

**CHAPTER 1328**  
**SUPPLEMENTAL REGULATIONS AFFECTING**  
**USE, STRUCTURE, & AREA**

1328.01	Parking in Residential Districts
1328.02	Area Exceptions in Residential Districts
1328.03	Accessory Buildings

---

**1328.01      PARKING IN RESIDENTIAL DISTRICTS**

The provisions of this section are designed to provide a means whereby parking lots may be established in R Districts, subject to the following limitations and requirements:

1. In any R-1 or R-2 District, a parcel of land that lies contiguous to the boundary line of a C or M District but not across any part of any street or alley therefrom and is contiguous at not more than one property line thereof to a side lot line in an R-1 or R-2 District may be used for the parking of non-commercial motor vehicles, but not for any sales or servicing in connection therewith, for a distance of not exceeding 200 feet from the boundary of such C or M District.
2. In any R-3 or R-4 District, a parcel of land that lies contiguous to the boundary of a C or M District may be used for the parking of non-commercial motor vehicles, but not for any sales or servicing in connection therewith, for a distance of not exceeding 200 feet from the boundary of such C or M District.
3. There shall be no parking of vehicles nearer to any boundary of such parcel than a distance equal to the depth or width, as the case may be, of any front or side yard in such R District that is contiguous to such boundary, or if no contiguous front or side yard exists, then the depth or width required for a contiguous front or side yard under the terms of this Zoning Ordinance.
4. The portion of the parcel that is used for the parking of vehicles shall be bordered on all sides not contiguous to the boundary of such C or M District by a wall or fence, supplemented by landscaping of such nature and height as to conceal completely all parking of vehicles from the view of any observer standing at curb level outside such parking area, to assure that the use of such parcel for the parking of vehicles will not be detrimental to the use of adjacent land in such R District. Such wall or fence and landscaping shall be adequately maintained at all times.
5. There shall be no entrance to the parking area at a distance of more than 40 feet from the boundary of such C or M District.
6. No sign shall be displayed on such parcel except one identification sign not exceeding 12 square feet in area, and no such sign shall be located outside the portion

of the parcel that is used for the parking of vehicles nor at a distance of more than 50 feet from the boundary of such C or M District.

7. Each application made under the provisions of this section shall be accompanied by a site plan of the proposed development showing:

- (a). Location and size of the proposed parking area.
- (b). Location of residential structures within 200 feet and on the same street with the proposed use.
- (c). Location of all entrances and exits.
- (d). Location of any sign to be displayed on the site.
- (e). Location, height, and type of all required walls, fences, and landscaping.

8. The Planning Board shall hold a public hearing on each such application, notice of which hearing shall be given by at least one publication in the official newspaper of the City at least ten days before the date of such hearing. The Planning Board shall also give notice of such hearing on any such application by mailing notices thereof to the owners of all land on the same street with the proposed use and lying within a distance of 500 feet from the exterior boundaries of the land involved in such application.

9. After such hearing the Planning Board shall approve, approve subject to modifications, or disapprove any application made under the provisions of this section. In arriving at a decision, the Planning Board shall be guided by the following standards:

- (a). The proposed parking area shall be of such location and size that it will be in harmony with the orderly development or redevelopment of the district in which it is located.
- (b). The intensity of the operation, its site layout, and its relation to streets giving access to it shall be such that it will not be hazardous or conflict with the normal traffic of the neighborhood to a greater degree than is normal with respect to the proximity of commercial and residential areas.
- (c). The location and site layout together with the locations, height, and nature of walls, fences, and landscaping shall be such that the use of the adjacent residential property shall not be impaired.

10. The grounds for such approval or disapproval shall be fully stated in the records of the Planning Board and a copy of such statement shall be furnished the applicant on demand. The Planning Board may impose any reasonable requirements as a condition of the approval of any such application made under this section.

## **1328.02 AREA EXCEPTIONS IN RESIDENTIAL DISTRICTS**

A. Any parcel of land in an R-1 or R-2 District with an area of less than that prescribed for a lot in such district, when the owner thereof

owns no adjoining land, may be used as a lot for one one-family dwelling in any such districts or for one two-family dwelling in an R-2 District, provided that all other regulations for the district shall be complied with.

B. Any parcel of land in any district with a width less than that prescribed for a lot in such district, when the owner thereof owns no adjoining land, may be used as a lot for any use permitted in such district, provided that all other regulations for the district shall be complied with.

C. Any parcel of land in any district with a width of not less than one-third greater than the width required in such district, when the owner thereof owns no adjoining land, may be divided into not more than two parcels varying from each other in width by not more than 5 percent, and each such parcel may be used as a lot at the width and area resulting from such division for any use permitted in such district, provided that all other regulations for the district shall be complied with.

D. In any R District:

1. Not to exceed ten laterally contiguous lots of record at the time of the adoption of this Zoning Ordinance (which lots were under one ownership at the time of the adoption of this Zoning Ordinance when the owner thereof owns no adjoining land), which lots are each of a width less than that required in the district but none of which is less than 40 feet in width, may be used as lots at their width and areas as of record, provided that all other regulations for the district shall be complied with.
2. Not to exceed ten laterally contiguous lots of record at the time of the adoption of this Zoning Ordinance (which lots were under one ownership at the time of the adoption of this Zoning Ordinance, when the owner thereof owns no adjoining land), which lots are less than 40 feet in width, may be re-divided into parcels none of which is less than 40 feet in width (except that in an R-1 District not more than one such parcel may be less than 40 feet but not less than 30 feet in width); and each such parcel may be used as a lot at the width and area resulting from such re-dividing for any purpose permitted in the district, provided that all other regulations for the district shall be complied with.
3. If 75 percent or more of the frontage in any block has been improved with dwellings at the time of the adoption of this Zoning Ordinance, any lot of record in such block may be used as a lot for any purpose permitted in the district, provided that all other regulations for the district shall be complied with, except that the width of each side yard on such lot need not exceed the width of the narrowest side yard on any lot contiguous to such lot or on the nearest lot thereto on which a dwelling is located, but in no event shall any side yard on such lot be less than one-tenth the width of the lot, and provided, further, that for any permitted building exceeding 45 feet in height, such side yard width shall be increased by one foot for each 3 feet by which such building exceeds 45 feet in height.

E. In any R-1 District: a lot of record at the time of the adoption of this Zoning Ordinance when the owner thereof owns no adjoining land, having a width of not less than 120 feet, may be re-divided into parcels none of which is less than 40 feet in width, and each such parcel may be used as a lot at the width and area resulting from such re-dividing for any purpose permitted in the district, provided that all other regulations for the district shall be complied with.

F. In any R District: where the lots on both sides of a street within a block exclusive of the frontage along the side of a corner lot are 75 percent or more improved with buildings, the owner of any unimproved lots may re-divide such lots to a width of not less than the existing average of the improved lots, but in no event shall such re-divided lots be less than 40 feet wide; and each such parcel may be used as a lot at the width and area resulting from such re-division for any purpose permitted in the district, provided that all other regulations for the district shall be complied with.

### **1328.03 ACCESSORY BUILDINGS**

A. Accessory buildings in R Districts shall conform to the following requirements as to location:

1. An accessory building, detached or attached to a main building in no other manner than by a breezeway or a covered passageway with open or latticed sides, and not exceeding a height of one one-story and in the case of a flat roof a height of 12 feet or in the case of a roof of any other type, a height of 16 feet with side walls not exceeding 10 feet in height, may occupy not to exceed 30 percent of the area of any required rear yard.
2. Any accessory building located other than in a rear yard shall comply in all respects with the requirements of this Zoning Ordinance applicable to main buildings.
3. No accessory building shall be located nearer than 2 feet to any side or rear lot line.
4. No accessory building that is detached or that is attached to a main building by a breezeway or a covered passageway with open or latticed sides shall be located nearer than 6 feet to such main building.
5. An accessory building that is attached to a main building in any other manner that specified in subsection (4) hereof shall be deemed to be a part thereof and shall comply in all respects with the requirements of this Zoning Ordinance applicable thereto.
6. No accessory building on a corner lot, vehicular access to which is from the side street, shall be located nearer to the side street line thereof than a distance equal to the width of side yard required on such side street side of such lot.
7. When the rear yard on a corner lot adjoins the front yard of a lot to the rear, no accessory building on such corner lot shall be located nearer to the street line of the street on which the lot to the rear faces than a distance equal to the depth of

front yard required on such lot to the rear, provided that this regulation shall not be applied so as to require that the line of such accessory building that faces toward such street and is nearest thereto shall be nearer to the lot line opposite such street line than a distance of 25 feet.

B. No door or any accessory building or improvement, except a fence, which door opens into an alley, shall be erected, constructed, or established nearer to the center of such alley than a distance of 15 feet.