

Philadelphia Zoning Ordinance.

(effec. 8 - 11- 33).

P.H. Depman.

P.H. Depman

BUREAU OF ENGINEERING, SURVEYS AND ZONING

ZONING DIVISION

ROOM 1223 CITY HALL ANNEX

Paul H. Depman

Date of Ordinance
August 10th 1933.

BUREAU OF ENGINEERING SURVEYS AND ZONING
ZONING DIVISION
Room 1223 City Hall Annex

APPENDIX No. 169.

OFFICE OF THE MAYOR.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—I respectfully transmit herewith two communications from the law firm of Saul, Ewing, Remick & Saul, representing The Pennsylvania Company for Insurances on Lives and Granting Annuities, Trustee under the will of the late John G. Johnson, with respect to the protection of this valuable art collection and the probable temporary display thereof in the Art Museum.

Respectfully yours,

J. HAMPTON MOORE,

Mayor.

—
SAUL, EWING, REMICK & SAUL.

Philadelphia, June 13, 1933.

HON. J. HAMPTON MOORE.

MY DEAR MR. MAYOR:—The Pennsylvania Company for Insurances on Lives and Granting Annuities, Trustee under the will of the late John G. Johnson, has given great consideration to the proposal that temporarily, until the financial burden now resting upon the City is lightened, the Trustee allow the Johnson collection to be exhibited in the Art Museum. Mr. C. S. W. Packard, the President of The Pennsylvania Company for Insurances on Lives and Granting Annuities, has taken the matter up with the authorities of the Art Museum and he finds that it will cost approximately \$12,000 to build temporary rooms in one of the wings for the exhibition of the collection as a unit. Mr. Packard is informed that neither the City

of Philadelphia nor the Art Museum is in a position to expend this sum of money for this purpose. The Trustee is of opinion that the public should not be deprived of the opportunity of viewing these pictures and is willing, as a temporary measure, in view of the economies that will be effected, principally in insurance, by the housing of the collection in the Museum, to advance the funds as an expense of administration for the erection of these temporary rooms. The Trustee is informed that it will require about two months to complete this work so that if the plan is consummated the Johnson Gallery will be closed on June 15 and the collection will be open to public view not later than the first of October. This plan has been submitted to Mr. Cox, the President of City Council, and to Mr. Stokes, the President of the Pennsylvania Museum, and it meets with their hearty approval.

The Trustee is not unmindful of the provision in the will of Mr. Johnson that the present property at 510 South Broad street is directed to be forever kept up and maintained as a museum in which the collection is to be exhibited and that the art objects shall not be removed for permanent exhibition to another place "unless some extraordinary situation shall arise making it exceedingly injudicious." The Trustee is of opinion that an extraordinary situation has arisen, not only making it exceedingly injudicious to maintain the gallery at Mr. Johnson's old residence, but a situation has arisen making it temporarily impossible to exhibit the pictures in the Johnson Gallery.

In acceding to this suggestion, the Trustee must point out to you that the exhibition of the pictures in the Art Museum is but a temporary expedient and that, as soon as the Trustee is in funds for the purpose, the pictures will be returned to the Johnson Gallery and there exhibited in accordance with the terms of the will. The Trustee will expect the City, at the earliest possible moment, to comply with its contract and provide the necessary funds for the maintenance of the gallery in order that the Johnson Gallery may be reopened to the public.

A copy of this letter is being sent to the Art Jury, the Pennsylvania Museum and the Commissioners of Fairmount Park.

Yours very truly,
(Signed) MAURICE BOWER SAUL.

—
SAUL, EWING, REMICK & SAUL.

Philadelphia, June 13, 1933.

HON. J. HAMPTON MOORE.

MY DEAR MR. MAYOR:—In connection with the removal of the Johnson Collection at the Johnson Museum, 510 South Broad street, to the Art Museum, I beg to advise you that the Trustee proposes to cover the collection while at the Art Museum with a \$1,000,000 all-risk policy of insurance, conditioned that not more than 50 per cent. of the collection will be exhibited at any one time. The policy will be extended to cover articles not on exhibition against loss by fire and theft to the extent of \$100,000.

The present policies cover the entire collection at a value of \$4,463,383 and the average yearly premium of a three-year term is \$19,715.86. The new policy will cost \$7,500 per year, or a saving of \$12,215.86.

The Trustee is of the opinion that this amount and coverage of insurance are adequate in view of the fact that the risk of fire and theft at the Museum is de minimus. In fact, the Trustee, on investigation, finds that this amount of insurance is more than is usually carried by museums on their own collections. The Committee provided for in the will of Mr. Johnson, consisting of Mr. A. G. B. Steel, Mr. C. S. W. Packard, Mr. J. S. Stokes and Mr. Edwin R. Cox, recommends this reduction in insurance.

I am writing this letter to you to inform you of the facts and to ask the approval of the City to the carrying

of insurance by the Trustee in the reduced amount. I am sending a copy of this letter to the Art Jury.

Yours very truly,

(Signed) MAURICE BOWER SAUL.

APPENDIX No. 170.

OFFICE OF THE MAYOR.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—At the request of the Director of the Department of Public Works I am forwarding herewith to your Honorable Body a bill entitled:

“AN ORDINANCE

To make an appropriation to the Department of Public Works, Bureau of Highways, of money received from the State of Pennsylvania on account of tax paid upon the sale of gasoline,”

together with copy of a letter from the Director.

Director Caven has assured me that the passage of the proposed ordinance will not necessitate the employment of any additional men in the Bureau of Highways.

Very truly yours,

J. HAMPTON MOORE,

Mayor.

DEPARTMENT OF PUBLIC WORKS.

Philadelphia, June 12, 1933.

HON. J. HAMPTON MOORE,
Mayor, City of Philadelphia.

DEAR MR. MAYOR:—Attached hereto is ordinance "To make an appropriation to the Department of Public Works, Bureau of Highways, of money received from the State of Pennsylvania on account of tax paid upon the sale of gasoline."

I respectfully request that this ordinance be introduced at the next meeting of City Council.

Yours very truly,

FRANK H. CAVEN,

Director.

APPENDIX No. 171.

OFFICE OF THE MAYOR.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—At the request of the Acting Director of the Department of Public Safety, I am forwarding herewith to your Honorable Body a bill entitled:

"AN ORDINANCE

To make an additional appropriation to the Department of Public Safety, Bureau of Police, for the year 1933."

Attached is copy of a letter from the Acting Director of the Department of Public Safety, stating that the amount requested is necessary to meet requirements for

the Police Pension Fund for the last four months of the present year.

Very truly yours,

J. HAMPTON MOORE,

Mayor.

DEPARTMENT OF PUBLIC SAFETY.

Philadelphia, June 14, 1933.

HON. J. HAMPTON MOORE,
Mayor of Philadelphia,
City Hall.

MY DEAR MR. MAYOR:—At the request of Mr. Harry C. Davis, Treasurer, Police Pension Fund Association, I am forwarding herewith for your approval and presentation to Council, draft of an ordinance providing for an additional appropriation to Item 25, Bureau of Police.

This amount is absolutely necessary to meet the requirements of this fund from September 1 to December 31, 1933, notwithstanding the deductions that were made in all pensions of 25 per cent. and proportionately down to 1 per cent.

Very respectfully,

(Signed) THEODORE F. WOOD,

Acting Director.

APPENDIX No. 172.

OFFICE OF THE MAYOR.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—I am forwarding herewith at the request of the Director of the Department of Public Works a bill entitled:

"AN ORDINANCE

To authorize a certain transfer in appropriation for 1933 to the Department of Public Works, Bureau of Engineering and Surveys,"

together with copy of a letter from the Director.

Director Caven points out that the passage of the bill is essential due to the constant operation of Mingo Creek Pumping Station, because of floods in the southwestern section of Philadelphia.

Very truly yours,

J. HAMPTON MOORE,

Mayor.

—

DEPARTMENT OF PUBLIC WORKS.

Philadelphia, June 13, 1933.

HON. J. HAMPTON MOORE,
Mayor, City of Philadelphia.

DEAR MR. MAYOR:—I am enclosing herewith ordinance "To authorize a certain transfer in appropriation for 1933 to the Department of Public Works, Bureau of Engineering and Surveys."

This ordinance authorizes the transfer of \$1,000 from Item 331, for stationery and supplies, Purchasing Department, to Item 333, same department, and is essential due to the constant operation of Mingo Creek Pumping Station for days at a time owing to floods in the southwest.

I respectfully request that the ordinance be introduced at the next session of City Council.

Yours very truly,

FRANK H. CAVEN,

Director.

APPENDIX No. 173.

OFFICE OF THE MAYOR.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—I am forwarding herewith at the request of the Director of the Department of Public Welfare a bill entitled:

“AN ORDINANCE

To authorize a certain transfer in the appropriation to the Department of Public Welfare, Bureau of Personal Assistance, for the year 1933.”

The proposed ordinance does not involve an additional appropriation, but provides for the transfer of \$700 from one item to another.

Very truly yours,

J. HAMPTON MOORE,

Mayor.

APPENDIX No. 174.

RESOLUTION

Setting forth the form and detail in which the Budget for 1934 shall be submitted to City Council, as required by Act of Assembly approved June 25, 1919, and requesting that the said Budget be submitted to Council on or before September 15, 1933.

WHEREAS, An Act of Assembly approved June 25, 1919, provides that the City Controller shall furnish to the Mayor estimates of receipts and liabilities for the ensuing year. He shall also furnish the Mayor a statement of the borrowing capacity of the City, setting forth

in detail the manner of calculating the same; such statements shall be made up by the City Controller from the best available data, and the receipts from sources other than taxation and loans shall be estimated at the average of such receipts for the preceding three years, with due allowance for new sources of receipts not existing during all or part of said period of three years, for sources of receipts existing during all or part of said period which will not be available for the ensuing year, for changes in rates, and for other factors not previously existing, and set forth in detail the manner of calculating the same; the estimates to be furnished by the City Controller to the Mayor, and by him transmitted to the Council shall also contain a statement of the average proportion of taxes uncollected at the end of each of the three preceding years; he shall also secure from the Board of Revision of Taxes an estimate of the assessed valuation of taxable property for the ensuing calendar year, and calculate the receipts from taxation therefrom and furnish this information to the Mayor, together with his statement of receipts from sources other than taxation. The estimated statement of expenditures shall be made up by the Mayor from information supplied him by the several departments, officers, boards, commissions, trusts, committees, and other agencies, subject to revision by the Mayor in his discretion;

AND WHEREAS, In view of the financial condition of the City of Philadelphia it is of the utmost importance that Council commence early consideration of Budget requests for 1934; therefore

Resolved, By the Council of the City of Philadelphia, That the Mayor, the City Controller and the Board of Revision of Taxes be, and are hereby requested to furnish the data required for the 1934 Budget requests at a date that will enable the Mayor to forward the recommended appropriations for the year 1934 to City Council on or before September 15, 1933.

Resolved, That in forwarding the recommended appropriations for the year 1934, the Mayor shall prepare two

statements, one covering all recommended appropriations for personal services, and the other covering all recommended appropriations for other than personal services.

PERSONAL SERVICES.

In the statement covering the recommended appropriations for personal services the Mayor shall set forth:

Column 1 the number of appropriation items, following strictly the numbers of the 1933 appropriations.

Column 2 the line number, title, number of employees and rates of pay requested by the departments.

Column 3 the amount required to pay employees specified in Column 2.

Column 4 amount recommended by the Mayor.

Column 5 remarks and explanations.

Column 6 the title, number of employees and basic rates of pay now authorized.

Column 7 the total appropriation required to pay the employees specified in Column 6. (Also show Red Book appropriation for 1933, transfers to and from, and net amount. Net amount to be used in recapitulation total.)

OTHER THAN PERSONAL SERVICES.

In the statement covering the recommended appropriations for services other than personal the Mayor shall set forth:

Column 1 the number of the appropriation items, following strictly the numbers of the 1933 appropriations.

Column 2 the language of the 1933 appropriation (including provisos), and adding any changes or additions desired.

Column 3 to be left blank for amount approved by the Council.

Column 4 the amount requested for each appropriation for 1934.

Column 5 amount recommended to Council by the Mayor for each appropriation item.

Column 6 the actual amount of money originally appropriated for the year 1933 in the general appropriation ordinance of January 16, 1933, as shown in the "Red Book."

Column 7 all additional appropriations and transfers to new and existing items after January 1, 1933.

Column 8 detailed statement of all transfers from each item after January 1, 1933.

Column 9 net amount of each item, Columns 6, 7 and 8.

Column 10 amount required, if any, to carry to December 31, 1933, or estimated surplus. For additional amount required, use minus sign, for surplus, use plus sign.

Column 11 actual expenditures for year 1932.

Column 12 leave blank.

Column 13 the Mayor shall explain and give reasons for any differences, changes, etc.

APPENDIX No. 175.

RESOLUTION

Dispensing with the stated meetings of City Council on Thursday, June 15, 1933, and Thursday, June 22, 1933.

Resolved, By the Council of the City of Philadelphia,
That the stated meetings of City Council on Thursday, June 15, 1933, and Thursday, June 22, 1933, be, and the same are hereby dispensed with.

APPENDIX No. 176.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—The Committee on Finance, to which was referred bill entitled "An Ordinance to authorize certain transfers in appropriations for 1933 to the Departments of City Commissioners, Public Welfare and Supplies and Purchases," respectfully reports it has carefully considered the same, and returns it to Council with a favorable recommendation and asks its passage.

Bernard Samuel (*Ch'n*), H. J. Trainer, Morris Apt, Frederic D. Garman, Clarence E. Blackburn, Edward A. Kelly, Charles J. Pommer, Maurice E. Levick, John J. McKinley, Jr., David G. Frankenfield, W. W. Roper, Geo. Connell.

AN ORDINANCE

To authorize certain transfers in appropriations for 1933 to the Departments of City Commissioners, Public Welfare and Supplies and Purchases.

SECTION 1. *The Council of the City of Philadelphia ordains*, That the City Controller be hereby authorized and directed to make the following transfers in appropriations for 1933, viz.: City Commissioners, from Item A-4, primary election officers, ten thousand seven hundred and sixty (10,760) dollars; from Item A-5, general election officers, four thousand five hundred and seventy (4,570) dollars; Public Welfare, Bureau of Recreation, from Item A-5, regular employees, four thousand five hundred (4,500) dollars; total, nineteen thousand eight hundred and thirty (19,830) dollars, to the following:

DEPARTMENT OF PUBLIC WELFARE.

BUREAU OF RECREATION.

Item A-6. Temporary employees: teachers of swimming, etc.	\$17,365
Item 11. Repairs to playgrounds and swimming pools	1,835
Item 14. Miscellaneous purposes	390

DEPARTMENT OF SUPPLIES AND PURCHASES.

(BUREAU OF RECREATION.)

Item 185. Medical equipment, towels, soap, etc., chlorine and miscellaneous supplies	\$240
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APPENDIX No. 177.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—The Committee on City Property and Service, to which was referred bill entitled "An Ordinance to confirm lease of office for Magistrate's Court No. 12," respectfully reports that it has carefully considered the same, and returns it to Council with a favorable recommendation and asks its passage.

Clarence E. Blackburn (*Ch'n*), Morris Apt, Frederic D. Garman, John N. Costello, John J. Daly, W. Bryant, John J. McKinley, Jr., James G. Clark.

AN ORDINANCE

To confirm lease of office for Magistrate's Court No. 12.

SECTION 1. *The Council of the City of Philadelphia ordains*, That the lease for Magistrate's Court 12, first

floor of premises known as 1127 Callowhill street, and front room of premises known as 1129 Callowhill street, at a rental of one hundred and thirty-five (135) dollars per month, John R. K. Scott, lessor, be, and the same is hereby confirmed.

APPENDIX No. 178.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—The Committee on City Property and Service, to which was referred bill entitled "An Ordinance authorizing the City Solicitor to purchase in the name of the City of Philadelphia two lots of ground situate at Nineteenth and Hartranft streets at Sheriff's sale thereof under writs of execution upon City tax liens, and authorizing the Mayor to execute and deliver to the United States of America deed therefor, in the event of the failure of the owners thereof to exercise their rights of redemption of the lots from the said tax sales within one year after the acknowledgment of the Sheriff's deeds, and making an appropriation for the purchase thereof," respectfully reports that it has carefully considered the same, and returns it to Council with a favorable recommendation and asks its passage.

Clarence E. Blackburn (*Ch'n*), Morris Apt, Frederic D. Garman, John N. Costello, John J. Daly, W. Bryant, John J. McKinley, Jr., James G. Clark.

AN ORDINANCE

Authorizing the City Solicitor to purchase in the name of the City of Philadelphia two lots of ground situate at Nineteenth and Hartranft streets at Sheriff's sale thereof under writs of execution upon City tax liens, and authorizing the Mayor to execute and deliver to

the United States of America a deed therefor, in the event of the failure of the owners thereof to exercise their rights of redemption of the lots from the said tax sales within one year after the acknowledgment of the Sheriff's deeds, and making an appropriation for the purchase thereof.

WHEREAS, Considerable City and school taxes are due and payable against all those two certain lots or pieces of ground, situate in the Forty-eighth Ward of the City of Philadelphia, and described as follows:

Beginning at a point on the south side of Hartranft street, as laid out in the City plan of the width of eighty-eight feet, but not legally opened, at a distance of eleven feet eastward from the east side of Nineteenth street, as laid out on the City plan of the width of sixty-four feet, but not legally opened; thence extending south seventy-five degrees east along the said south side of Hartranft street, not legally opened as aforesaid, thirty-eight feet to a point; thence extending south fifteen degrees west along land of the United States Government ninety-six feet to a point; thence extending north seventy-five degrees west along other land of the United States Government thirty-eight feet to a point; thence extending north fifteen degrees east ninety-six feet to the place of beginning. Containing 0.0837 of an acre of land.

Beginning at a point in the bed of Nineteenth street, as laid out on the City plan of the width of sixty-four feet, but not legally opened, said point being on the line of the south side of Hartranft street, as laid out on the City plan of the width of eighty-eight feet, but not legally opened, and nine feet westerly of the intersection of the said south line of Hartranft street with the east line of said Nineteenth street; thence proceeding south seventy-five degrees east twenty feet along the south side of Hartranft street, not legally opened as aforesaid, to a

point; thence proceeding south fifteen degrees west ninety-six feet to a point; thence proceeding north seventy-five degrees west twenty feet, partly along land of the United States Government and partly in the bed of Nineteenth street, not legally opened as aforesaid, to a point; thence proceeding north fifteen degrees east ninety-six feet in the bed of Nineteenth street, not legally opened as aforesaid, to the place of beginning. Containing 0.0439 of an acre of land.

AND WHEREAS, The said two lots or pieces of ground are about to be exposed to Sheriff's sale for non-payment of taxes by the City of Philadelphia;

AND WHEREAS, A request has been made of the City of Philadelphia by the Government authorities that the City acquire the above described lots of ground at the Sheriff's sale and convey the same to the United States of America, in order that the said land may be used by the Government as part of the U. S. Naval Hospital now under construction, with the exception of a strip nine feet wide and ninety-six feet long lying within the bed of Nineteenth street which is not legally opened; therefore

SECTION 1. *The Council of the City of Philadelphia ordains*, That the City Solicitor be, and he is hereby authorized to purchase at the Sheriff's sale in the name of the City of Philadelphia the above described lots of ground.

SECT. 2. The Mayor is hereby authorized to execute and deliver unto the United States of America a deed for the two lots thus acquired with the exception of a strip of ground nine feet in width and ninety-six feet long lying within the lines of Nineteenth street, not legally opened, in the event of the failure of the owners thereof to exercise their rights of redemption of the lots from the said tax sales within one year after the acknowledgment of the Sheriff's deeds.

SECT. 3. The sum of three hundred and twenty-five (325) dollars is hereby appropriated to the City Solicitor, the same to be charged against Item

APPENDIX No. 179.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—The Committee on City Property and Service, to which was referred resolution entitled "Resolution assigning space in City Hall to the Department of Public Safety, Bureau of Police," respectfully reports it has carefully considered the same, and returns it to Council with a favorable recommendation and asks its passage.

Clarence E. Blackburn (*Ch'n*), Morris Apt, Frederic D. Garman, John N. Costello, John J. Daly, W. Bryant, John J. McKinley, Jr., James G. Clark.

RESOLUTION

Assigning space in City Hall to the Department of Public Safety, Bureau of Police.

Resolved, By the Council of the City of Philadelphia, That Rooms 711 and 713, City Hall, be, and are hereby assigned to the Department of Public Safety, Bureau of Police.

APPENDIX No. 180.

Philadelphia, June 14, 1933.

To the President and Members of the
Council of the City of Philadelphia.

GENTLEMEN:—The Committee on City Planning and Zoning, to which was referred bill entitled "An Ordinance regulating and restricting the height, location, size, bulk and use of buildings and/or land in Philadelphia, a City of the first class; the areas to be occupied by build-

ings in proportion to the size of the lots upon which they stand; the size of courts, yards and other open spaces appurtenant thereto and the density of population, and for these purposes establishing districts and boundaries, and designating and regulating residential, commercial and industrial or other uses within such districts and boundaries, and providing for the creation of a Bureau of Zoning in the Department of Public Works, which shall be designated as the Bureau of Engineering, Surveys and Zoning and the appointment of a Board of Adjustment, and setting forth the duties and functions of said bureau and board, and providing for the administration and enforcement of this ordinance and providing penalties for the violation thereof," respectfully reports it has carefully considered the same, and after due public hearings, returns the annexed amended bill to Council with a favorable recommendation and asks its passage.

Frederic D. Garman (*Ch'n*), John N. Costello, David G. Frankenfield, Clarence E. Blackburn, Charles J. Pommer, Richard S. Harris, Maurice E. Levick (for report), W. Bryant.

AN ORDINANCE

Regulating and restricting the height, location, size, bulk and use of buildings and/or land in Philadelphia, a City of the first class; the areas to be occupied by buildings in proportion to the size of the lots upon which they stand; the size of courts, yards and other open spaces appurtenant thereto and the density of population, and for these purposes establishing districts and boundaries, and designating and regulating residential, commercial and industrial or other uses within such districts and boundaries, and providing for the creation of a Bureau of Zoning in the Department of Public Works, which shall be designated as the Bureau of Engineering, Surveys and Zoning and the appointment of a Board of Adjustment, and setting forth the duties and functions of said Bureau and Board, and providing for the administration and enforcement of this ordinance and providing penalties for violation thereof.

WHEREAS, The requirements provided by Act of Assembly approved May 6, 1929, P. L. 1551, entitled "An Act authorizing cities of the first class to draft and enforce zoning ordinances," in order that the City of Philadelphia may avail itself of all the benefits conferred by said law, having been complied with, *Now, therefore,*

Section 1. THE COUNCIL OF THE CITY OF PHILADELPHIA ORDAINS (1) That for the purpose of promoting public health, safety, morals and general welfare of the community, the following regulations and/or restrictions for different districts, together with the zoning maps hereto attached and made a part hereof, are hereby approved, adopted and enacted. Ordinance and maps approved.

From and after the date of the approval of this ordinance the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in any district, shall be in conformity with the provisions of this ordinance. *Provided, however,* That additions and/or extensions to buildings existing at the time of the passage of this ordinance shall be permitted without restrictions as to height, area or set-back, in all cases where it is shown that the original plans under which the existing buildings were erected, definitely provided for such future additions and/or extensions: *Provided further,* That such plans are filed with the Bureau of Engineering, Surveys and Zoning within sixty (60) days after the creation of said Bureau.

(2) **SHORT TITLE.** This ordinance shall be known as the Philadelphia Zoning Ordinance and the maps as the Zoning Maps. Short title.

Section 2.

DEFINITIONS.

For the purpose of this ordinance, certain words and terms are defined as follows:

- (1) The present tense includes the future; the singular number includes the plural, and the plural the Meaning of words.

singular; the word "building" includes the word "structure"; the word "occupied" includes the words "designed or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used"; the word "shall" is always mandatory.

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|-------------------------|---|
| Area of a building. | (2) AREA OF A BUILDING. The area of a horizontal section of a building taken at its greatest outside dimensions on the ground floor, including all attached structures. |
| Building set-back line. | (3) BUILDING SET-BACK LINE. The building set-back line shall be the rear line of the minimum front yard, as herein designated for each district. |
| Court. | (4) COURT. An open area other than a front yard, side yard, or rear yard on the same lot with the building, for the admission of light and air and not designed for ornamental purposes. |
| Court, inner. | (a) <i>Inner Court.</i> A court which does not extend to a street, alley or yard. |
| Court, open. | (b) <i>Open Court.</i> A court extending to a street, alley or yard. |
| Curb level. | (5) CURB LEVEL. The level of the curb in front of a building as established on the confirmed City plan, or at a level to be determined by the District Surveyor, if the curb levels are not established on the confirmed City plan. |
| Dwellings. | (6) DWELLINGS. Dwellings for these regulations shall be defined as follows: |
| Detached dwelling. | (a) A <i>detached dwelling</i> is one with no physical connection to a building on another lot. |
| Semi-detached dwelling. | (b) A <i>semi-detached dwelling</i> is one of two dwellings with a single party wall, common to both. |
| Attached dwelling. | (c) An <i>attached dwelling</i> is one with one or more party walls. |

- (d) A *single family dwelling* shall be a dwelling occupied as the home or residence of one (1) family. Single family dwelling.
- (e) A *duplex dwelling* shall be a dwelling occupied as the home or residence of two (2) families, under one roof, each family occupying a single unit, one of which shall be wholly or partly above the other. Duplex dwelling.
- (f) A *multiple dwelling* shall be a dwelling occupied by three (3) or more families, each living independently of the other. Multiple dwelling.
- (7) FAMILY. A family is a person, or a group of persons living together. Family.
- (8) GARAGE. Buildings, structures or premises used primarily for the housing or parking of motor-driven vehicles, and shall include the following sub-divisions:
- (a) *Private Garage*. A building or part of a building permitted as a use accessory to a permitted use for the private use of the owner or tenant for the storage of automobiles. Private garage.
- (b) *Commercial Garage*. A private garage for motor-driven vehicles conducted exclusively in connection with a commercial business. Commercial garage.
- (c) *Public Garage*. A garage or group of garages containing space or spaces for more than two (2) motor-driven vehicles conducted as a business for gain. Public garage.
- (d) *Parking Garage*. A building or structure or a part thereof used for the transient housing or parking of five (5) or more automobiles. Parking garage.
- (e) *Bus Terminal*. A building or structure or part thereof for the transient housing Bus terminal.

- or parking of motor-driven busses, and the loading and unloading of passengers.
- Ground floor. (9) GROUND FLOOR. The first floor of a building above the mean level of the ground at the front of a building.
- Height of a building. (10) HEIGHT OF A BUILDING. The vertical distance from the mean curb level to the top of the facade wall or from the average ground elevation at the building set-back line if such is higher than the mean curb level. If such wall is a gable, to the mean height between the eaves and the ridge.
- Height limit. (11) HEIGHT LIMIT. A vertical distance fixed in each district and measured above the mean curb level in front of the building at the street line; or at the building set-back line, if one is required in the district.
- Home occupation. (12) HOME OCCUPATION. Any lawful occupation customarily conducted in a dwelling as an incidental use.
- Lot. (13) LOT. A certain defined plot or parcel of land upon which a building or buildings can be constructed in compliance with the provisions of this ordinance.
- Recession plane. (14) RECESSION PLANE. An inclined plane which shall limit the height of a building above the height limit established on any facade of a building, whether on the front, side or rear, determined by the ratio between a fixed amount of horizontal recession and each foot of additional vertical height.
- Stable (private). (15) STABLE (Private). A stable for housing domestic animals when not conducted as a business.
- Telephone exchange building. (16) TELEPHONE EXCHANGE BUILDING. A building used exclusively for the transmission and exchange of telephone messages.

- (17) **USE.** The use of land and/or of buildings shall be determined by existing usage and not by intended use. ^{Use of land and existing buildings.}
- (18) **YARD.** An open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky, designated as:
- (a) *Front Yard.* A yard of the full width of the lot, and not less in depth than the minimum distance required between the street line and the building set-back line in each district. ^{Front yard.}
 - (b) *Side Yard.* A yard between the building or attached structure and the adjacent side line of the lot and extending from the front yard to the rear yard. ^{Side yard.}
 - (c) *Rear Yard.* A yard of the full width of the lot, located between the extreme rear line of the building and the extreme rear line of the lot, or the nearest side line of a street, driveway or alley. (Subject to exception, Sec. 14 (c).) ^{Rear yard.}

Section 3.

DISTRICTS.

- (1) The City of Philadelphia shall hereafter be divided into districts, which are herein described and are located and bounded as shown on the zoning maps. ^{Districts.}

No district boundary shown on the zoning maps shall be construed as extending the authority of the Bureau of Engineering, Surveys and Zoning beyond the low water mark on any navigable stream.

- (2) **BOUNDARIES OF DISTRICTS.** Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning maps, the following rules shall apply: ^{Boundaries.}

- (a) The district boundaries are streets unless otherwise shown, and where the designation on the zoning maps indicates a boundary approximately upon a street line, such street shall be construed to be the boundary.
- (b) Where the district boundaries are not shown to be streets, the district boundaries shall be construed to be lot lines; and where the designation on the zoning maps indicates a district boundary approximately upon lot lines, said lot lines shall be construed to be the boundary.
- (c) In undivided property, the district boundary lines on the zoning maps shall be determined by use of the scale of the maps.

Federal and
State owned
property.

- (3) **FEDERAL AND STATE OWNED PROPERTY.** Whenever Federal or State owned property is included in one (1) or more zoning districts, it shall be subject to the provisions of this ordinance only insofar as permitted by the Constitution and Laws of the United States of America and of the Commonwealth of Pennsylvania.

Section 4.

NON-CONFORMING USE.

Land.

(1) Any land, the existing use of which at the time of passage of this ordinance, does not conform with the regulations of the district in which it is located, shall have such use considered a non-conforming use, which may continue on such land but shall be subject to the regulations covering non-conforming uses.

Buildings.

(2) Any building or the use of any building existing at the time of the passage of this ordinance that does not conform in use, height, location, size or bulk with the regulations of the district in which it is located, shall be considered a non-conforming building or use, and may continue such use in its present location, but shall be subject to the regulations covering non-conforming uses.

Regulations for non-conforming use.

- (3) **CHANGE OF USE.** A non-conforming building or use shall be considered as such unless and until it complies with the regulations of the district in which it is located. Such use shall not be changed to a use designated for a district having less restrictive regulations. Change of use.
- (4) **DISCONTINUED USE.** A non-conforming use when discontinued may be resumed as the same class of use but cannot be resumed as a non-conforming use of a lower class. Discontinued use.
- (5) **DESTROYED BY FIRE OR CONDEMNED.** A building containing a non-conforming use and a building non-conforming as to area and height, destroyed by fire or legally condemned, may be reconstructed and used for the same non-conforming use; *provided*, building reconstruction is commenced within three (3) years and carried on to completion without interruption, and, *provided*, that the building when rebuilt does not exceed in height and area the building so destroyed or condemned, subject also to all other regulations of non-conforming uses herein contained. Destroyed by fire or condemned.
- (6) **EXTENSION OF NON-CONFORMING USE.** A non-conforming use in a building may be continued in its existing location, except as herein specifically prohibited, and such use may be extended; *provided*, no addition or structural alteration for such non-conforming use shall exceed twenty-five (25) per cent. of the area of said building at the time of the approval of this ordinance and any and all such extensions or additions shall be in conformity with the several provisions and regulations of this ordinance for the district where the building is located. Extension of non-conforming use.
- (7) **EXTENSION OF NON-CONFORMING BUILDINGS.** Existing buildings in commercial, industrial and least Extension of non-conforming buildings.

restricted districts, that do not conform to district requirements for area and/or height may be extended in height; *provided*, that any addition to the existing heights of such building shall conform to the recession plane regulations on all street frontages and to the open area requirements for their existing heights as prescribed for the district. Additions to existing elevator shafts, or fire towers on such buildings shall be exempt from the provisions of the district.

Temporary
non-conform-
ing use.

- (8) TEMPORARY NON-CONFORMING USE. A temporary non-conforming use, which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this ordinance, may be permitted for a period of not more than one (1) month, on the approval of the Board of Adjustment, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Board of Adjustment certificate may be issued for a period not exceeding one (1) year in any case.

Section 5.

CLASSES OF DISTRICTS.

Classes of
districts.

- (1) The classes of districts shall be known as:
- Residential Districts
 - Commercial Districts
 - Industrial Districts
 - Least Restricted Districts
 - Park Districts.

Such districts are hereinafter enumerated and established and confirmed as located on the zoning maps.

Zoning permit
or certificate.

- (2) PERMITS AND CERTIFICATES. No building shall be erected or altered with respect to height and area for any use in any district unless and until a zoning permit has been obtained from the Bu-

reau of Engineering, Surveys and Zoning, and when required a Use Registration permit, and/or a Board of Adjustment certificate secured, as hereinafter provided.

- (3) DESIGNATED USE. In each district, only such ^{Designated} uses and uses accessory and incidental thereto, as ^{use.} are hereinafter specified, will be permitted.

Section 6.

RESIDENTIAL DISTRICTS.

- (1) Residential districts shall be designated as:

"A" Residential
"B" Residential
"C" Residential
"D" Residential
"D-1" Residential
"E" Residential
"F" Residential.

Section 7.

"A" RESIDENTIAL DISTRICT.

Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) Detached single-family dwellings, semi-detached single-family dwellings, detached buildings, other than dwellings, as hereinafter designated.
- (2) Churches, chapels or other places of worship.
- (3) Office of physician, dentist or other professional person when situated in the dwelling of such physician, dentist or other professional person and incidental to the main purpose of residence.
- (4) Club houses, lodges or fraternity houses in which the service conducted is solely for the use of

members and guests and is not a business operation for gain.

- (5) Schools, colleges, universities, convents and dormitories.
- (6) Libraries, art galleries and public museums.
- (7) Hospitals, sanitarium, eleemosynary and public institutions (other than correctional), *provided*, any such use is not prejudicial to the public health or welfare.
- (8) Railroad passenger stations.
- (9) Telephone exchange buildings and electric transforming or gas regulating sub-stations will be permitted in this district, *provided*, the exterior architectural design shall be of a residential character, in conformity with all the regulations of the district, except that they shall not exceed three (3) stories in height, and shall at no time be used for the storage of equipment or vehicles or other commercial purposes.
- (10) Private garage or stable as an accessory use.
- (11) Parks, flower or truck gardens and comfort stations.
- (12) Farms, tree or plant nurseries and greenhouses.
- (13) Accessory uses, including home occupation customarily incident to any of the above permitted uses. (See Section 14 (a).)
- (14) Signs are permitted in this district, other than billboards, posters, advertising structures and window displays, under the following conditions:
 - (a) Signs for professional use shall not exceed one hundred (100) square inches in area.
 - (b) Bulletin boards for churches or other institutions shall not exceed fifteen (15) square feet in area.
 - (c) Signs advertising the sale or rent of real estate on which they are located shall not exceed twenty-five (25) square feet in

area, *provided*, that where a building or real estate operation includes more than one building or parcel of land, temporary sale or rent signs, not exceeding twenty-five (25) square feet in area for each building or parcel of land (maximum area three hundred (300) square feet), are permitted for a period of one (1) year.

Area Regulations.

- (15) OCCUPIED AREA. Not more than thirty (30) per cent. of the lot area shall be occupied by buildings.
- (16) OPEN AREA. The open area shall be not less than seventy (70) per cent. of the lot area and shall consist of *front, side* and *rear yards* of at least the minimum dimensions herein designated.
- (17) BUILDING SET-BACK LINE. The building set-back line shall be thirty-five (35) feet back from the street line.
- (18) FRONT YARD. The minimum depth of a front yard shall be the depth required between the street line and the building set-back line, as herein specified.
- (19) SIDE YARDS.
 - (a) Every *detached single-family dwelling* shall have two (2) side yards, the aggregate width of which shall be not less than twenty-five (25) feet, and neither of which shall be less than ten (10) feet wide, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard, and the other or inside side yard may be reduced to a width of not less than seven (7) feet.
 - (b) Every *semi-detached single-family dwelling* shall have a side yard not less than

twenty-five (25) feet wide, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and its width shall be not less than the set-back required.

- (c) Every *building, other than a dwelling*, shall have two (2) side yards, the aggregate width of which shall be not less than thirty (30) feet and neither of which shall be less than fifteen (15) feet, *provided*, that every such building located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard, and the other or inside side yard may be reduced to a width of not less than ten (10) feet.

(Subject to exception—Section 14 (c).)

- (20) REAR YARDS. The minimum depth of a rear yard shall be twenty-five (25) feet. (Subject to exception—Section 14 (c).)

- (21) *Hospitals, sanitarium, eleemosynary and public institutions* (other than correctional) shall be located at least seventy-five (75) feet from any adjoining lot or lots.

Height Regulations.

- (22) HEIGHT LIMITS.

- (a) FRONT. The front height limit shall be thirty-five (35) feet above the mean curb level measured at the building set-back line, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each one (1) foot of additional height.

Where the average ground or terrace elevation at the building set-back line is higher than the mean curb level, such difference in height may be added to the height limit, *provided*, such additional height does not exceed fifteen (15) feet.

- (b) **SIDE.** The side height limit shall be within the front and rear recession planes, except on the intersecting street where the side height limit shall be the same as the front height limit.
- (c) **REAR.** The rear height shall be thirty-five (35) feet above the mean level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of nine (9) inches of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

(Subject to exceptions for towers, Section 14 (g); dormers, Section 26 (5); and balustrades, Section 26 (3).)

Section 8.

"B" RESIDENTIAL DISTRICT.

Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in "A" Residential Districts.

Area Regulations.

- (2) OCCUPIED AREA. Not more than forty-five (45) per cent. of the lot area shall be occupied by buildings.
- (3) OPEN AREA. The open area shall be not less than fifty-five (55) per cent. of the lot area and shall consist of *front*, *side* and *rear yards* of at least the minimum dimensions herein designated.
- (4) BUILDING SET-BACK LINE. The building set-back line shall be fifteen (15) feet back from the street line.
- (5) FRONT YARDS. The minimum depth of a front yard shall be the depth required between the street line and the building set-back line, as herein specified.
- (6) SIDE YARDS.
 - (a) Every *detached single-family dwelling* shall have two (2) side yards, the aggregate width of which shall be not less than sixteen (16) feet, and neither of which shall be less than six (6) feet wide, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard, and the other or inside side yard may be reduced to a width of not less than four (4) feet.
 - (b) Every *semi-detached single-family dwelling* shall have a side yard not less than sixteen (16) feet wide, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and its width shall be not less than the set-back required.
 - (c) Every *building, other than a dwelling*, shall have two (2) side yards, the aggregate

gate width of which shall be not less than twenty (20) feet and neither of which shall be less than ten (10) feet, *provided*, that every such building located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard, and the other or inside side yard may be reduced to a width of not less than eight (8) feet.

(Subject to exception—Section 14 (c).)

(7) **REAR YARDS.** The minimum depth of a rear yard shall be fifteen (15) feet. (Subject to exception—Section 14 (c).)

(8) *Hospitals, sanitarium, eleemosynary and public institutions* (other than correctional) shall be located at least seventy-five (75) feet from any adjoining lot or lots.

Height Regulations.

(9) **HEIGHT LIMITS.**

(a) **FRONT.** The front height limit shall be thirty-five (35) feet above the mean curb level measured at the building set-back line, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each (1) foot of additional height.

Where the average ground or terrace elevation at the building set-back line is higher than the mean curb level, such difference in height may be added to the height limit, provided such additional height does not exceed fifteen (15) feet.

(b) **SIDE.** The side height limit shall be within the front and rear recession planes,

except on the intersecting street where the side height limit shall be the same as the front height limit.

- (c) **REAR.** The rear height limit shall be thirty (30) feet above the mean level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of six (6) inches of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

(Subject to exceptions for towers, Section 14 (g); dormers, Section 26 (5); and balustrades, Section 26 (3).)

Section 9.

"C" RESIDENTIAL DISTRICT.

Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in "B" Residential Districts.
- (2) Detached and semi-detached duplex dwellings, detached and semi-detached multiple dwellings (see Section 14 (b)), detached buildings other than dwellings as hereinafter designated.
- (3) Hotels.
- (4) Play and recreation grounds.

Area Regulations.

- (5) OCCUPIED AREA. Not more than fifty (50) per cent. of the lot area shall be occupied by buildings.
- (6) OPEN AREA. The open area shall be not less than fifty (50) per cent. of the lot area and shall consist of *front, side* and *rear yards* of at least the minimum dimensions herein designated.
- (7) BUILDING SET-BACK LINE. The building set-back line shall be eight (8) feet back from the street line.
- (8) FRONT YARDS. The minimum depth of a front yard shall be the depth required between the street line and the building set-back line, as herein specified.
- (9) SIDE YARDS.
 - (a) Every *detached single-family dwelling* and every *detached duplex dwelling* shall have two (2) side yards, the aggregate width of which shall be not less than eight (8) feet, and neither of which shall be less than three (3) feet wide, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard, and the other or inside side yard shall be not less than three (3) feet wide.
 - (b) Every *semi-detached single-family dwelling* and every *semi-detached duplex dwelling* shall have a side yard not less than eight (8) feet wide, *provided*, that such a dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and its width shall be not less than the set-back required.
 - (c) Every *detached multiple dwelling* and every *building other than a dwelling* shall have

two (2) side yards, the aggregate width of which shall be not less than fourteen (14) feet and neither of which shall be less than six (6) feet wide, *provided*, that every such dwelling and every such building located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard, and the other or inside side yard may be reduced to a width of not less than four (4) feet.

- (d) Every *semi-detached multiple dwelling* shall have a side yard not less than fourteen (14) feet wide, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and its width shall be not less than the set-back required.

(Subject to exception—Section 14 (c).)

- (10) COURTS. Courts when used shall be in addition to the open area required. The minimum widths of courts shall be the same as the minimum widths required for side yards, except inner courts and open courts between wings of the same building. (See Section 14 (f).)

(11) REAR YARDS.

- (a) The minimum depth of a rear yard shall be twelve (12) feet.
- (b) *Single-family dwellings* shall have a minimum rear yard area of one hundred and sixty-eight (168) square feet, exclusive of private or public driveways or private alleys.
- (c) *Duplex dwellings* shall have a minimum rear yard area of two hundred and sixty-eight (268) square feet, exclusive of private or public driveways or private alleys.

- (d) *Multiple dwellings* shall have a minimum rear yard area of three hundred and sixty-eight (368) square feet, and shall have an additional one hundred (100) square feet of rear yard area for each additional family more than three (3) families.

(Subject to exception—Section 14 (c) and (d).)

- (12) *Hospitals, sanitarium, eleemosynary and public institutions* (other than correctional) shall be located at least fifty (50) feet from any adjoining lot or lots.

Height Regulations.

(13) HEIGHT LIMITS.

- (a) **FRONT.** The front height limit shall be forty-five (45) feet above the mean curb level measured at the building set-back line, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each one (1) foot of additional height.

Where the average ground or terrace elevation at the building set-back line is higher than the mean curb level, such difference in height may be added to the height limit, provided such additional height does not exceed fifteen (15) feet.

- (b) **SIDE.** The side height limit shall be within the front and rear recession planes, except on the intersecting street where the side height limit shall be the same as the front height limit. (Subject to Section 14 (f).)

- (c) **REAR.** The rear height limit shall be twenty-four (24) feet above the mean level

of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of six (6) inches of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

(Subject to exceptions for towers, Section 14 (g); dormers, Section 26 (5); and balustrades, Section 26 (3).)

Section 10.

"D" RESIDENTIAL DISTRICT.

Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in "C" Residential Districts.
- (2) Attached single-family dwellings, attached duplex dwellings, attached multiple dwellings, attached buildings for all uses permitted in this district.
- (3) Police and fire stations.
- (4) Penal and correctional institutions.
- (5) Telephone exchange building in conformity with the district regulations.
- (6) Athletic or amusement parks which shall not be changed to other uses that are not in conformity with the district regulations.

Area Regulations.

- (7) **OCCUPIED AREA.** Not more than seventy (70) per cent. of the lot area shall be occupied by buildings on intermediate lots and eighty (80) per cent. of the lot area on corner lots.
- (8) **OPEN AREA.** The open area shall be not less than thirty (30) per cent. of the lot area on intermediate lots, and twenty (20) per cent. on corner lots, and shall consist of at least the required minimum front and rear yards in all cases, plus such other side yards or open courts as shall be required to equal an area not less than the total open area above required.
- (9) **BUILDING SET-BACK LINE.** The building set-back line shall be eight (8) feet back from the street line.
- (10) **FRONT YARDS.** The minimum depth of a front yard shall be the depth required between the street line and the building set-back line, as herein specified.
- (11) **SIDE YARDS AND OPEN COURTS.** When side yards or open courts are used, except open courts between wings of the same building (see Section 14 (f)), they shall have the following minimum widths:
- Single-family dwellings and duplex dwellings, three (3) feet, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and its width shall be not less than the set-back required.
- Multiple dwellings and buildings other than dwellings, eight (8) feet.
- (12) **REAR YARDS.**
- (a) The minimum depth of a rear yard shall be nine (9) feet.

- (b) *Single-family dwellings* shall have a minimum rear yard area of one hundred and forty-four (144) square feet.
- (c) *Duplex dwellings* shall have a minimum rear yard area of two hundred and forty-four (244) square feet.
- (d) *Multiple dwellings* shall have a minimum rear yard area of three hundred and forty-four (344) square feet, and shall have an additional one hundred (100) square feet of rear yard area for each additional family, more than three (3) families.

(Subject to exception, Section 14 (c) and (d).)

Height Regulations.

(13) HEIGHT LIMITS.

- (a) **FRONT.** The front height limit shall be fifty-five (55) feet above the mean curb level measured at the street line, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each one and one-quarter ($1\frac{1}{4}$) feet of additional height.
- (b) **SIDE.** The side height limit shall be within the front and rear recession planes, except on the intersecting street where the side height limit shall be the same as the front height limit. (See Section 14 (f).)
- (c) **REAR.** The rear height limit shall be twenty-seven (27) feet above the mean level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within

a recession plane, beginning at the height limit as fixed herein and receding at the rate of four (4) inches of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

(Subject to exceptions for towers, Section 14 (g); dormers, Section 26 (5); and balustrades, Section 26 (3).)

Section 11.

"D-1" RESIDENTIAL DISTRICT.

- (1) The *Use Regulations* and the *Height Regulations* shall be the same as for "D" Residential Districts. The *Area Regulations* shall be the same as for "D" Residential, except that building set-back lines (from the street) and front yards are not required.

Section 12.

"E" RESIDENTIAL DISTRICT.

Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in "D-1" Residential Districts, except attached buildings, penal and correctional institutions.

Area Regulations.

- (2) OCCUPIED AREA. Not more than fifty (50) per cent. of the lot area shall be occupied by buildings.

(3) OPEN AREA. The open area shall be not less than fifty (50) per cent. of the lot area and shall consist of *front, side and rear yards* of at least the minimum dimensions herein designated.

(4) BUILDING SET-BACK LINE. The building set-back line shall be twenty (20) feet back from the street line.

(5) FRONT YARDS. The minimum depth of a front yard shall be the depth required between the street line and the building set-back line, as herein specified.

(6) SIDE YARDS.

(a) Every *detached single-family dwelling* and every *detached duplex dwelling* shall have two (2) side yards, the aggregate width of which shall be at least ten (10) feet, and neither of which shall be less than four (4) feet wide, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard, and the other or inside side yard of every such detached single-family dwelling may be reduced to a width of not less than three (3) feet, but the other or inside side yard of every such detached duplex dwelling shall be not less than four (4) feet wide.

(b) Every *semi-detached single-family dwelling* and every *semi-detached duplex dwelling* shall have a side yard not less than ten (10) feet wide, *provided*, that such a dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and its width shall be not less than the set-back required.

(c) Every *detached multiple dwelling* and every *building other than a dwelling* shall

have two (2) side yards, the aggregate width of which shall be not less than fourteen (14) feet and neither of which shall be less than six (6) feet wide, *provided*, that every such dwelling and every such building located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and the other or inside side yard may be reduced to a width of not less than four (4) feet.

- (d) Every *semi-detached multiple dwelling* shall have a side yard not less than fourteen (14) feet wide, *provided*, that every such dwelling located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and its width shall be not less than the set-back required.

(Subject to exception—Section 14 (c).)

- (7) COURTS. Courts when used shall be in addition to the open area required. The minimum widths, except inner courts and open courts between wings of the same building (see Section 14 (f)), shall be the following:

Single-family dwellings and duplex dwellings, four (4) feet.

Multiple dwellings and buildings other than dwellings, eight (8) feet, *provided*, that every such building located on a corner lot shall have the building set-back on the intersecting street adjudged a side yard and its width shall be not less than the set-back required.

- (8) REAR YARDS. The minimum depth of a rear yard shall be fifteen (15) feet, except on corner lots, which shall have a minimum depth of ten (10) feet. (Subject to exception—Section 14 (c).)

Height Regulations.**(9) HEIGHT LIMITS.**

- (a) **FRONT.** The front height limit shall equal one and one-half ($1\frac{1}{2}$) times the width of the street upon which the building fronts, *provided*, such height does not exceed one hundred and twenty-five (125) feet above the mean curb level measured at the building set-back line, except single-family dwellings and duplex dwellings, which shall have a front height limit of forty-five (45) feet, but any portion of a building erected above such height limits shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each one and one-half ($1\frac{1}{2}$) feet of additional height. (See Section 26 (8).)

Where the average ground or terrace elevation at the building set-back line is higher than the mean curb level such difference in height may be added to the height limit, *provided*, such additional height does not exceed fifteen (15) feet.

- (b) **SIDE.** (Intermediate Lots.) For *single-family dwellings* and *duplex dwellings*, the side height limit shall be within the front and rear recession planes. (See Section 14 (f).)

For *multiple dwellings* and *buildings other than dwellings*, the side height limit shall be forty-eight (48) feet above the mean curb level measured at the line of minimum width side yard or open court, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height

limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height. (See Section 26 (7).)

SIDE. (Corner lots.) The side height limit on the intersecting street shall be the same as the front height limit. The side height limit for an inside side yard shall be the same as the side height limit for intermediate lots. (See Section 14 (f).)

- (c) **REAR.** The rear height limit shall be forty-five (45) feet for intermediate lots and thirty (30) feet for corner lots, above the mean level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of four (4) inches of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

(Subject to exceptions for towers, Section 14 (g); dormers, Section 26 (5); and balustrades, Section 26 (3).)

Section 13.

"F" RESIDENTIAL DISTRICT.

Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in "E" Residential Districts and attached buildings of all classes permitted in residential districts.

Area Regulations.

- (2) OCCUPIED AREA. Not more than eighty (80) per cent. of the lot area shall be occupied by buildings on intermediate lots and ninety (90) per cent. of the lot area on corner lots.
- (3) OPEN AREA. The open area shall be not less than twenty (20) per cent. of the lot area on intermediate lots and ten (10) per cent. on corner lots, and shall consist of at least the minimum *rear yards* in all cases, plus such other open courts and/or side yards as shall be required to equal an area not less than the total open area above required.
- (4) BUILDING SET-BACK LINE. A building set-back line shall not be required.
- (5) FRONT YARDS. Front yards shall not be required.
- (6) SIDE YARDS AND OPEN COURTS. When side yards or open courts are used, except open courts between wings of the same building (see Sec. 14 (f)), they shall have the following minimum widths:
Single family dwellings and duplex dwellings, four (4) feet;
Multiple dwellings and buildings other than dwellings, eight (8) feet.
- (7) REAR YARDS. The minimum depth of a rear yard shall be twelve (12) feet, except on corner lots, which shall have a minimum depth of eight (8) feet. For dwellings the minimum area of a rear yard shall be one hundred and forty-four (144) square feet. (Subject to Sec. 14 (c).)

Height Regulations.**(8) HEIGHT LIMITS.**

(a) **FRONT.** The front height limit shall equal two (2) times the width of the street upon which the building fronts, *provided*, such height limit does not exceed one hundred and thirty-five (135) feet above the mean curb level measured at the street line, except single family dwellings and duplex dwellings, which shall have a front height limit of forty-five (45) feet, but any portion of a building erected above such height limits shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each two (2) feet of additional height. (See Sec. 26 (8).)

(b) **SIDE.** (Intermediate lots.) For *single family dwellings* and *duplex dwellings*, the side height limit shall be within the front and rear recession planes. (See Section 14 (f).)

For *multiple dwellings* and *buildings other than dwellings*, the side height limit shall be ninety-six (96) feet above the mean curb level measured at the line of minimum width side yard or open court, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height. (See Section 14 (f) and Section 26 (7).)

SIDE. (Corner lots.) The side height limit on the intersecting street shall be the same as the front height limit. The side

height limit for an inside side yard shall be the same as the side height limit for intermediate lots. (See Section 14 (f).)

- (c) **REAR.** The rear height limit shall be thirty-six (36) feet for intermediate lots and twenty-four (24) feet for corner lots above the mean level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of four (4) inches of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

(Subject to exceptions for towers, Section 14 (g); dormers, Section 26 (5); and balustrades, Section 26 (3).)

Section 14.

RESIDENTIAL DISTRICT RULES AND EXCEPTIONS.

Accessory
uses.

- (a) **ACCESSORY USES.** The accessory uses in residential districts shall include such uses as are customary and incident to any permitted use, not involving the conduct of a business, but may include the office or studio of a professional person and home occupations engaged in by occupants of a dwelling and may include a private garage or private stable.

Multiple
dwelling.

- (b) **MULTIPLE DWELLING.** Accessory use in a multiple dwelling located in a residential district may include the uses and public facilities required for

the operation of the building or for the use or entertainment of guests or tenants of the building.

- (c) GARAGE LOCATIONS. Nothing in these regulations shall prohibit the erection of an accessory private garage (not exceeding fifteen (15) feet in height) on party lines or in a rear yard, *provided*, the open area required on the lot is retained. ^{Garage locations.}
- (d) GARAGE ON CORNER LOT. An accessory private garage may be erected on the rear of a corner lot in "C," "D" and "D-1" Residential Districts, *provided*, the area of the existing buildings erected prior to the passage of this ordinance does not exceed the area permitted to be occupied in said districts by more than ten (10) per cent. of the lot area in "C" Residential District and five (5) per cent. in "D" or "D-1" Residential Districts. Such garage shall not exceed two hundred (200) square feet inside area and ten (10) feet in height and shall not extend beyond the line of the side facade of the building to which it is accessory. ^{Garage on corner lot.}
- (e) GARAGE ACCESSORY TO MULTIPLE DWELLING. ^{As Garage accessory to a multiple dwelling.} an accessory use to a multiple dwelling, there may be built in any district where such buildings are permitted and on the same lot a private garage for the use of occupants of such building exclusively, not exceeding in car capacity the number of families housed therein, *provided*, that if the entrance to such garage is on the street on which the multiple dwelling fronts, the front facade shall be not less than fifty (50) feet back from the front facade of such multiple dwelling, and provided that a Board of Adjustment certificate for such use shall be secured, as herein provided.
- (f) COURTS. The minimum width of an open court between wings of a building shall be twelve (12) feet. The least dimension of an inner court shall be eight (8) feet. Minimum area for such court shall be one hundred (100) square feet. Such ^{Courts.}

courts of less area than three hundred (300) square feet shall not be permitted for any building used for dwelling purposes, except when used as vent shafts.

The side height limits for such courts shall be the same as established in "C," "D" and "D-1" Residential Districts, and seventy-two (72) feet in "E" and "F" Residential Districts, *provided*, that any portion of a building erected above such height limits shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height, and *provided*, that recession shall be required on only two of the opposite sides of an inner court.

Ornamental
towers and
belfries.

- (g) **ORNAMENTAL TOWERS AND BELFRIES.** These regulations shall not prohibit the building or erection of monuments, belfries, cupolas, minarets, pinnales, church gables, spires or towers for ornamental purposes when not used for human occupancy, or appurtenances of buildings of mechanical or structural necessity or towers to heights in excess of the height limit for residential districts, *provided*, that the area of such towers does not exceed twenty (20) per cent. of the building area on the ground floor level, exclusive of out-buildings. They shall not extend in height above the mean curb level more than three (3) times the width of the widest street on which the building fronts.

Fire escape.

- (h) **FIRE ESCAPE.** Open work fire escapes are permitted when required by law and shall not be considered as reducing the open area required.

Section 15.

COMMERCIAL DISTRICTS.

- (1) No trade, industry or use that is noxious or offensive by reason of the emission of odor, dust,

smoke, gas or noise will be allowed in any commercial district.

(2) The commercial districts shall be designated as:

"A" Commercial



"B" Commercial



"C" Commercial



"D" Commercial.



Section 16.

"A" COMMERCIAL DISTRICT.



Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in any Residential District.
- (2) Athletic and drill halls or athletic fields.
- (3) Baking or confectionery for sale at retail on premises.
- (4) Bath houses and swimming pools.
- (5) Billiards, pool and bowling.
- (6) Bird and animal treatment or sale.
- (7) Buildings for public welfare, police or fire protection.
- (8) Central heating plant.
- (9) Craftsmen's trades.
- (10) Electrical supplies and lighting fixtures (retail).
- (11) Entertainment of guests or patrons in theatres, halls or other buildings.
- (12) Foods, groceries, meats, provisions, vegetables and fruits at retail.
- (13) Hand laundry or agency.
- (14) Instruction in music, arts or science.
- (15) Job printing, engraving and print reproducing.

- (16) Laboratories (analytical and chemical) and assay offices.
- (17) Multiple dwellings and penal and correctional institutions.
- (18) Personal service or treatment of patients.
- (19) Personal service shops.
- (20) Professional offices and studios.
- (21) Restaurants, cafes or catering.
- (22) Sale or storage of goods, merchandise or commodities in stores or showrooms.
- (23) Telegraph or telephone office.
- (24) Transaction of general business or agency in offices, banks or courts of law, commercial exchange or brokerage.
- (25) Transfer or express office.
- (26) Undertaking parlors, undertaking supplies.
- (27) Accessory uses customarily incidental to any of the above permitted uses.

The following uses will be permitted only if a Board of Adjustment certificate, as hereinafter provided, is obtained:

- (28) Bottling, distributing and/or selling milk or other liquids if approved by Department of Health.
- (29) Coal yards or building material storage.
- (30) Dry cleaning (when approved by the Fire Marshal).
- (31) Electric transforming sub-stations, car barns or other necessary public service uses.
- (32) GARAGES.
 - (a) A private garage for pleasure or commercial vehicles.
 - (b) A public or commercial garage or repair shop, gas and oil service stations, *provided*, that no entrance or exit shall be located within fifty (50) feet of property used

for a school, church, hospital or public library.

(c) A parking garage, for pleasure or commercial vehicles.

(33) Local freight stations and team tracks.

(34) Light manufacturing as an accessory use will be permitted, but not exceeding ten (10) per cent. of the total floor area occupied by the permitted use.

(35) Trolley and cab stations and bus terminals.

(36) Uses customarily accessory and incidental to the permitted uses. (See Section 20 (f).)

(37) A use of the same general character as Uses 28 to 36 of this section may be permitted when authorized by a Board of Adjustment certificate as hereinafter provided.

Area Regulations.

(38) OCCUPIED AREA. Not more than seventy-five (75) per cent. of the lot area on intermediate lots and eighty (80) per cent. on corner lots shall be occupied by buildings.

(39) OPEN AREA. The open area shall be not less than twenty-five (25) per cent. of the lot area on intermediate lots and twenty (20) per cent. on corner lots and shall consist of at least the required minimum rear yard in all cases, plus such other open courts and/or side yards as shall be required to equal an area not less than the total open area above required.

(40) SIDE YARDS AND OPEN COURTS. When side yards or open courts are used, except open courts between wings of the same building, they shall have the following minimum widths:

(a) Single-family dwellings and duplex dwellings, three (3) feet.

- (b) Multiple dwellings and buildings other than dwellings, not over three (3) stories in height, five (5) feet.
- (c) Multiple dwellings and buildings other than dwellings over three (3) stories in height, eight (8) feet.
- (41) OPEN COURT BETWEEN WINGS OF THE SAME BUILDING. The least dimension between wings shall be twelve (12) feet.
- (42) INNER COURT. The least dimension of an inner court shall be eight (8) feet. Minimum area for such court shall be one hundred (100) square feet. Such courts of less area than three hundred (300) square feet shall not be permitted for any building used for dwelling purposes, except when used as vent shafts.
- (43) REAR YARD. The minimum depth of a rear yard shall be not less than ten (10) per cent. of the lot depth (minimum eight (8) feet).

Height Regulations.

(44) HEIGHT LIMITS.

- (a) FRONT. The front height limit shall be sixty-five (65) feet above the mean curb level measured at the street line, except single family dwellings and duplex dwellings, which shall have a front height limit of forty-five (45) feet, but any portion of a building erected above such height limits shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each one and one-quarter ($1\frac{1}{4}$) feet of additional height. (See Section 20 (a) and (e).)

(b) **SIDE.** (Intermediate lots, except open courts between wings of the same building and inner courts.)

For *single family dwellings and duplex dwellings* the side height limit shall be within the front and rear recession planes.

For *multiple dwellings and buildings other than dwellings* not over three (3) stories in height, the side height limit shall be within the front and rear recession planes.

For *multiple dwellings and buildings other than dwellings* over three (3) stories in height the side height limit shall be sixty-five (65) feet above the mean curb level measured at the line of the minimum width side yard or open court, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one and one-half ($1\frac{1}{2}$) inches of recession for each one (1) foot of additional height. (See Section 26 (7).)

SIDE. (Corner lots.) The side height limit on the intersecting street shall be the same as the front height limit. The side height limit for an inside side yard shall be the same as the side height limit for intermediate lots.

For *open courts between wings of the same building* the side height limit shall be sixty-five (65) feet above the mean curb level measured at the lines of the minimum width between wings, but any portion of such wings erected

above the height limit as fixed herein shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height.

For *inner courts* the side height limit shall be sixty-five (65) feet above the mean curb level measured at the lines of the minimum dimension but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

- (c) REAR. The rear height limit shall be forty-eight (48) feet above the mean level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

Section 17.**"B" COMMERCIAL DISTRICT.****Use Regulations.**

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in "A" Commercial Districts.
- (2) Printing, publishing, lithographing, binding and kindred arts.
- (3) Light manufacturing as an accessory use, but not exceeding twenty-five (25) per cent. of the floor area occupied by the permitted use.

Area Regulations.

- (4) OCCUPIED AREA. *Buildings other than dwellings* may occupy not more than ninety (90) per cent. of the lot area on intermediate lots and not more than ninety-five (95) per cent. on corner lots.

Dwellings may occupy not more than seventy-five (75) per cent. of the lot area on intermediate lots and not more than eighty (80) per cent. on corner lots; with a minimum unoccupied area of one hundred and forty-four (144) square feet, for each dwelling.

- (5) OPEN AREA. The open area for buildings other than dwellings shall be not less than ten (10) per cent. of the lot area on intermediate lots and five (5) per cent. on corner lots; and for dwellings shall be not less than twenty-five (25) per cent. of the lot area on intermediate lots and twenty (20) per cent. on corner lots; such open areas shall consist of at least the required minimum rear yard in all cases plus such other side yards and/or open courts as shall be required to equal an area not less than the total open area herein required.

- (6) **SIDE YARDS AND OPEN COURTS.** When side yards or open courts are used, except open courts between wings of the same building, they shall have the following minimum widths:
- (a) Single-family dwellings and duplex dwellings, three (3) feet.
 - (b) Multiple dwellings and buildings other than dwellings, not over three (3) stories in height, five (5) feet.
 - (c) Multiple dwellings and buildings other than dwellings over three (3) stories in height, eight (8) feet.
- (7) **OPEN COURT BETWEEN WINGS OF THE SAME BUILDING.** The least dimension between wings shall be twelve (12) feet.
- (8) **INNER COURT.** The least dimension of an inner court shall be eight (8) feet. Minimum area for such court shall be one hundred (100) square feet. Such court of less area than three hundred (300) square feet shall not be permitted for any building used for dwelling purposes, except when used as vent shafts.
- (9) **REAR YARD.** The minimum depth of a rear yard shall be eight (8) feet. For dwellings the minimum area of a rear yard shall be one hundred and forty-four (144) square feet.

Height Regulations.

(10) HEIGHT LIMITS.

- (a) **FRONT.** The front height limit shall equal one and one-half ($1\frac{1}{2}$) times the width of the street upon which the building fronts, *provided*, such height does not exceed one hundred and thirty-five (135) feet above the mean curb level measured at the street line, except single family

dwellings and duplex dwellings, which shall have a front height limit of forty-five (45) feet, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each one and one-half ($1\frac{1}{2}$) feet of additional height. (See Section 20 (a) and (e); Section 26 (8).)

- (b) SIDE. (Intermediate lots, except open courts between wings of the same building and inner courts.)

For *single family dwellings* and *duplex dwellings* the side height limit shall be within the front and rear recession planes.

For *multiple dwellings* and *buildings other than dwellings* not over three (3) stories in height, the side height limit shall be within the front and rear recession planes.

For *multiple dwellings* and *buildings other than dwellings* over three (3) stories in height the side height limit shall be sixty-five (65) feet above the mean curb level measured at the line of the minimum width side yard or open court, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one and one-half ($1\frac{1}{2}$) inches of recession for each one (1) foot of additional height. (See Section 26 (7).)

SIDE. (Corner lots.) The side height limit on the intersecting street shall be the

same as the front height limit. The side height limit for an inside side yard shall be the same as the side height limit for intermediate lots.

For *open courts between wings of the same building* the side height limit shall be seventy-two (72) feet above the mean curb level measured at the lines of the minimum width between wings, but any portion of such wings erected above the height limit as fixed herein shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height.

For *inner courts* the side height limit shall be ninety-six (96) feet above the mean curb level measured at the lines of the minimum dimension but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

(c) **REAR.** The rear height limit shall be sixty-four (64) feet above the mean level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one and one-half ($1\frac{1}{2}$) inches of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

Section 18.

"C" COMMERCIAL DISTRICT.

Use Regulations.



The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in "B" Commercial Districts.
- (2) Loft buildings.
- (3) Light manufacturing.
- (4) Wholesale photographic supplies and film exchanges.

Area Regulations.

- (5) OCCUPIED AREA. *Buildings other than dwellings* may occupy one hundred (100) per cent. of the lot area for one story in height and not more than ninety-five (95) per cent. of the lot area above such story. *Dwellings* may occupy eighty (80) per cent. of the lot area on intermediate lots and ninety (90) per cent. on corner lots; with a minimum unoccupied area of one hundred and forty-four (144) square feet for each dwelling.
- (6) OPEN AREA. An open area shall not be required for the first story of buildings other than dwellings. Above the first story of such buildings, the open area shall be not less than five (5) per cent. of the lot area. The open area for dwellings shall be not less than twenty (20) per cent. of the lot area on intermediate lots and ten (10) per cent. on corner lots.

The open area required shall be in the rear or at the side of the building or an open or inner court open to the sky, of not less than the minimum dimensions herein required for this district.

- (7) **SIDE YARDS AND OPEN COURTS.** When side yards or open courts are used, except open courts between wings of the same building, they shall have the following minimum widths:
 - (a) Single-family dwellings and duplex dwellings, three (3) feet.
 - (b) Multiple dwellings and buildings other than dwellings not over three (3) stories in height, five (5) feet.
 - (c) Multiple dwellings and buildings other than dwellings over three (3) stories in height, eight (8) feet.
- (8) **OPEN COURT BETWEEN WINGS OF THE SAME BUILDING.** The least dimension between wings shall be twelve (12) feet.
- (9) **INNER COURT.** The least dimension of an inner court when located on a lot line shall be a minimum of eight (8) feet; and when enclosed in the same building a minimum of ten (10) feet. Minimum area of such court shall be one hundred (100) square feet. Such courts of less area than three hundred (300) square feet shall not be permitted for any building used for dwelling purposes except when used as vent shafts.
- (10) **REAR YARD.** The minimum depth of a rear yard shall be eight (8) feet. For dwellings the minimum area of a rear yard shall be one hundred and forty-four (144) square feet.

Height Regulations.

- (11) **HEIGHT LIMITS.**

- (a) **FRONT.** The front height limit shall equal two (2) times the width of the street

upon which the building fronts, *provided*, such height does not exceed two hundred (200) feet above the mean curb level measured at the street line, except single-family dwellings and duplex dwellings, which shall have a front height limit of forty-five (45) feet, but any portion of a building erected above such height limits shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each two (2) feet of additional height. (See Section 20 (a) and (e); Section 26 (8).)

- (b) SIDE. (Intermediate lots, except open courts between wings of the same building and inner courts.)

For *single-family dwellings* and *duplex dwellings* the side height limit shall be within the front and rear recession planes.

For *multiple dwellings* and *buildings other than dwellings*, not over three (3) stories in height, the side height limit shall be within the front and rear recession planes.

For *multiple dwellings* and *buildings other than dwellings*, over three (3) stories in height, the side height limit shall be ninety-six (96) feet above the mean curb level measured at the line of the minimum width side yard or open court, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height. (See Section 26 (7).)

SIDE. (Corner lots.) The side height limit on the intersecting street shall be the same as the front height limit. The side height limit for an inside side yard shall be the same as the side height limit for intermediate lots.

For *open courts between wings of the same building* the side height limit shall be seventy-two (72) feet above the mean curb level measured at the lines of the minimum width between wings but any portion of such wings erected above the height limit as fixed herein shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height.

For *inner courts* located on a lot line the side height limit shall be one hundred and twenty-eight (128) feet above the mean curb level measured at the lines of the minimum dimension, but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of three-quarters ($\frac{3}{4}$) of an inch of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

For *inner courts* enclosed in the same building the side height limit shall be eighty (80) feet above the mean curb level measured at the lines of the minimum dimension, but any portion of a building erected above such height limit shall be erected within recession planes, each plane

beginning at the height limit as fixed herein and receding at the rate of three-quarters ($\frac{3}{4}$) of an inch of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

- (c) REAR. The rear height limit shall be ninety-six (96) feet above the mean curb level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

Section 19.

"D" COMMERCIAL DISTRICT.

Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in "C" Commercial Districts except penal and correctional institutions.

Area Regulations.

- (2) OCCUPIED AREA. *Buildings other than dwellings* may occupy one hundred (100) per cent. of the lot area for one story and not more than ninety-five (95) per cent. of the lot area above such story.

Dwellings may occupy eighty (80) per cent. of the lot area on intermediate lots, and ninety (90) per cent. on corner lots; with a minimum unoccupied area of one hundred and forty-four (144) square feet for each dwelling.

- (3) **OPEN AREA.** An open area shall not be required for the first story of buildings other than dwellings. Above the first story of such buildings, the open area shall be not less than five (5) per cent. of the lot area. The open area for dwellings shall be not less than twenty (20) per cent. of the lot area on intermediate lots and ten (10) per cent. on corner lots.

The open area required shall be in the rear or at the side of the building or an open or inner court open to the sky of not less than the minimum dimensions herein required for this district.

- (4) **SIDE YARDS AND OPEN COURTS.** When side yards or open courts are used, except open courts between wings of the same building, they shall have the following minimum widths:

- (a) Single-family dwellings and duplex dwellings, three (3) feet.
- (b) Multiple dwellings and buildings other than dwellings, not over four (4) stories in height, six (6) feet.
- (c) Multiple dwellings and buildings other than dwellings, over four (4) stories in height, eight (8) feet.

- (5) **OPEN COURTS BETWEEN WINGS OF THE SAME BUILDING.** The least dimension between wings shall be twelve (12) feet.

- (6) **INNER COURT.** The least dimension of an inner court when located on a lot line shall be a minimum of eight (8) feet; and when enclosed in the same building a minimum of twelve (12) feet. Minimum area of such court shall be one hun-

dred (100) square feet. Such courts of less area than three hundred (300) square feet shall not be permitted for any building used for dwelling purposes except when used as vent shafts.

- (7) REAR YARD. The minimum depth of a rear yard shall be eight (8) feet. For dwellings the minimum area of a rear yard shall be one hundred and forty-four (144) square feet.

Height Regulations.

(8) HEIGHT LIMITS.

- (a) FRONT. The front height limit shall equal three (3) times the width of the street upon which the building fronts, *provided*, such height does not exceed two hundred and fifty (250) feet above the mean curb level measured at the street line, except single-family dwellings and duplex dwellings which shall have a front height limit of forty-five (45) feet, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each three (3) feet of additional height. (See Section 20 (a) and (e); Section 26 (8).)

- (b) SIDE. (Intermediate lots, except open courts between wings of the same building and inner courts.)

For *single-family dwellings* and *duplex dwellings* the side height limit shall be within the front and rear recession planes.

For *multiple dwellings* and *buildings other than dwellings*, not over four (4) stories in height, the side height limit shall be within the front and rear recession planes.

For *multiple dwellings and buildings other than dwellings*, over four (4) stories in height, the side height limit shall be ninety-six (96) feet above the mean curb level measured at the line of the minimum width side yard or open court, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height. (See Section 26 (7).)

SIDE. (Corner lots.) The side height limit on the intersecting street shall be the same as the front height limit. The side height limit for an inside side yard shall be the same as the side height limit for intermediate lots.

For *open courts between wings of the same building* the side height limit shall be seventy-two (72) feet above the mean curb level measured at the lines of the minimum width between wings, but any portion of such wings erected above the height limit as fixed herein shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height.

For *inner courts* located on a lot line the side height limit shall be one hundred and twenty-eight (128) feet above the mean curb level measured at the lines of the minimum dimension, but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit

as fixed herein and receding at the rate of three-quarters ($\frac{3}{4}$) of an inch of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

For *inner courts* enclosed in the same building the side height limit shall be ninety-six (96) feet above the mean curb level measured at the lines of the minimum dimension, but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of three-quarters ($\frac{3}{4}$) of an inch of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

- (c) **REAR.** The rear height limit shall be ninety-six (96) feet above the mean curb level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

Section 20.

COMMERCIAL DISTRICT RULES AND EXCEPTIONS.

Appurtenances
above re-
cession plane.

- (a) **APPURTENANCES ABOVE RECESSION PLANE.** The following appurtenances of buildings when directly attached as part of the main building may be erected above the recession plane to heights in excess of the prescribed height limit in a commercial district, and may extend to a street, court or yard, *provided*, such structure shall not reduce the width or depth of a court or yard to less than the minimum required on the ground level:

- (1) Chimneys and stacks.
- (2) Fire-escape towers.
- (3) Pent houses.
- (4) Tanks and tank towers.
- (5) Radio aerial towers.
- (6) Flagpoles.
- (7) Aeroplane beacons.

Open area,
store and
dwelling.

- (b) **OPEN AREA, STORE AND DWELLING.** In any commercial district where a combined store and dwelling is erected on the ground floor, the total open area required in the district shall be on the ground floor level, but in other than "A" Commercial Districts the ground floor may occupy the entire area of the lot for commercial use, *provided*, all stories above the ground floor shall have the open area required for the district.

Set-back
exception.

- (c) **SET-BACK EXCEPTION.** Where a commercial district is located within the same block as a residential district, no building in such commercial district shall be erected nearer to the street line than the building set-back line in the residential district on the same street frontage.

Height for
corner lots.

- (d) **HEIGHT FOR CORNER LOTS.** Any building on a corner lot at the intersection of two (2) or more

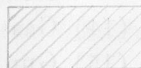
streets of different widths may be erected to the height permitted for buildings on the street of greatest width.

- (e) TOWERS IN "B," "C" AND "D" COMMERCIAL DISTRICTS. Towers for human occupancy may be erected in "B," "C" and "D" Commercial Districts, *provided*, they cover in the aggregate not more than twenty-five (25) per cent. of the lot area. Such towers may extend above the recession planes without height limit, *provided*, that no facade of the tower is nearer than twenty-five (25) feet to any street line or property line, and *provided*, that the width of any facade of the tower shall not exceed fifty (50) per cent. of the length of the lot frontage or the length of the property line toward which it faces.

- (f) USE REGULATIONS OF OPEN AREA. Open areas required in Commercial Districts shall not be used for permanent storage purposes, but may be used for temporary storage purposes for a period of not more than one (1) month on approval of the Board of Adjustment, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Board of Adjustment certificate may be issued for a period not exceeding one (1) year in any case.

Section 21.

INDUSTRIAL DISTRICT.



Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in any Commercial District with all qualifications removed, except that when any use is herein defined, listed or prohibited, the regulations of this district shall apply.

- (2) Aircraft and parts, manufacturing and assembling.
- (3) Artisans' or craftsmen's work or trades.
- (4) Buffing, polishing or finishing or plating, galvanizing, sherardizing, tempering, annealing, hardening, other than by processes or operations which emit odor or noise of a noxious or injurious nature.
- (5) Brewing and distilling.
- (6) Carpet cleaning, *provided*, no dust is permitted to escape from the building.
- (7) Cinema production and development.
- (8) Cigar, cigarette or tobacco factories.
- (9) Electric batteries (dry or wet) and electrical supplies.
- (10) Engine, boiler and machinery manufacturing.
- (11) Food products, confection manufacturing or baking, beverages or bottling, canning and packing, drying, smoking, pickling, preserving or curing meats, fish, fruits or vegetables.
- (12) Furniture, upholstery, beds or bedding manufacturing.
- (13) Glass manufacturing, clay, terra cotta or cement products or decorating, *provided*, no kiln is fired except by oil, gas or electricity, and no individual kiln capacity exceeds two hundred (200) cubic feet.
- (14) Gas storage (illuminating).
- (15) Gun, firearm and weapon manufacturing.
- (16) Hardware, cutlery and tool manufacturing.
- (17) Laundry (steam).
- (18) Leather goods manufacturing.
- ✓ (19) Lumber sawing, planing, dressing or shaping, millwork, or carpenter's repair shop.
- (20) Machine, wagon or auto repair shop.
- (21) Manufacture of goods or merchandise.

- (22) Mechanical devices and machines.
- (23) Metal devices and products (fabricated).
- (24) Ore and metal smelting, casting and working, assembling, planing, shaping, bending, grinding, pressing, soldering, welding, riveting, rolling and forging. (No blast furnaces allowed in this district.)
- (25) Painting, enameling, japanning, lacquering, oiling, staining or varnishing shop.
- (26) Paper, cardboard or paper box or receptacle manufacturing.
- (27) Pharmaceutical products, toilet preparations, patent or proprietary medicines or baking powder manufacturing, *provided*, no toxic or corrosive fumes, offensive odors or dust are permitted to escape from the building.
- (28) Piano, organ and musical instrument manufacturing.
- (29) Plumbing, heating, roofing and materials.
- (30) Poultry killing, packing or storage.
- (31) Public garage, gasoline, petrol and oil service stations.
- (32) Public service heat, light or power plant.
- (33) Railroad shops, yards and freight stations.
- (34) Refining or blending raw materials (not listed in Section 23).
- (35) Rope, cord and twine manufacturing.
- (36) Scientific instrument and apparatus manufacturing.
- (37) Ship and boat building.
- (38) Soda water and soft drink manufacturing.
- (39) Spinning or weaving, yarns or textiles.
- (40) Stables and horse feed.
- (41) Stone cutting or dressing.
- (42) Sugar and salt refining.
- (43) Trunk and sample case manufacturing.

- (44) Wagon, carriage, truck or automobile or parts manufacturing.
- (45) Warehousing transfer, shipment or storage of goods, materials or merchandise or contracting and building materials.
- (46) Any use required in manufacturing or industry not herein listed as permitted in this district shall require a Board of Adjustment certificate, as hereinafter provided.

Area Regulations.

- (47) OCCUPIED AREA. Buildings may occupy one hundred (100) per cent. of the lot area for one (1) story, but not more than ninety-five (95) per cent. of the lot area shall be occupied by buildings above the first story.
- (48) OPEN AREA. The open area required shall be in the rear or at the side of the building, or an open or inner court, open to the sky of not less than the minimum dimensions herein required for this district.
- (49) SIDE YARDS AND OPEN COURTS. When side yards or open courts are used they shall have the following minimum widths:
 - (a) Buildings not over four (4) stories in height, six (6) feet.
 - (b) Buildings over four (4) stories in height, eight (8) feet.
- (50) OPEN COURTS BETWEEN WINGS OF THE SAME BUILDING. The least dimension between wings shall be twelve (12) feet.
- (51) INNER COURT. The least dimensions of an inner court when located on a lot line, shall be a minimum of eight (8) feet and when enclosed in the same building, a minimum of twelve (12) feet. Minimum area of such court shall be one hundred (100) square feet.

AMENDMENT TO SECTION 21. APPROVED JULY 13, 1936.
The following use will be permitted only if a Board of Adjustment certificate, as hereinafter provided, is obtained:

(46 $\frac{1}{2}$) Junk, scrap metal, rags, waste paper or rubber storing and bailing and auto car junk.

- (52) REAR YARDS. The minimum depth of a rear yard shall be eight (8) feet.

Height Regulations.

(53) HEIGHT LIMITS.

- (a) FRONT. The front height limit shall equal three (3) times the width of the street upon which the building fronts, *provided*, such height does not exceed two hundred (200) feet above the mean curb level measured at the street line, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each two (2) feet of additional height. (See Section 22 (1) and Section 26 (8).)

- (b) SIDE. (Intermediate lots, except open courts between wings of the same building and inner courts.)

For *buildings*, not over four (4) stories in height, the side height limit shall be within the front and rear recession planes.

For *buildings*, over four (4) stories in height, the side height limit shall be ninety-six (96) feet, above the mean curb level measured at the line of the minimum width side yard or open court, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height. (See Section 26 (7).)

SIDE. (Corner lots.) The side height limit on the intersecting street shall be

the same as the front height limit. The side height limit for an inside side yard shall be the same as the side height limit for intermediate lots.

For *open courts between wings of the same building*, the side height limit shall be seventy-two (72) feet above the mean curb level measured at the lines of the minimum width between wings, but any portion of such wings erected above the height limit as fixed herein shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height.

For *inner courts* located on a lot line, the side height limit shall be one hundred and twenty-eight (128) feet above the mean curb level measured at the lines of the minimum dimension, but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of three-quarters ($\frac{3}{4}$) of an inch of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

For *inner courts* enclosed in the same building the side height limit shall be ninety-six (96) feet above the mean curb level measured at the lines of the minimum dimension, but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate

of three-quarters ($\frac{3}{4}$) of an inch of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

- (c) REAR. The rear height limit shall be ninety-six (96) feet above the mean curb level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height.

Where the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

Section 22.

INDUSTRIAL DISTRICT RULES AND EXCEPTIONS.

- (1) These regulations shall not prohibit in this district the building or erection of the following appurtenances of buildings:

(a) Fire-escape towers.

(b) Pent houses,

or similar structures to heights in excess of the height limit herein prescribed, *provided*, such are built or erected in conformity with paragraph

(a), Section 20, of this ordinance.

Nor the following or similar buildings or structures to heights in excess of such district height limit:

- (c) Chimneys and stacks.
 - (d) Coal silos.
 - (e) Gas holders.
 - (f) Grain elevators.
- (2) The exceptions permitted in Section 20 in paragraphs (d), (e) and (f) for Commercial Districts shall apply in this district.

Section 23.

LEAST RESTRICTED DISTRICT.



Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises and/or land for:

- (1) The uses permitted in the Industrial Districts except that when any use is herein defined, listed or prohibited, the regulations of this district shall apply.
- (2) Abattoirs or slaughter houses.
- (3) Acetylene gas or compound manufacturing.
- (4) Alcohol products.
- (5) Ammonia manufacturing.
- (6) Aniline color and dye manufacturing.
- (7) Arsenals.
- (8) Asbestos, magnesia and products.
- (9) Asphalt and paving material manufacturing and refining.
- (10) Blast furnaces, cupolas or foundry castings.
- (11) Celluloid or its products.
- (12) Cement, lime and sulphate manufacturing.
- (13) Chlorine or bleaching powder manufacturing.
- (14) Coal tar products treatment.
- (15) Creosote and wood preserver, use or manufacture.
- (16) Dyeing, cleaning and mercerizing.

- (17) Explosives (storage), as regulated by Fire Marshal.
- (18) Fat, grease, lard or tallow rendering or refining.
- (19) Fertilizer manufacturing.
- (20) Fish smoking or curing and shell grinding.
- (21) Garbage, dead animal, offal or refuse reduction.
- (22) Gas manufacturing and storing.
- (23) Glue, casein, size or gelatine manufacturing.
- (24) Grease and oil refining and lubricants.
- (25) Grist mills and grain elevators.
- (26) Ice manufacturing.
- (27) Junk, scrap metal, rags, waste paper or rubber storing and baling and auto car junk.
- (28) Industrial poisons and chemicals, manufacturing.
- (29) Lampblack manufacturing and products.
- (30) Lead sheet, pipe and bar manufacturing.
- (31) Oilcloth and linoleum manufacturing.
- (32) Oiled rubber or leather manufacturing.
- (33) Ore or bone reduction.
- (34) Paints, white lead, shellac, varnish, turpentine and floor dressing manufacturing.
- (35) Paper and pulp manufacturing.
- (36) Petroleum products (refining or storing).
- (37) Potash refining.
- (38) Printing ink manufacturing.
- (39) Pyroxylin plastic manufacturing.
- (40) Rubber, caoutchouc and gutta-percha manufacturing.
- (41) Sewage treatment works.
- (42) Soaps and compounds.
- (43) Stockyards.
- (44) Tanning, curing or storing of rawhides and skins, leather or hair.
- (45) Tar and waterproofing materials.

- (46) Tarpaulin and oiled cloth manufacturing.
- (47) Wood, coal or bone distillation or grinding.
- (48) Wool-pulling, scouring or shoddy manufacturing.

Area Regulations.

- (49) OCCUPIED AREA. Buildings may occupy one hundred (100) per cent. of the lot area for one (1) story, but not more than ninety-five (95) per cent. of the lot area shall be occupied by buildings above the first story.
- (50) OPEN AREA. The open area required shall be in the rear or at the side of the building, or an open or inner court, open to the sky of not less than the minimum dimensions herein required for this district.
- (51) SIDE YARDS AND OPEN COURTS. When side yards or open courts are used they shall have the following minimum widths:
 - (a) Buildings not over four (4) stories in height, six (6) feet.
 - (b) Buildings over four (4) stories in height, eight (8) feet.
- (52) OPEN COURTS BETWEEN WINGS OF THE SAME BUILDING. The least dimension between wings shall be twelve (12) feet.
- (53) INNER COURT. The least dimension of an inner court when located on a lot line shall be a minimum of eight (8) feet, and when enclosed in the same building a minimum of twelve (12) feet. Minimum area of such court shall be one hundred (100) square feet.
- (54) REAR YARD. The minimum depth of a rear yard shall be eight (8) feet.

Height Regulations.**(55) HEIGHT LIMITS.**

(a) **FRONT.** The front height limit shall equal three (3) times the width of the street upon which the building fronts, *provided*, such height does not exceed two hundred (200) feet above the mean curb level measured at the street line, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) foot of recession for each two (2) feet of additional height. (See Section 24 (1) and Section 26 (8).)

(b) **SIDE.** (Intermediate lots, except open courts between wings of the same building and inner courts.)

For *buildings*, not over four (4) stories in height, the side height limit shall be within the front and rear recession planes.

For *buildings*, over four (4) stories in height, the side height limit shall be ninety-six (96) feet, above the mean curb level measured at the line of the minimum width side yard or open court, but any portion of a building erected above such height limit shall be erected within a recession plane beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height. (See Section 26 (7).)

SIDE. (Corner lots.) The side height limit on the intersecting street shall be the same as the front height limit. The side height limit for an inside side yard

shall be the same as the side height limit for intermediate lots.

For *open courts between wings of the same building* the side height limit shall be seventy-two (72) feet above the mean curb level measured at the lines of the minimum width between wings but any portion of such wings erected above the height limit as fixed herein shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of two (2) inches of recession for each one (1) foot of additional height.

For *inner courts* located on a lot line the side height limit shall be one hundred and twenty-eight (128) feet above the mean curb level measured at the lines of the minimum dimension, but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of three-quarters ($\frac{3}{4}$) of an inch of recession for each one (1) foot of additional height, *provided*, that recession shall be required on only two of the opposite sides of an inner court.

For *inner courts* enclosed in the same building the side height limit shall be ninety-six (96) feet above the mean curb level measured at the lines of the minimum dimension, but any portion of a building erected above such height limit shall be erected within recession planes, each plane beginning at the height limit as fixed herein and receding at the rate of three-quarters ($\frac{3}{4}$) of an inch of recession for each one (1) foot of additional height,

provided, that recession shall be required on only two of the opposite sides of an inner court.

- (c) REAR. The rear height limit shall be ninety-six (96) feet above the mean curb level of the established grade of the rear street, driveway or alley, measured at the line of the minimum depth of rear yard, but any portion of a building erected above such height limit shall be erected within a recession plane, beginning at the height limit as fixed herein and receding at the rate of one (1) inch of recession for each one (1) foot of additional height.

When the rear of a lot does not abut on a rear street, driveway or alley, the height limit shall be measured from the mean level of the ground at the rear line of the lot.

Section 24.

LEAST RESTRICTED DISTRICT RULES AND EXCEPTIONS.

- (1) These regulations shall not prohibit in this district the building or erection of the following appurtenances of buildings:

- (a) Fire-escape towers.
- (b) Pent houses,

or similar structures to heights in excess of the height limit herein prescribed, *provided*, such are built or erected in conformity with paragraph (a), Section 20 of this ordinance.

Nor the following or similar buildings or structures to heights in excess of such district height limit:

- (c) Chimneys and stacks.
- (d) Coal silos.
- (e) Gas holders.
- (f) Grain elevators.

- (2) The exceptions permitted in Section 20 in paragraphs (d), (e) and (f) for Commercial Districts shall apply in this district.

Section 25.

PARK DISTRICT.

Parcels of public ground devoted to park purposes shall be designated on the zoning maps as PARK.

Section 26.

GENERAL PROVISIONS.

Airports and
landing fields.

- (1) AIRPORTS AND LANDING FIELDS. The Board of Adjustment may in its discretion, after a public hearing, issue a certificate in the manner hereinafter provided, permitting in any district the use of ground as an airport or landing field.

Areas.

- (2) AREAS. Areas and dimensions are based on lot and ground floor measurements.

Balustrades.

- (3) BALUSTRADES. Balustrades and parapet walls may extend above the height limit hereinbefore prescribed, but not in excess of five (5) feet.

Cornices.

- (4) CORNICES. No cornice, eaves or other portion of a building except a marquee shall project beyond the street line a distance greater than five (5) per cent. of the width of the street nor more than five (5) feet in any case.

Dormers.

- (5) DORMERS. Dormers may extend above the height limits hereinbefore prescribed provided that their aggregate frontage length on any facade does not exceed fifty (50) per cent. of the length of such facade frontage, and, *provided*, that such percentage shall be reduced by one (1) for every foot of height above the height limit; and, *provided*, also, that such percentage may be increased by one (1) at any plane parallel with such facade for each four (4) inches that it sets back from such facade frontage.

- (6) **OPEN AIR PARKING.** An open air parking space shall not be permitted in "A" or "B" Residential Districts, and shall in any other residential or commercial district require a Board of Adjustment certificate, as hereinafter provided. Open air parking shall not at any time be used as the grounds for the erection on the same lot of a garage or other building not in conformity with the district regulations. Open air parking.
- (7) **SIDE HEIGHT LIMIT ON PARTY LINES.** The side height limit for any portion of a building erected on a party line shall be within the front and rear recession planes, except in "E" and "F" Residential, Commercial, Industrial and Least Restricted Districts, where the side height limit on party lines shall be the same as the front height limits in the respective districts, with recessions as required therein. Side height limit on party lines.
- (8) **STREET WIDTH.** For height regulations all streets less than forty (40) feet wide shall be subject to the same regulations as streets forty (40) feet wide, and on streets more than one hundred (100) feet wide the same height regulations shall apply as on streets one hundred (100) feet wide. Street width.
- (9) **QUARRIES.** The Board of Adjustment may in its discretion, after a public hearing, issue a certificate in the manner hereinafter provided, permitting in any district the opening and /or operation of quarries. Quarries.

Section 27.

CHANGES IN THE ORDINANCE.

- (1) **BY REPORTS TO THE COUNCIL.** The Board of Adjustment may, from time to time, upon its own initiative, or shall, upon notice from the Council, prepare an ordinance to amend, supplement or change any portion of this ordinance or By reports to the Council.

change a district or boundary, or other regulations herein established, and hold such public hearings thereon as may be necessary or required by Act of May 6, 1929, and submit its recommendation to the Council, or a proposed ordinance with a report thereon.

By petitions.

- (2) BY PETITIONS. Whenever a petition is presented to the Council, duly signed and acknowledged by the owners of fifty (50) per cent. or more of the area of the lots included in a proposed change, the Council shall vote thereon within ninety (90) days after the filing of the same by the petitioners. In case of a protest, it shall be treated in the manner set forth in the Act of May 6, 1929.

Section 28.

ADMINISTRATION.

- (1) BUREAU OF ENGINEERING, SURVEYS AND ZONING. For the purpose of carrying out the provisions of this ordinance, and by virtue of the authority granted by Section 9 of the Act of Assembly of May 6, 1929, a Bureau of Zoning in the Department of Public Works is hereby created and the Bureau of Engineering and Surveys, as now organized, is hereby designated as the Bureau of Engineering, Surveys and Zoning, and the said bureau, in addition to exercising the powers granted by this ordinance, shall continue to exercise the functions of the present Bureau of Engineering and Surveys with the same personnel.
- (2) THE BUREAU OF ENGINEERING, SURVEYS AND ZONING shall exercise, on behalf of the City, all the powers and authorities granted by this ordinance to the said Bureau, and is hereby empowered to issue Zoning Permits and Use Registration Permits.

Section 29.**PERMITS AND CERTIFICATES.**

- (1) **ZONING PERMITS.** A zoning permit shall hereafter be required from the Bureau of Engineering, Surveys and Zoning prior to the erection, construction, alteration with respect to height and area, or addition to any building or buildings, and plans for the same shall be submitted with the application for the permit. Such application shall be acted upon by the Bureau of Engineering, Surveys and Zoning within a period of ten (10) days from the time it is officially filed with the bureau.
- (2) **USE REGISTRATION PERMIT.** Use registration permits shall be required for every use commenced after the passage of this ordinance. No buildings shall hereafter be erected, constructed, altered with respect to height and area, added to, or changed in class of use until a use registration permit has been secured, *provided*, however, that single-family dwellings, duplex dwellings, churches, chapels or other places of worship are exempt from this regulation.
- (3) **APPLICATION FOR PERMITS.** Application for zoning permits and use registration permits shall be made to the Bureau of Engineering, Surveys and Zoning in writing upon forms approved by the bureau prior to securing building permits, and such forms shall be filled in by the owner or authorized agent and shall be accompanied by a plan in duplicate drawn to scale showing the actual lot dimensions, use or intended use, height or size, and location of the building or buildings, and shall be accompanied by such data and affidavits as may be required. Such plans and affidavits shall be final and conclusive, and any deviation therefrom shall require a new zoning permit. One copy of said plan shall be returned

to the owner when approved by the Bureau of Engineering, Surveys and Zoning.

(4) **BUILDING PERMITS.** No building permits shall be granted by any bureau or division of the City of Philadelphia until such permits and/or certificates as are required under this ordinance have been issued. The Bureau of Building Inspection, upon passage of this ordinance, shall, within thirty (30) days, forward to the Bureau of Engineering, Surveys and Zoning, copies of all building permits issued during the preceding six (6) months.

(5) **CERTIFICATES.** When specifically required, a Board of Adjustment certificate may be issued by the Board after public hearings, held after due notice and publication of the time, place and purpose of the hearing. All costs, if any, in connection with advertising hearings to be borne by applicant.

(6) **REVOCATION OF PERMITS AND CERTIFICATES.** Zoning permits and/or use registration permits may be cancelled or revoked by the Chief of the Bureau of Engineering, Surveys and Zoning for violation of this ordinance, and the Board of Adjustment may also cancel or revoke a Board of Adjustment certificate for the violation of conditions imposed or of this ordinance.

Section 30.

VIOLATIONS AND PENALTIES AND CHARGES.

(1) **VIOLATIONS.** Failure to secure a zoning permit or Board of Adjustment certificate, when required, previous to the erection, construction, extension or addition to a building, or failure to secure a use registration permit shall be a violation of this ordinance.

- (2) NOTICE OF VIOLATION. When written notice of a violation of any of the provisions of this ordinance has been served by the Bureau of Engineering, Surveys and Zoning on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.
- (3) FINES AND PENALTIES. If any building or structure shall be erected, constructed, extended or added to in violation of this ordinance; or any building, structure or land used or maintained in violation of this ordinance, the person or persons, artificial or natural, knowingly so offending, shall be subject to a fine of not more than one thousand dollars (\$1,000) and not less than one hundred dollars (\$100), to be recovered as fines and penalties of like amount are now recoverable by law.
- (4) CHARGES.
- (a) A charge of three (3) dollars for each zoning permit and two (2) dollars for each use registration permit, and five (5) dollars for each Board of Adjustment certificate issued under authority of this ordinance shall be made, payable in advance.
- (b) A charge of one (1) dollar shall be made for each duplicate copy of application, permit or certificate.
- (c) A charge of one (1) dollar shall be made for each certified statement of District Classification of any property.
- (5) HOW COLLECTED. The aforesaid charges collected under this ordinance shall be paid into the City Treasury in the manner and form as now provided by law.

Section 31.**BOARD OF ADJUSTMENT.**

(1) **BOARD OF ADJUSTMENT.** For the further purpose of carrying out the provisions of this ordinance by virtue of the authority contained in Act of Assembly of May 6, 1929, a Board of Adjustment is hereby established. The word "Board" when used in this ordinance shall mean the "Board of Adjustment."

(2) **MEMBERS OF BOARD.** The Board shall consist of five (5) members to be appointed by the Mayor with the approval of the City Council. The Mayor shall designate the chairman of the Board. One (1) member of said Board shall serve until the first day of January following the adoption of this ordinance, two (2) until the first day of the second January thereafter, and two (2) until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve for three (3) years. The members of the Board shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose term becomes vacant.

(3) **EXPENSES OF BOARD.** The City Council may provide for the compensation of those members of the Board who do not hold any other office or position of profit under the City government or any department thereof, or in or under the Government of the United States or of this Commonwealth, or any county, city or other political subdivision thereof. The Board shall have authority to expend such sums as may hereafter be appropriated by the Council for salaries of employees and other incidental expenses necessary for the administration of the functions of the Board, in-

cluding advertising, printing and maintenance, procuring office equipment and necessary transportation.

- (4) **RULES OF PROCEDURE.** The Board shall adopt rules of procedure in accordance with the several provisions of this ordinance.
- (5) **MEETINGS.** 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. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- (6) **ORIGINAL JURISDICTION.** The said Board of Adjustment may, after public notice and public hearing, subject to appropriate conditions and safeguards, make special exceptions or variances in the terms of this ordinance in harmony with its general purposes and intent, as follows:
 - (a) Issue a certificate of variance or permit whenever it is provided in this ordinance that such a certificate or permit is required.
- (7) **APPELLATE JURISDICTION.** Appeals may be taken to and disposed of by the Board of Adjustment, as provided in the Zoning Act of 1929.
- (8) **NOTICE OF HEARING.** The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matters, give public notice thereof, as well as due notice to the parties in interest,

and decide the same within a reasonable time. Upon this hearing, any party may appear in person or by agent or by attorney.

Section 32.

VALIDITY OF ORDINANCE.

- (1) **SECTION INVALID.** If any provision of this ordinance for any reason should be declared invalid by the courts, the intention of this ordinance is hereby expressed that all other provisions shall, nevertheless, be sustained and enforced.
- (2) **DATE IN EFFECT.** This ordinance shall take effect from and after the date of its approval.

Section 33.

REPEAL.

- (1) **REPEAL.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Sec. 5, Act of Assembly. App. May 6th, 1929.

Changes: Such Regulations, restrictions and boundaries may from time to time be amended, supplemented, modified or repealed. In case, however, of a protest against any such change, duly signed and acknowledged by the owners of 20% or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear or adjoining on the sides thereof, extending 100 feet therefrom, or of those directly opposite thereto, extending 100 feet from the street frontage of such opposite lots, such change shall not become effective except by the favorable vote of three-fourths of all the members of the Council of such city. The provisions of the previous sections relative to public hearings and official notice shall apply equally to all changes or amendments.

