (v) Other retail business and service establishments, not specifically referred to in this ordinance, selling new merchandise exclusively.
3. The Following Uses -- Conducted wholly within a building except for off-street loading of delivery vehicles which are incidental thereto as required in Section 107.
 - (a) Art or antique shop.
 - (b) Second hand store.
 - (c) Upholstering shop.
4. The following Special Exceptions -- If their location is first approved by the Board, as provided for in Section 129
 - (a) Funeral Parlor
 - (b) Hospital or sanitarium for contagious, mental, drug or liquor addict cases or animal hospital.
 - (c) Public service, including electric distributing substation or telephone exchange.
5. Uses Customarily Incident -- To any of the above uses and accessory buildings when located on the same lot, provided:

- (a) there shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises;
- (b) There shall not be more than five persons engaged in the manufacture, compounding, processing or treatment of products; or in catering, cleaning, laundering, plumbing, upholstering and the like;
- (c) Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

B. Height.

- 1. Maximum Height -- Eight stories not to exceed 100 feet.
- 2. Exceptions -- To height regulations are provided for in Section 122.

C. Area.

- 1. Front Yard -- Same as B1 Zone, Section 116.
- 2. Side Yard -- Same as B1 Zone, Section 116.
- 3. Rear Yard -- Same as B1 Zone, Section 116.
- 4. Exceptions -- To yard regulations are provided for in Section 123.

Section 118. B3 General Business Zone.

The following regulations and the regulations contained in TITLE II shall apply in the B3 General Business Zone.

A. Permitted Uses.

- 1. Any Use Permitted in the B2 General Commercial Zone - Provided all B2 uses shall be subject to the same limitations and controls excepting those regarding maximum height, as specifically set forth in the B2 Zone, Section 117. B2 uses in the B3 Zone shall be subject to the maximum height prescribed in this Section.
- 2. Drive-in Business -- Where persons are served in automobile from a refreshment stand, restaurant, food store and the like, provided a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height is erected and maintained between such uses and any adjoining R. Zone.
- 3. Greenhouse, Nursery, Flower or Plant -- Provided all incidental equipment is kept wholly within a building.
- 4. Sign Painting or Tire Shop -- Provided all activities shall be conducted wholly within a building.
- 5. Public Service -- Including electric distributing substation, fire or police station, telephone exchange and the like.
- 6. Automobile or Trailer Sales -- Provided that any display or storage area shall be developed as required in Section 107; and that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building, where the mechanical power employed in the operation of any machine or tool does not exceed three horsepower and where the total mechanical power provided or employed does not exceed twelve horsepower.

7. The Following Uses -- Provided they are conducted wholly within a building except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 107, and provided further, that where such uses are within 50 feet of an R Zone boundary line, the building wall facing said R Zone shall have no openings other than stationary window openings:
- (a) Amusement enterprises, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery and the like.
 - (b) The storage of self-propelled vehicles which are for remuneration or hire.
 - (c) Carpenter, cabinet, plumbing or sheet metal shop, but excluding manufacture.
 - (d) Building material sales office and accessory storage of materials with mill operations.
 - (e) Ice storage house with not more than five tons capacity.
8. The Following Uses -- Provided they are conducted more than 50 feet from an R Zone boundary line:
- (a) Bottling works.
 - (b) Camp ground.
 - (c) Circus or transient amusement.
 - (d) Creamery or ice cream manufacture.
 - (e) Drive-in Movie.
 - (f) Driving tees or ranges.
 - (g) Feed or fuel store.
 - (h) Funeral Parlor.
 - (i) Ice manufacture or cold storage.
 - (j) Laundry or dry cleaning establishment.
 - (k) Poultry or rabbit killing incidental to retail sales on the premises.
 - (l) Stadium.
 - (m) Trucking yard or terminal.
 - (n) Warehousing.
 - (o) Wholesale merchandise storage.
 - (p) Any use permitted in the M1 Zone provided that not more than 10 per cent of the rentable floor area of any floor of a building is devoted to such use. In determining the floor area so used it shall be all the rentable floor area occupied by concerns engaged in such production activities exclusive of that used for offices, display, waiting rooms, or clerical work.
9. The Following Uses -- Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence, not less than 4 feet in height; except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 107.
- (a) Building material sales yard, including the sale of lumber, rock, sand and gravel, but excluding concrete mixing.
 - (b) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
 - (c) Draying, freighting, or trucking yard or terminal.
 - (d) Feed or fuel yard.
 - (e) Public utility service yard or electrical receiving or transforming station.

B. Height.

1. Maximum Height -- Three stories not to exceed 45 feet.
2. Exceptions -- To height regulations are provided for in Section 122.

C. Area.

- 1. Front Yard -- Same as B1 Zone, Section 116.
- 2. Side Yard -- Same as B1 Zone, Section 116.
- 3. Rear Yard -- Same as B1 Zone, Section 116.
- 4. Exceptions -- To area regulations are provided for in Section 123.

TITLE VI. INDUSTRIAL ZONE REGULATIONS.

Section 119. M1 General Industrial Zone.

The following regulations and the regulations contained in TITLE II shall apply in the M1 General Industrial Zone:

A. Permitted Uses.

- 1. Any Use Permitted in The B3 General Business Zone-- Provided all B3 Uses shall be subject to the same limitations and controls as specifically set forth in the B3 Zone, Section 118, and provided further that a building containing dwelling units shall be permitted only where it is within 200 feet of an abutting R Zone.
- 2. The Following Uses -- Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building; except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 107.
 - (a) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
 - (b) The manufacture, compounding, assembling or treatment of articles, or merchandise from the following prepared materials; bone, cellophane, canvass, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell textiles, tobacco, wood (excluding planing mill), yarns and paint not employing a boiling process.
 - (c) The manufacture of pottery or figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
 - (d) The manufacture or maintenance of electric or neon signs, billboards, commercial advertising structures, light sheet metal products including heating or ventilating ducts or equipment, cornices, eaves and the like.
 - (e) The manufacture of musical instruments, clocks, watches, toys, novelties and rubber or metal stamps.
 - (f) Automobile assembling, painting, upholstering, rebuilding, reconditioning, truck repairing or overhauling, tire retreading or recapping, battery manufacturing.
 - (g) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders.
 - (h) Blacksmith shop, manufacture of machine tools, manufacture of machinery including agricultural, electrical machinery or equipment, office or store machines, equipment or supplies and the like, machine shop excluding punch presses over 100 tons rated capacity and drop hammers

- (i) Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors.
- (j) Laboratory, experimental, photo, motion picture, film or testing.
- (k) Animal hospital or kennels.
- (l) Chick hatchery.

3. The Following Uses -- Provided where they are within 150 feet of an R Zone boundary line they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence not less than 7 feet in height; except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 107:

- (a) Automobile wrecking.
- (b) Bleaching or dyeing.
- (c) Body or fender works.
- (d) Brewery or liquor distillery.
- (e) Brick, tile, terra cotta or cinder block manufacture.
- (f) Stone cutting.
- (g) Storage, sorting, collecting or baling of rags, paper, metal or junk.

5. Uses Customarily Incident -- To any of the above uses and accessory buildings when located on the same lot.

B. Height.

1. Maximum Height -- Three stories not to exceed 45 feet.

No building or structure not the enlargement of any building or structure shall be hereafter erected or maintained to exceed the height requirements of an adjacent R Zone when such building or structure is within 150 feet of said adjacent R Zone.

2. Exceptions -- To height regulations are provided for in Section 122.

C. Area.

1. Front Yard -- Not required; except where a structure hereafter erected, or extended, faces property in an R Zone the front yard of the R Zone shall apply; or where the block is located partly in the M Zone and partly in a R Zone, the front yard requirement of the R Zone shall apply in the M Zone.

2. Side Yards -- Where the side of a lot in the M1 Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than 4 feet for each story or 12 feet in height, but such side yard shall be not less than 6 feet in width. In all other cases, a side yard for an industrial building shall not be required, but if provided, it shall be not less than 3 feet in width.

3. Rear Yards -- Where the rear of a lot in the M1 Zone abuts upon a lot in an R Zone there shall be a rear yard of not less than 20 per cent of the dept of the lot, but such rear yard need not exceed 20 feet. In all other cases, a rear yard for an industrial building shall not be required, but if provided, it shall be not less than 3 feet in depth.

4. Exceptions -- To yard regulations are provided for in Section 123.

Section 120. M2 Heavy Industrial Zone.

The following regulations and the regulations contained in TITLE II shall apply in the M2 Heavy Industrial Zone.

A. Permitted Uses.

1. Any Use permitted in the M1 General Industrial Zone -- Provided no building, structure or portion thereof shall be hereafter erected, converted, or used for any dwelling use permitted in any R Zone except accessory buildings which are incidental to the use of the land; and the following uses:
 - (a) Acetylene Gas manufacture or storage.
 - (b) Alcohol manufacture.
 - (c) Ammonia or bleaching powder manufacture.
 - (d) Asphalt manufacture or refining.
 - (e) Boiler works, locomotive or arilroad car manufacture.
 - (f) Carbon or lamp black manufacture.
 - (g) Central station light or power plant.
 - (h) Chemical manufacture.
 - (i) Coal distillation including manufacture or derivation of the by-products.
 - (j) Coke oven.
 - (k) Concrete or cement products manufacture.
 - (l) Creosote manufacture or treatment.
 - (m) Gas manufacture from coal or petroleum or the storage thereof.
 - (n) Furniture manufacture.
 - (o) Incinerator, municipal.
 - (p) Iron or steel foundry, steel furnace or rolling mill.
 - (q) Meat products manufacture.
 - (r) Oilcloth or linoleum manufacture.
 - (s) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
 - (t) Paper or pulp manufacture.
 - (u) Petroleum products manufacture or wholesale storage of petroleum or its products in quantities exceeding 12,000 gallons.
 - (v) Planing Mill
 - (w) Plaster, manufacture
 - (x) Plastic manufacture.
 - (y) Potash works
 - (z) Power forge.
 - (aa) Pyroxylin manufacture.
 - (bb) Quarry or stone mill.
 - (cc) Rock, sand or gravel - distribution, storage, excavating or crushing.
 - (dd) Rubber or gutta-percha manufacture or treatment.
 - (ee) Soap manufacture.
 - (ff) Sodium compounds manufacture.
 - (gg) Stove or shoe polish manufacture.
 - (hh) Tanning, curing or storage of raw hides.
 - (ii) Tar distillation or tar products manufacture.

B. Height.

1. Maximum Height - Same as M1 Zone, Section 119.
2. Exceptions -- To height regulations are provided for in Section 122.

C. Area.

1. Front Yard -- Not Required.
2. Side Yards -- For an industrial building shall not be required but if provided, shall be not less than 3 feet in width.
3. Rear Yard -- For an industrial building shall not be required, but if provided shall be not less than 3 feet in depth.
4. Exceptions -- To yard regulations are provided for in Section 123.

TITLE VII. EXCEPTIONS AND MODIFICATIONS.

Section 121. Use.

A. Public Utilities and Public Services.

The provisions of this ordinance shall not be construed as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes, of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines, sewer mains and incidental appurtenances.

Section 122, Height.

A. Three story Buildings in Two Story Zones.

In the zones limiting height to two stories not to exceed 25 feet, any permitted structure may be increased in height to three stories not to exceed 45 feet provided the required side yards are increased an additional foot for each 3 feet such structure exceeds 25 feet.

B. Through Lots (150 feet or less in depth).

On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.

C. Through Lots (more than 150 feet in depth).

On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than 150 feet from that street.

D. Structures permitted Above Height Limit.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers or similar structures may be erected above the height limit shall be allowed for the purpose of providing additional floor space for residential, business or industrial use.

Section 123. Area.

A. Yard Regulations Modified.

Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in Section 129.

B. Front Yard -- Between Projecting Buildings.

Where a lot is situated between two lots, each of which has a main building (within 25 feet of its side lot line) which projects beyond the established front yard line and was so maintained when this ordinance became effective, the front yard requirement on such lot may be the average of the front yards of said existing building and the established front yard line, provided, however, the front yard of such lot shall be not less than 8 feet.

C. Front Yard -- Adjoining Projecting Building.

Where a lot adjoins only one lot having a main building (within 25 feet of its side lot line) which projects beyond the established front yard line and has been so maintained since this ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line, provided, however, the front yard of such lot shall be not less than 8 feet.

D. Front Yard -- Sloping Lot.

Where the elevation of the ground at a point 50 feet from the front line of the lot and midway between the side lines, differs 10 feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is 20 per cent or more on at least 1/4 of the depth of the lot, the front yard shall be at least 50 per cent of that required in the zone provided the required front yard of such lot shall be not less than 8 feet. A private garage, not exceeding one story nor 14 feet in height, may be located in such front yard provided every portion of the garage building is at least 8 feet from the front lot line and does not occupy more than 50 per cent of the width of the front yard.

E. Side Yard Reduced For One-Story Extension.

Where a lot is 60 feet or less in width and where a one-story extension of a building, not exceeding 25 feet in height, has a height not exceeding 14 feet and a depth not exceeding 25 feet, the side yard may be reduced to 4 feet and the aggregate width of both side yards may be reduced to 20 per cent of the width of the ~~building exceeding 14 feet in height~~ lot but shall be not less than 10 feet. Provided, however, any portion of the building exceeding 14 feet in height on the side with the one-story extension must set back not less than 12 feet from the side lot line.

F. Side Yards Waived.

For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one building occupying one lot: semi-detached dwellings, row dwellings and group dwellings.

G. Front and Side Yards Waived.

The front and side yards may be waived for dwellings, hotels and lodging houses erected above the ground floor of a building when said ground floor is designed and used exclusively for business or industrial purposes.

H. Rear Yard -- Accessory Building.

An accessory building, not exceeding two stories or 20 feet in height may occupy not more than 50 per cent of the area of a required rear yard.

I. Through Lot - May be Two Lots.

Where a through lot has a depth of 150 feet or more, and an area of 10,000~~0~~ square feet or more, said lot may be assumed to be two lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.

J. Projections Into Yards.

1. Porte Cochere - A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one story in height and 20 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features provided, however, said porte cochere does not extend to within 6 feet of a side lot line.
2. Cornice, Sill or Chimney -- A cornice, eave belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such side yard and may extend or project into a required front, side or rear yard not more than 30 inches. Chimneys may project into a required front, side or rear yard not more than 1 foot, provided the width of each side yard is not reduced to less than 3 feet.

- 3. Fire Escape-- A fire escape may extend or project into any front, side or rear yard not more than 4 feet.
- 4. Open Stairway and Balcony -- An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard not more than 4 feet, and such balcony may extend into a required front yard not more than 30 inches.
- 5. Open Porch -- An open, unenclosed porch, platform or landing place not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard not more than 4 feet.
- 6. Fence or Wall -- A fence, lattice-work screen or wall, not more than 5 feet in height, or a hedge or thich growth of shrubs, maintained so as not to exceed 5 feet in height may be located in any required front or side yard except for corner setbacks as required in Section 109.
- 7. Landscape Feature -- A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard, provided it does not violate the provisions of Section 109.

TITLE VIII. ADMINISTRATION AND ENFORCEMENT.

It shall be the duty of the City Civil Engineer of the City to enforce the provisions of this ordinance in the manner and form and with the powers provided in the laws of the State of Indiana and in the Ordinances of the City.

Section 124. Zoning Permit.

No building or structure shall be erected, reconstructed, enlarged or moved until a zoning permit shall have been applied for in writing and issued by the enforcement officer. A fee of two (2) dollars shall be paid when making application for a zoning permit. Said permit shall be posted in a prominent place on the premises prior to an during the period of erection reconstruction, enlargement or moving.

Before a permit is issued for the erection, moving alteration, enlargement or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this ordinance.

A. Site Plan.

Every application for a zoning permit shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot, accurate dimension of the lot, yards and building or buildings, together with location, size and use of any and all buildings not on the lot but within 50 feet from the boundaries thereof, unless separated therefrom by a street, together with such other information as may be necessary to the enforcement of this ordinance.

B. Interpretation of Ordinance.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The lot or yard areas required by this ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this ordinance became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected.

C. Completion of Existing Buildings.

Nothing in this ordinance shall require any change in the plans, construction or intended use of a building for which a building permit has heretofore been issued, and the construction of which shall have been diligently prosecuted within 6 months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within such 6 months, and such entire building shall be completed according to such plans as filed within 2 years from the date this ordinance became effective. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the State Fire Marshal or the Administrative Building Council of the State of Indiana.

Section 125. Certificate of Occupancy.

A certificate of occupancy shall be required for any of the following:

- (a) Occupancy and use of a building hereafter erected or enlarged.
- (b) Change in use of an existing building to a use of a different classification.
- (c) Occupancy and use of vacant land except for the raising of crops.
- (d) Change in the use of land to a use of a different classification except for the raising of crops.
- (e) Any change in use of a nonconforming use.

No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the enforcement office.

Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the zoning permit for such building. No fee shall be charged for an original certificate applied for coincident with the application for a zoning permit; for all other certificates or for copies of any original certificate there shall be a charge of two (2) dollars each. Said certificate shall be issued within 3 days after a written request for the same has been made to the enforcement office after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this ordinance.

Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the enforcement officer for a period of not more than 6 months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the city relating to the use of occupancy of the land or building, or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the enforcement officer.

If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy therefor shall be issued within 3 days after the application for the same has been made. Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this ordinance.

A record of all certificates of occupancy shall be kept on file in the office of the enforcement officer, and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.

Section 126. Enforcement.

All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this ordinance.

Any permit or license, issued in conflict with the provisions of this ordinance, shall be null and void.

Section 127. Penalties.

Any person or corporation, whether as principal, agent, employee of otherwise, who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined not less than ten (10) dollars and not more than three hundred (300) dollars, for each offense, such fine to inure to the City. Each day of the existence of any violation shall be deemed a separate offense.

The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any of the provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The City Attorney shall, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this ordinance.

The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

TITLE IX. BOARD OF ZONING APPEALS.

Section 128. Organization.

The Board of Zoning Appeals as constituted at the time of the effective date of this ordinance, and the terms of office of the members thereof, shall be continued.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Petitions addressed to the Board shall, prior to public hearing, be referred to the Commission for written recommendation thereon. If the Commission shall fail to act within 25 days, it shall be deemed to approve such petitions.

Prior to decision on such petitions, the Board shall hold a public hearing thereon, notice of which shall be mailed to the petitioner and to the owners of all property deemed by the Board to be affected thereby as they appear in the current records of the County Auditor and also advertised ten days prior to the public hearing in a daily newspaper published in the City. The cost of notifying affected property owners and the cost of advertising the notice of the public hearing shall be borne by the petitioner.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the enforcement officer or other duly authorized administrative officer, and the concurring vote of four members of the Board shall be required to decide in favor of the petitioner or any matter within the discretion of the Board upon which it is required to pass under this ordinance or to affect any variation in the application of this ordinance.

The Board shall cause to be made a detailed report of all its proceedings, setting forth its reasons for its decisions, the vote of each member participating therein and the absence of a member or his failure to vote. Such record, immediately following the Board's decision shall be filed in the offices of the Board and of the enforcement officer, and shall be open to public inspection. Notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

Any persons or persons, jointly or severally aggrieved by any decision of the Board may proceed in the manner prescribed in Section 82, Chapter 174, Acts of 1947, General Assembly of the State of Indiana.

Section 129. Powers of the Board of Zoning Appeals.

The Board of Zoning Appeals shall have the powers provided in Chapter 174 of the Acts of 1947, General Assembly, State of Indiana, and in the exercise of those powers and the responsibilities assigned to it by this ordinance, it may impose such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance. It shall not, however, permit any use in conflict with this ordinance.

TITLE X. AMENDMENTS TO ORDINANCE AND MAP.

The regulations, restrictions and boundaries provided for in this ordinance may from time to time be amended or repealed.

Section 130. Procedure.

This ordinance may from time to time be amended as provided in Chapter 174 of the Acts of 1947.

Section 131. Filing Fees.

Any petition to the Board for an appeal, special exception or variance and any petition to the Common Council, except by the Commission, shall be accompanied by a filing fee of \$25.00 which shall be deposited with the City Clerk-Treasurer and no part of which shall be returnable to the petitioner.

TITLE XI. VALIDITY.

Section 132. Conflict with Other Ordinances.

This ordinance amending Ordinance Number 7, 1942, of the City of Bloomington as amended, shall not amend, annul or impair any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, provided, however, that wherever the terms of this ordinance require a greater width or size of yards, courts or other open spaces, or require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required, in any other statute or local ordinance or regulation, the provisions of this ordinance shall govern except as provided in Section 93, Chapter 174, Acts of 1947,

General Assembly of the State of Indiana. Whenever the provisions of any other statute, local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or ~~xxx~~ require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in this ordinance, the provisions of such statute, local ordinance or regulation shall govern. All variances and exceptions heretofore granted by the Board shall remain in full force and effect, and all terms, conditions and obligations imposed by the Board shall remain in effect and be binding to the same extent as if said ordinance had not been amended. All violations of said ordinance shall be punishable as if said ordinance had not been amended and said ordinance shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

Section 133. Severance Clause.

If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance.

Section 134. Effective Date.

This ordinance shall take effect upon its passage and approval by the Mayor, and publication as required by law.

Passed by the Common Council of the City
of Bloomington, Indiana, on the 18th day
of July, 1950.

ATTEST /s/ Carl O. Stewart, Clerk-Treasurer

Clerk of the Common Council of the City of
Bloomington, Indiana.

/s/ Thos. L. Lemon Mayor
Presiding Officer of the Common
Council of the City of Bloomington,
Indiana.