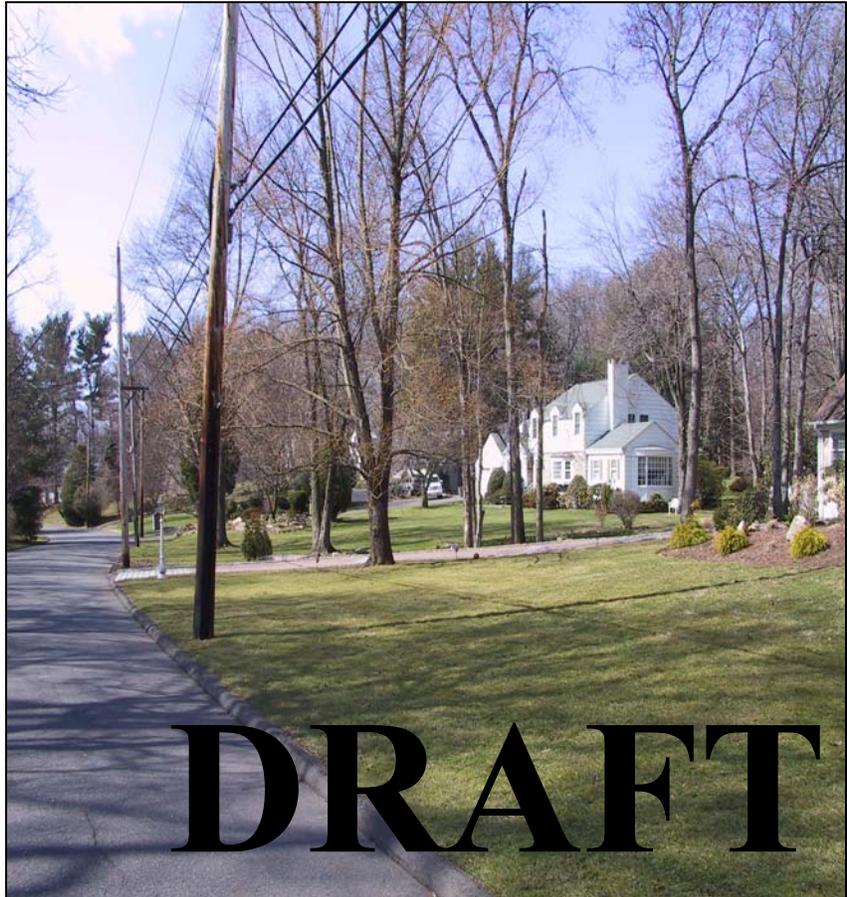


# LARGE LOT SUBDIVISION STUDY

Village of Rye Brook, New York



Prepared for:  
MAYOR FRANCIS L. FILIPOWSKI &  
THE VILLAGE BOARD OF TRUSTEES

Prepared by:  
FREDERICK P. CLARK ASSOCIATES, INC.  
Planning/Development/Environment/Transportation  
350 Theodore Fremd Avenue, Rye, New York 10580

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March 2004

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# **LARGE LOT SUBDIVISION STUDY VILLAGE OF RYE BROOK, NEW YORK**

Prepared for Mayor Francis L. Filipowski and the  
Board of Trustees of the Village of Rye Brook  
by Frederick P. Clark Associates, Inc.  
Planning/Development/Environment/Transportation

## **A. Introduction**

Preservation of the visual and spatial character of older residential neighborhoods is a challenge faced by most municipalities in Westchester County coping with the current development trends of maximum build out on minimum sized lots and re-subdivision of large lots. Recognizing the need to protect the scenic character of two neighborhoods in Rye Brook threatened by re-subdivision and loss of open space, the Board of Trustees asked Frederick P. Clark Associates, Village Planning Consultant, to assist them in developing a strategy to protect scenic resources and guide subdivision in the Byram Ridge and Lincoln Avenue Corridor neighborhoods.

The subdivision study is one of a series of studies undertaken by the Board of Trustees in response to environmental, land use and zoning issues of concern to the residents of Rye Brook identified during the formulation of the Rye Brook Vision Plan, completed in December 2000. The Vision Plan identified preservation of residential neighborhoods and remaining open space character as high priority community goals in the village. In 2003, after study and careful consideration, the Board adopted a local law amending the Zoning Code to help preserve neighborhood character by regulating the bulk of buildings in residential districts. Currently, the Board is considering legislation creating scenic roads overlay districts along certain roads and enabling the Board or property owners to place conservation easements on property to protect scenic or environmental resources and open space.

The report and recommendations contained herein are the result of our analysis of planning and environmental issues regarding re-subdivision of large lots and current zoning regulations in the Village Code applicable to the residential districts in the Byram Ridge and Lincoln Avenue Corridor neighborhoods. The amendments to the Village Code proposed in this document are consistent with the December 2000 Village of Rye Brook Vision Plan. We recommend the following changes:

1. Amend Chapter 250, Zoning, to change the minimum front yard setback in the R-20 district.

2. Create a Scenic Roads Overlay District in the Lincoln Avenue Corridor from Westchester Avenue north to the municipal boundary with the Town/Village of Harrison.

The report includes the following appendices, which contain additional information and support documents for the study.

- Appendix A: Maps of the Byram Ridge and Lincoln Avenue Corridor neighborhoods.
- Appendix B: Photographs of the neighborhoods included in the study.
- Appendix C: Draft of a proposed local law amending the Village Code.

## **B. Study Methodology**

1. *Identification of issues.* To study the development potential of large lots in the subject neighborhoods we conducted an area-wide analysis of all properties along the Lincoln Avenue Corridor within the R-10 and R-12 zoning districts and all properties in the R-20 district in the Byram Ridge neighborhood surrounding Beechwood Circle. We analyzed environmental constraints on development, existing land use and zoning, size of parcels, development potential, and the impact of development under existing zoning regulations. We also toured the neighborhoods to view properties and to field-verify GIS data regarding existing development, development constraints and existing setbacks obtained from various sources.
2. *Analysis of current regulations.* To create a basis for comparison of existing and proposed regulations we reviewed and analyzed regulations from the cities of Denver, CO, and Knoxville, TN, and the Town of Oyster Bay along with the current zoning regulations of the Village of Rye Brook.
3. *Analysis of changes to the Zoning Code.* To test suggested changes to the Village Code such as increased setbacks or up-zoning, we studied the potential impact of each of these regulatory measures on a representative sampling of properties.
4. *Recommendations for amendment of the Zoning Code.* Analysis of possible changes to the Zoning Code was used to select appropriate regulatory controls. Potential amendments to the Village Code were drafted for review and recommendation by the Planning Board and Village staff, and consideration by the Village Board of Trustees.

## **C. Analysis of Existing Conditions**

### **1. Neighborhood Character**

The regulatory environment under which development occurs and the development trends at work at the time influence the organization and character of a neighborhood. Among other things, land use ordinances, such as zoning codes, affect the visual and spatial character of districts by regulating street layouts, lot sizes and lot configurations. Over time, development in a neighborhood may be regulated by a succession of amendments to the original ordinance. Often the earliest development in a district occurred prior to any regulation at all.

Changes to regulations regarding minimum lot size, over time, help to create districts with lots of varying size. In Rye Brook, building lots in neighborhoods like Byram Ridge or the Lincoln Avenue Corridor vary greatly in size, in part because successive periods of development occurred under different regulations. Lots larger and smaller than the minimum sizes required by the zoning district are scattered throughout both neighborhoods. In addition, in the case of Lincoln Avenue, more than one set of regulations guides development because the corridor straddles two residential zoning districts, R-10 and R-12.

Economic environment and public demand also influence development patterns and play a role in the shaping of new neighborhoods and in the re-shaping of older ones. Until recently subdivision in Rye Brook created neighborhoods with larger than minimum-sized lots that had relatively small houses situated on them due to the price of land, the cost of development and the demography and purchasing power of home buyers at the time of subdivision.

Byram Ridge and the Lincoln Avenue Corridor neighborhoods contain many lots that are much larger than the current minimum lot size for the zoning districts in which they are situated. If enough lots are larger, with houses set farther back from the front property line than the average lot, as they are in the two neighborhoods in our study, the neighborhood will be “greener” and more spacious than one built entirely to the minimum standards of the district because less space is lost to buildings. Generally, buildings are farther apart and they appear smaller because they are located at generous distances from the street. A larger front yard leaves room for naturally occurring or planted landscape buffers adjacent to property lines that define the edge of the street and partially screen the residences beyond. The aggregate open space of the larger lots in neighborhoods like Byram Ridge and the Lincoln Avenue Corridor helps to shape their visual and spatial character.

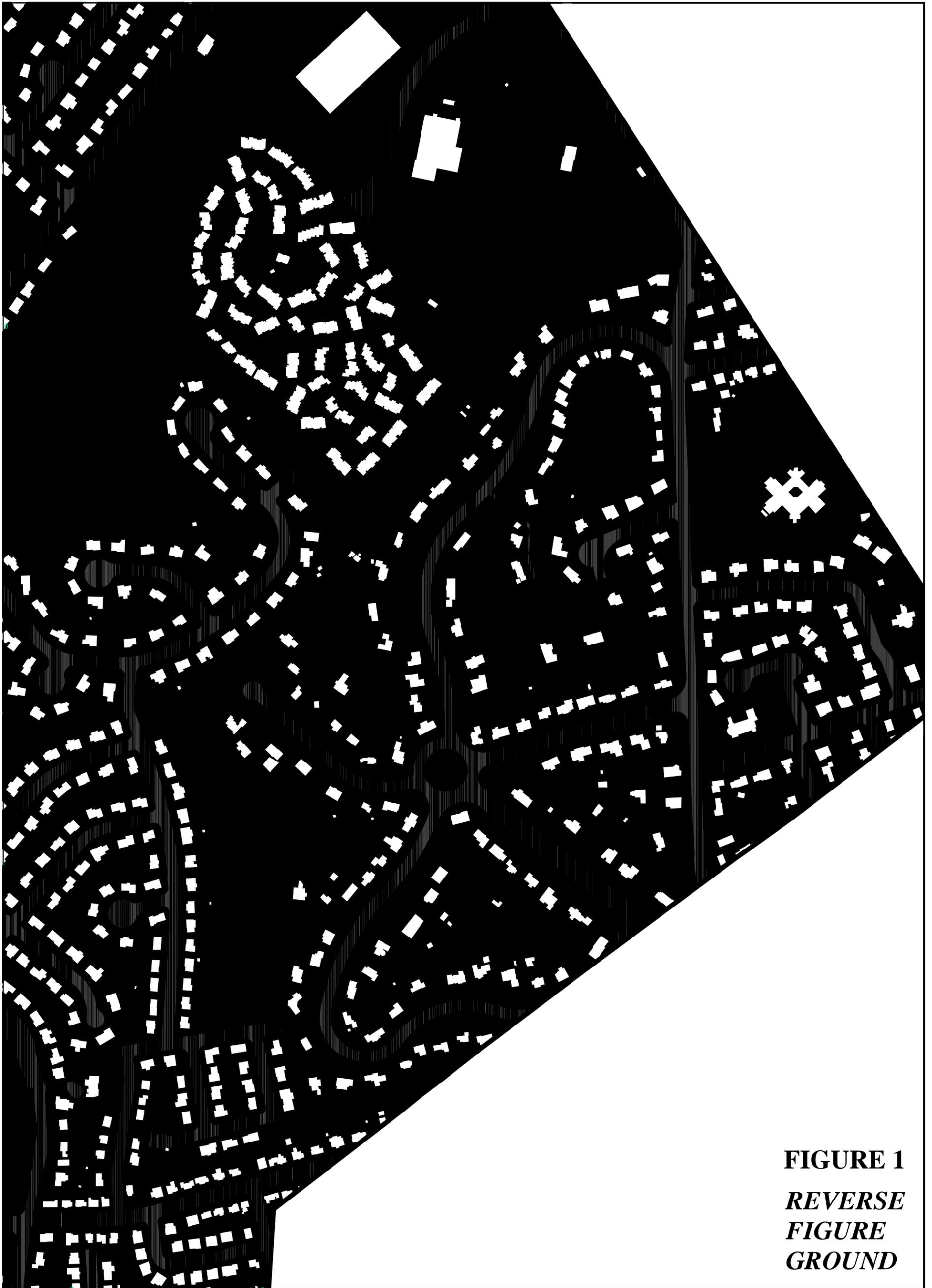
Today, in Rye Brook as in the rest of Westchester County, the high price of land, low interest rates and the demand for larger houses encourages re-subdivisions of large building lots and new subdivisions to be planned with minimum-sized lots on which the largest allowable house is situated at the minimum front, side and rear setbacks. A large building built relatively close to the front property line creates the visual impression that the building overpowers the property, the street and neighboring smaller homes.

As more and more residential alterations and re-subdivisions alter the prevailing balance between building and open space that was created by larger lots on which smaller houses were situated, the spatial character of public streets and the perceived density of a district can be radically altered. Streets may appear narrower and more crowded because bigger buildings are closer to the front property line. As vegetation along the right-of-way is diminished or replaced by parking courts and front lawns located in shallower front yards, the full bulk of the large buildings can be viewed from the street.

The reverse figure-ground illustrations presented as Figures 1 and 2 show the current density and built-to-open space ratios of Byram Ridge and the Lincoln Avenue Corridor as a black and white graphic. Open space is shown in black so that it can be visualized easily. Building footprints are white. The house-front to house-front widths of streets and relative densities of different neighborhoods can be discerned. Figure 1, showing the Byram Ridge area reveals that in the R-20 neighborhood around Beechwood Circle, the house-front to house-front width along most of the streets radiating from the circle is considerably wider than the neighborhood below the Arbors PUD district to the north west. That neighborhood, also in the R-20 district, was subdivided to a spatial standard that is closer to the minimum for the district.

Similar observations can be made regarding Figure 2, which shows the Lincoln Avenue Corridor. The R-10, R-12 and Conservation Subdivision neighborhoods are clearly visible. The house-front to house-front width of the avenue and neighborhood density vary along the length of the street from zoning district to zoning district and also within each district. Larger lots, with homes set back much further than the minimum, located primarily on the west side of the avenue, but also on east side, particularly at the north end help to create a spacious public corridor.

Table 1, *Existing and Required Front Yard Setbacks in Byram Ridge and the Lincoln Avenue Corridor*, shows the average existing front yard dimensions of building lots on the five streets in the Byram Ridge neighborhood and Lincoln Avenue. As the table clearly indicates, in all cases, the average existing front yard dimension is substantially greater than the minimum required by the current regulations for the zoning district in which the lot is situated. Maps 4 and 8 show the approximate actual front yard dimension (setback) for all lots in both neighborhoods. Many front setbacks are double the current minimum and a few cases triple it.



**FIGURE 1**  
*REVERSE*  
*FIGURE*  
*GROUND*

**Byram Ridge Area**

Village of Rye Brook  
 Westchester County, New York

Data Sources: Building Footprints (Village of Rye Brook, as Amended by FPCA), parcel boundaries (Village of Rye Brook, 1999, as Amended by FPCA)

**Legend**

-  Village Boundary
-  Building Footprints
-  Parcel Boundaries

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*Planning/Development/Environment/Transportation*



March 17, 2004



**FIGURE 2**  
**REVERSE**  
**FIGURE**  
**GROUND**

**Lincoln Avenue Corridor**  
 Village of Rye Brook  
 Westchester County, New York

Data Sources: Building Footprints (Village of Rye Brook, as Amended by FPCA), parcel boundaries (Village of Rye Brook, 1999, as Amended by FPCA)

**Legend**

-  Village Boundary
-  Building Footprints
-  Parcel Boundaries

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**TABLE 1**

**EXISTING AND REQUIRED FRONT YARD SETBACKS IN BYRAM RIDGE  
AND THE LINCOLN AVENUE CORRIDOR**

**Byram Ridge**

| <b>Beechwood Blvd</b> | Average <b>Existing</b> Front Setback Distance | Minimum Setback Required by Code |
|-----------------------|--|----------------------------------|
| North Side of Street  | 98 Feet  | 40 Feet                          |
| South Side of Street  | 95.3 Feet                                      | 40 Feet                          |

| <b>Edgewood Drive</b> | Average <b>Existing</b> Front Setback Distance | Minimum Setback Required by Code |
|-----------------------|--|----------------------------------|
| North Side of Street  | 105.3 Feet                                     | 40 Feet                          |
| South Side of Street  | 81.8 Feet                                      | 40 Feet                          |

| <b>Hillandale Road</b> | Average <b>Existing</b> Front Setback Distance | Minimum Setback Required by Code |
|------------------------|--|----------------------------------|
| North Side of Street   | 93   | 40 feet                          |
| South Side of Street   | 74   | 40 feet                          |

| <b>Loch Lane</b>     | Average <b>Existing</b> Front Setback Distance | Minimum Setback Required by Code |
|----------------------|--|----------------------------------|
| North Side of Street | 56.4 Feet                                      | 40 Feet                          |
| South Side of Street | 46.1 Feet                                      | 40 Feet                          |

| <b>Woodland Drive</b> | Average <b>Existing</b> Front Setback Distance | Minimum Setback Required by Code |
|-----------------------|--|----------------------------------|
| North Side of Street  | 80.7 Feet                                      | 40 Feet                          |
| South Side of Street  | 80.6 Feet                                      | 40 Feet                          |

Continued on Page 6.

## Lincoln Avenue Corridor

| <b>Lincoln Avenue Corridor</b> | Average <b>Existing</b> Front Setback Distance | Minimum Setback Required by Code |
|--------------------------------|--|----------------------------------|
| R-10                           | 45.8 Feet                                      | 30 Feet                          |
| R-12                           | 88.2 Feet                                      | 35 Feet                          |

Note: The following should be kept in mind when reviewing accompanying tables, maps and photographs:

1. Measurements are relative and approximations are only as accurate as the data layers and measuring tool, but general trends can be discerned.
2. Property owners' names and property addresses have been omitted for reasons of privacy.

## 2. Development Potential

The development potential of larger building lots within the Byram Ridge and Lincoln Avenue Corridor neighborhoods was determined by analysis of lot sizes in both neighborhoods. Regulatory and environmental constraints on development that might affect the neighborhoods were reviewed and included in the analysis.

GIS-based data layers were used to create Maps 2 and 6 that graphically show the relative sizes of lots in the neighborhoods. Map 2 shows that at the present time there are 39 lots with areas large enough (over 40,000 square feet) for subdivision in the R-20 zoning district of which Byram Ridge is a part. In the Lincoln Avenue Corridor neighborhood, illustrated by Map 6, there are 21 lots large enough to subdivide.

Although every existing house not built to the maximum bulk or minimum front yard dimension allowed by the Zoning Code can potentially be increased in size and rebuilt closer to the minimum front setback, not every building lot that is more than double the minimum for the zoning district can be subdivided. There are other constraints currently within the Zoning Code that affect the potential for re-subdivision such as minimum street frontage and horizontal-circle requirements. A summary of regulatory constraints is presented in Table 2, on Page 7.

**TABLE 2**

**ZONING CONSTRAINTS ON DEVELOPMENT**

| <b>ZONING DISTRICT</b> | <b>MINIMUM STREET FRONTAGE</b> | <b>HORIZONTAL CIRCLE</b> | <b>MINIMUM LOT AREA</b> |
|------------------------|--------------------------------|--------------------------|-------------------------|
| R-10                   | 60 ft.                         | 75 ft.                   | 10,000 sq. ft.          |
| R-12                   | 65 ft.                         | 100 ft.                  | 12,500 sq. ft.          |
| R-15                   | 75 ft.                         | 100 ft.                  | 15,000 sq. ft.          |
| R-20                   | 90 ft.                         | 125 ft.                  | 20,000 sq. ft.          |

When regulatory constraints were factored into the development potential analysis the number of lots that might be subdivided in both neighborhoods decreased dramatically. As Maps 3 and 7 illustrate, there are only nine lots in Byram Ridge and eight lots in the Lincoln Avenue Corridor that could potentially be subdivided. Environmental constraints such as the presence of wetlands or wetland buffers or steep slopes on a property may limit the potential for subdivision even more. Maps 3 and 7 also show that the large lots are not all located in a single area in each neighborhood, they are scattered in groups throughout.

**D. Conclusions**

The Byram Ridge and the Lincoln Avenue Corridor neighborhoods contain remnants of successive periods of development that make them picturesque and help shape the “sense of place” that residents have as part of their understanding of their community. A sense of place is dependent on a variety of factors that can be naturally occurring or constructed. Both neighborhoods have characteristics such as meandering streets, generously scaled building lots and front setbacks, interesting architectural features, and handsomely landscaped properties worthy of preservation. In addition, they also contain surviving natural characteristics that should be protected such as interesting terrain, mature natural landscapes, and geological features.

It is our opinion that the Byram Ridge and Lincoln Avenue Corridor neighborhoods are in danger of losing visual and spatial character through re-subdivision of the largest properties and “tear-down” alteration of existing residences. Re-subdivision to the minimum standards of the regulating Zoning Districts in both neighborhoods favors

destruction of interesting architectural features, loss of mature, naturally occurring or planted stands of vegetation and geological features along public streets. Furthermore, current regulations in the Village Code do not adequately mitigate the subject neighborhoods from the adverse impacts of the recent trends of re-subdivision and “tear-down” alteration, including diminished visual and spatial character, loss or reduction of mature landscapes and loss of architectural features adjacent to public-right of-ways.

Although there is potential for subdivision of the largest lots in each neighborhood, the relatively small number of lots with that potential, the locations of the lots and concerns regarding creation of increased numbers of non-conforming lots among existing smaller lots compels us to discount “up-zoning” as a method to limit re-subdivisions. Instead, it is our conclusion that contextually-based minimum front yard setback requirements would be a better way to preserve the visual and spatial character of Byram Ridge and the R-20 zoning district and regulate any subdivisions that might occur.

Regarding the Lincoln Avenue Corridor, we conclude that increased minimum front yard dimensions recommended in the Conservation Easements Study as part of the requirements of a Scenic Roads Overlay District would preserve the character of the corridor and regulate future subdivisions within the two zoning districts of the corridor. The Conservation Easement Study recommends application of a Scenic Roads Overlay District to the Lincoln Avenue Corridor because of the scenic character of the street, but we believe that the overlay district regulations will also regulate subdivision enough to preserve the spatial character as well.

**E. Recommendations**

We submit the following recommendations, proposing new contextually-based front yard setback requirements for the R-20 Zoning District and the creation of a Scenic Roads Overlay District along the Lincoln Avenue Corridor from Westchester Avenue to the Blind Brook and the Town/Village of Harrison municipal boundary. In addition to adding new controls, we recommend additions to the definitions in Section 250-2. We make the recommendations based upon our research and analysis, our review of the Village of Rye Brook Zoning Code, and our professional judgment.

*1. Proposed Definition*

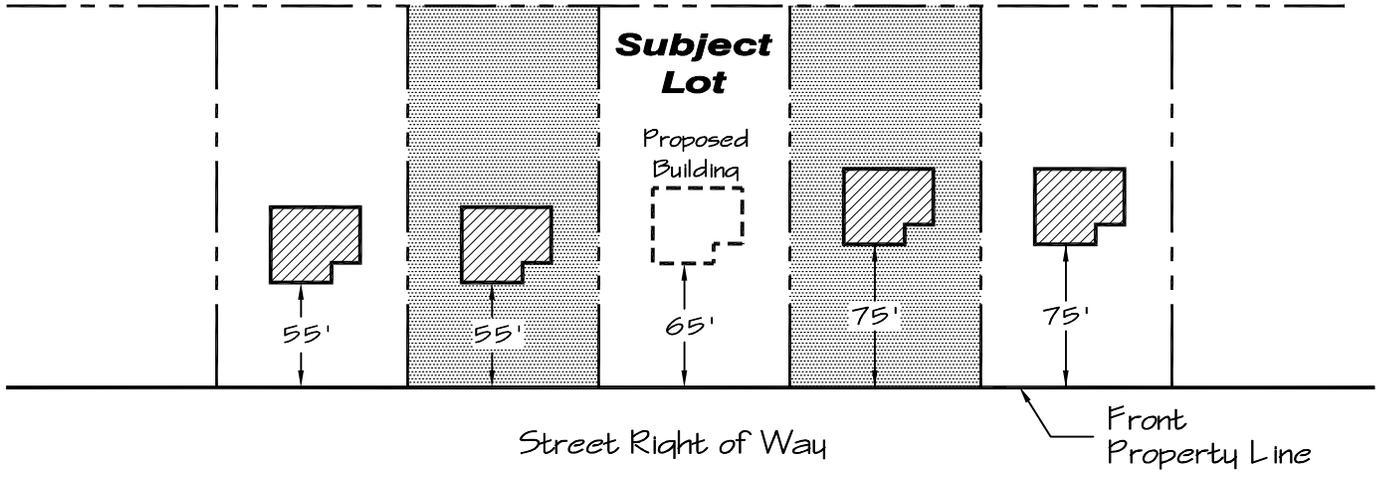
We recommend adding a definition for “actual front yard dimension” that would describe how to measure the existing front yard dimension (setback) of a property.

## 2. *Proposed Regulations*

We recommend changing the minimum front yard setback in the R-20 zoning district to one that is calculated specifically for each property by using the average of the actual front yard dimensions of surrounding properties. Using this method will ensure that new development or re-builds of existing properties will conform to the general configuration of adjacent properties and maintain the spatial quality of streets in the neighborhood. See Figure 3 on the following page.

# CALCULATING AVERAGE ACTUAL FRONT YARD DIMENSION

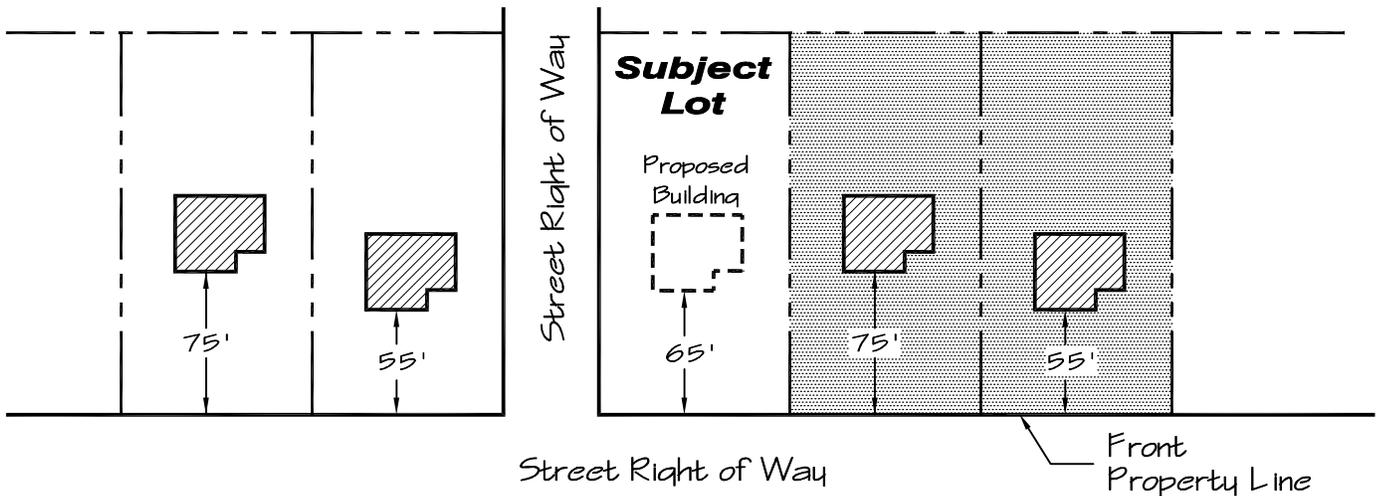
## INTERIOR LOT



### AVERAGE OF ACTUAL FRONT YARD DIMENSIONS

$$\frac{55' + 75'}{2 \text{ Lots}} = 65 \text{ Feet}$$

## CORNER LOT



### AVERAGE OF ACTUAL FRONT YARD DIMENSIONS

$$\frac{55' + 75'}{2 \text{ Lots}} = 65 \text{ Feet}$$

LARGE LOT SUBDIVISION STUDY  
Village of Rye Brook, New York

FREDERICK P. CLARK ASSOCIATES, INC.  
Planning/Development/Environment/Transportation

Scale in Feet





**MAP 1**  
**AERIAL VIEW**

**Byram Ridge Area**  
Village of Rye Brook  
Westchester County, New York

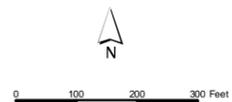
Data Sources: Aerial Photos (Village of Rye Brook, 2003),  
Building Footprints (Village of Rye Brook, as  
Amended by FPCA), parcel boundaries (Village  
of Rye Brook, 1999, as Amended by FPCA)

Note: Orthophoto rectification has not been done to these aerial photographs  
therefore they have not been corrected for camera orientation,  
central perspective, and terrain relief. Tax parcels lines have been  
provided for reference only and do not identify exact locations of property  
boundaries.

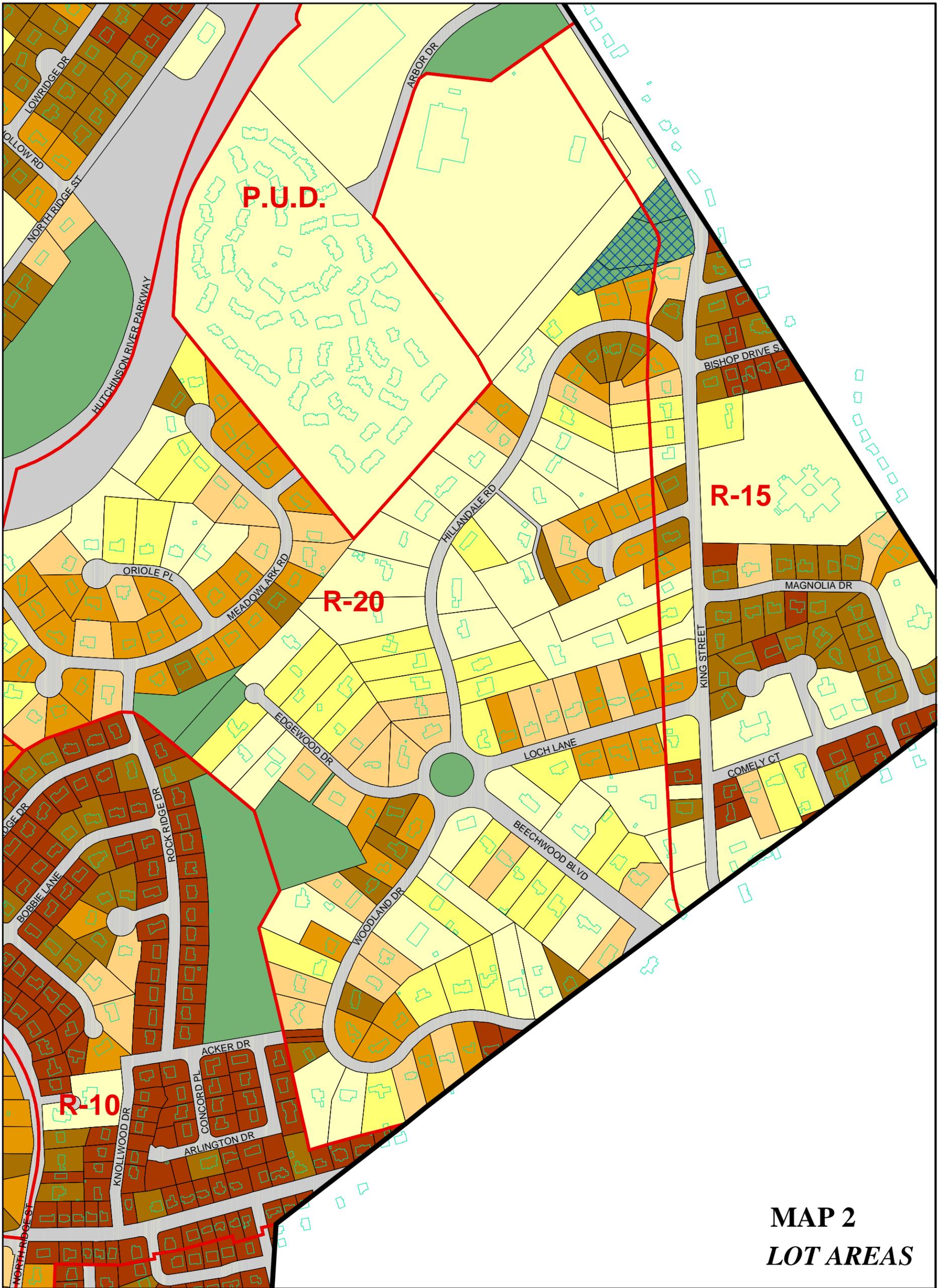
**Legend**

-  Village Boundary
-  Zoning District Boundaries
-  Parcel Boundaries

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## MAP 2 LOT AREAS

### Byram Ridge Area

Village of Rye Brook

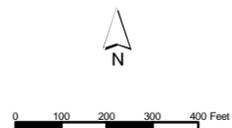
Westchester County, New York

Data Sources: Building Footprints (Village of Rye Brook, as Amended by FPCA), parcel boundaries (Village of Rye Brook, 1999, as Amended by FPCA)

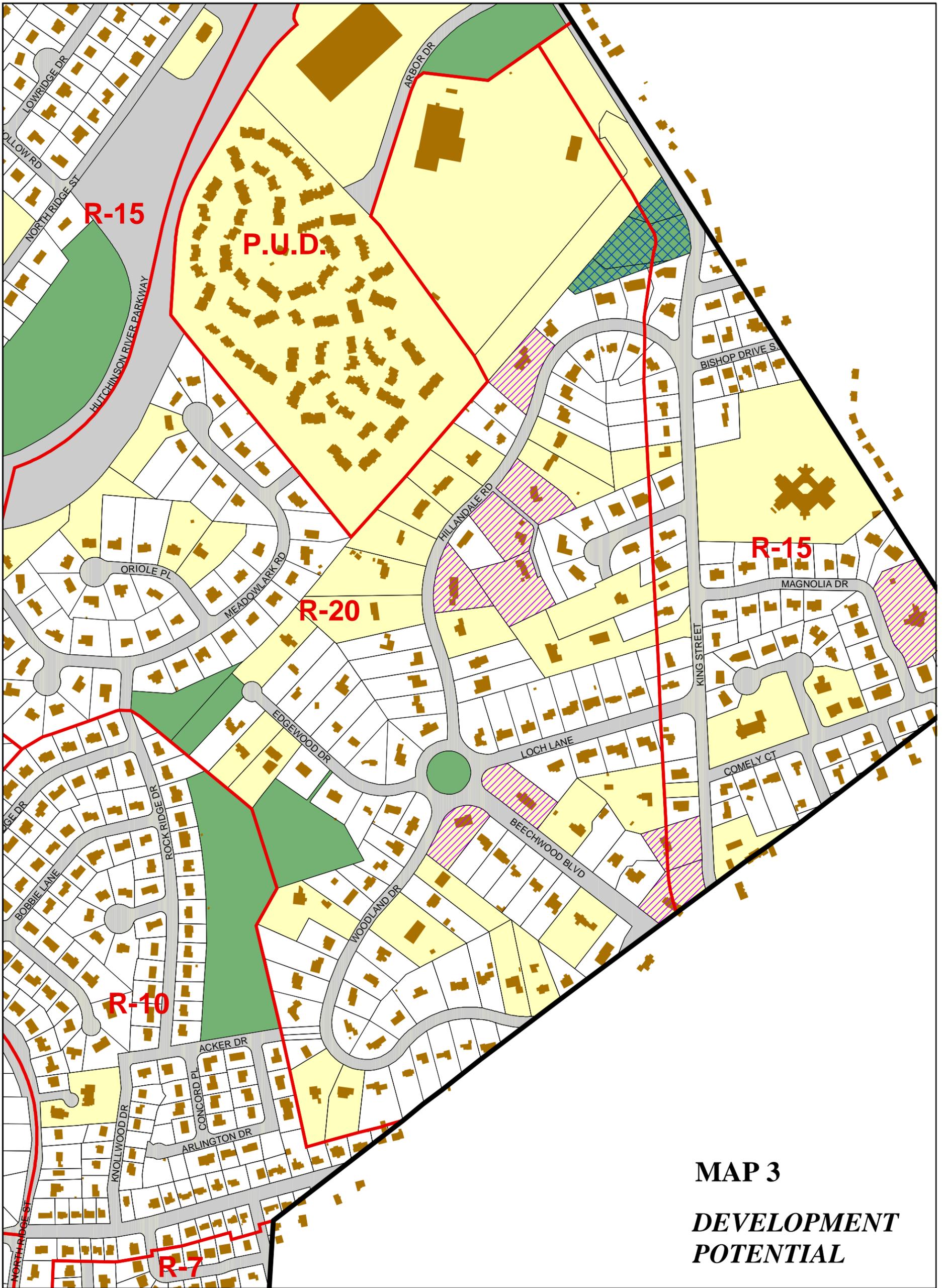
#### Legend

|  |                            |  |                           |
|--|----------------------------|--|---------------------------|
|  | Village Boundary           |  | Lot Areas                 |
|  | Zoning District Boundaries |  | 15000 to 20000 sq.ft.     |
|  | Village-Owned Lots         |  | 20000 to 25000 sq.ft.     |
|  | Parcel Boundaries          |  | 25000 to 30000 sq.ft.     |
|  | Building Footprints        |  | 30000 to 40000 sq.ft.     |
|  | Parks and Open Space       |  | Greater than 40000 sq.ft. |
|  | Road Right-of-Way          |  |                           |

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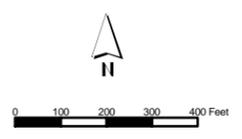
**MAP 3**  
**DEVELOPMENT**  
**POTENTIAL**

**Byram Ridge Area**  
 Village of Rye Brook  
 Westchester County, New York

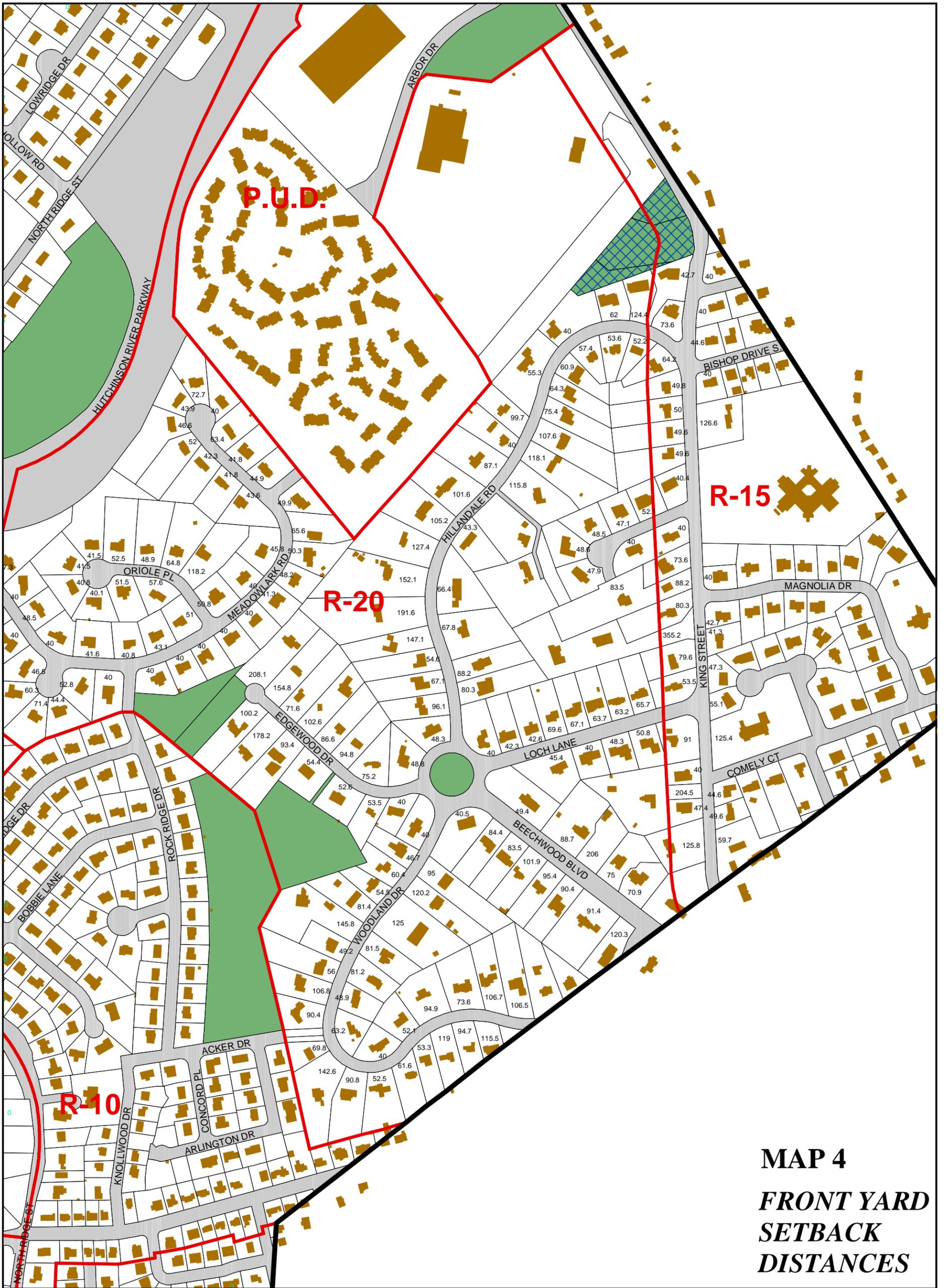
Data Sources: Building Footprints (Village of Rye Brook, as Amended by FPCA), parcel boundaries (Village of Rye Brook, 1999, as Amended by FPCA)

| Legend |                                      |
|--------|--------------------------------------|
|        | Village Boundary                     |
|        | Zoning District Boundaries           |
|        | Parcel Boundaries                    |
|        | Potential Development                |
|        | Village-Owned Lots                   |
|        | Road Right-of-Way                    |
|        | Building Footprints                  |
|        | Parks and Open Space                 |
|        | Lot areas less than 40,000 sq.ft.    |
|        | Lot areas greater than 40,000 sq.ft. |

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**Lincoln Avenue Corridor**  
 Village of Rye Brook  
 Westchester County, New York

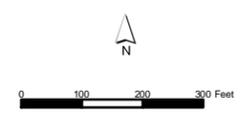
Data Sources: Aerial Photos (Village of Rye Brook, 2003),  
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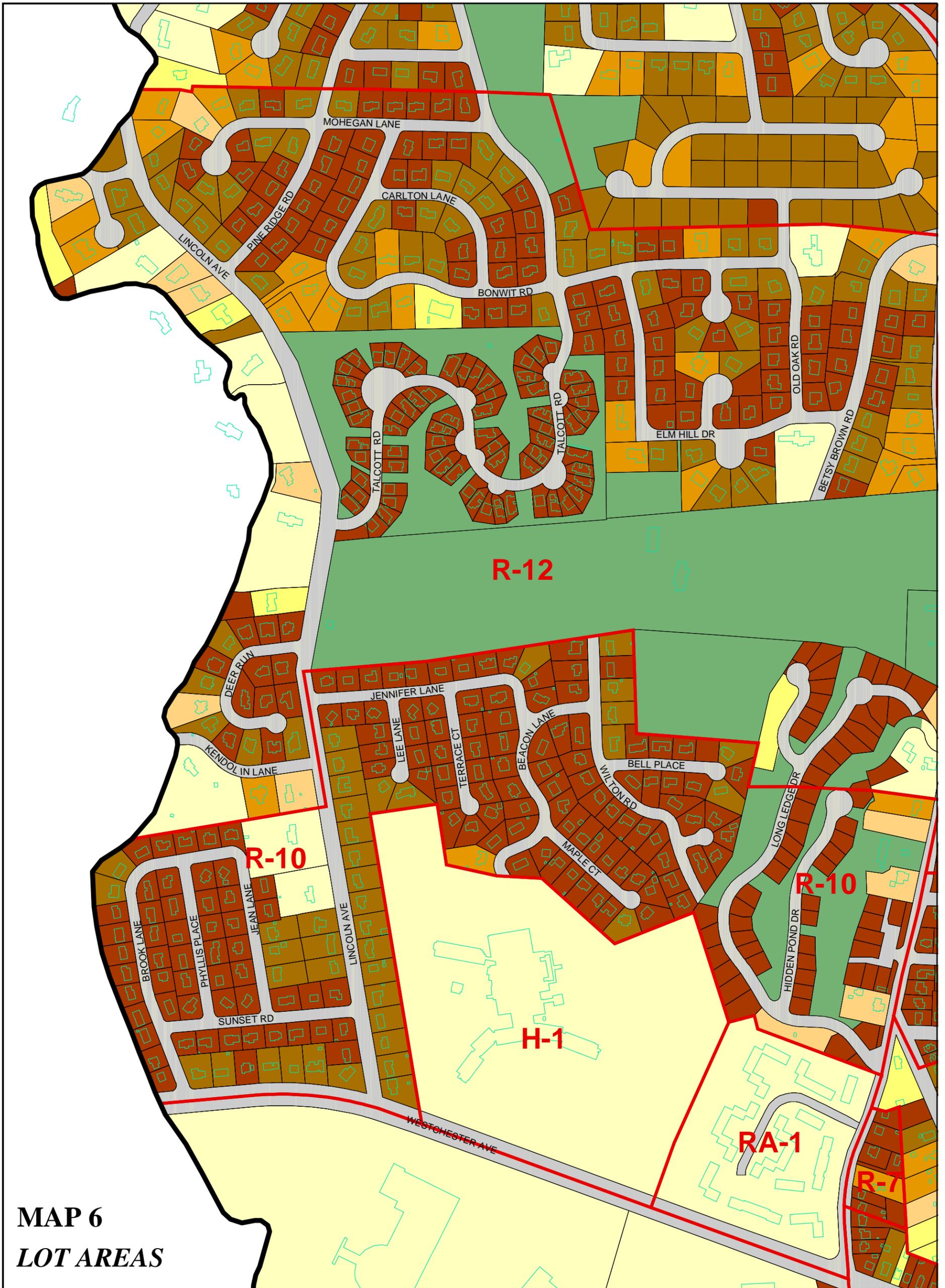
**Legend**

-  Village Boundary
-  Zoning District Boundaries
-  Parcel Boundaries

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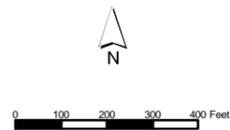
**MAP 7**  
**DEVELOPMENT**  
**POTENTIAL**

**Lincoln Avenue Corridor**  
 Village of Rye Brook  
 Westchester County, New York

Data Sources: Building Footprints (Village of Rye Brook, as Amended by FPCA), parcel boundaries (Village of Rye Brook, 1999, as Amended by FPCA)

| Legend |                            |
|--------|----------------------------|
|        | Village Boundary           |
|        | Zoning District Boundaries |
|        | Parcel Boundaries          |
|        | Potential Development      |
|        | Road Right-of-Way          |
|        | Building Footprints        |
|        | Parks and Open Space       |
|        | Lot Areas                  |
|        | Under 20000 sq.ft.         |
|        | 20000 to 25000 sq.ft.      |
|        | 25000 to 30000 sq.ft.      |
|        | 30000 to 40000 sq.ft.      |
|        | Greater than 40000 sq.ft.  |

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**APPENDIX B – STUDY AREA PHOTOGRAPHS (NOT AVAILABLE IN WEB SITE VERSION. CONTACT THE VILLAGE HALL FOR THE PICTURES.)**

## **DRAFT**

A Local Law to Amend  
Chapter 250, *Zoning*, of  
the Code of the Village of  
Rye Brook

**BE IT ENACTED** by the Board of Trustees of the Village of Rye Brook as follows:

Section 1. The following definitions of Section 250-2.C of the Village Code shall be added or amended, each in their proper alphabetical order:

**ACTUAL FRONT YARD DIMENSION** – The field-verified dimension from the exterior face of the portion of an existing Main Building closest to the Front Lot Line measured perpendicular to that lot line.

Section 2. Section 250-19.G shall be amended to read as follows:

G. Minimum yard dimensions:

- (1) Front: 40 feet unless the Actual Front Yard Dimensions of the existing residential Main Buildings abutting on either side of the proposed Main Building are greater than 40 feet, in which case the minimum Front Yard dimension shall be determined as follows:
  - (a) When the proposed Main Building is located on an Interior Lot, the minimum Front Yard Dimension of the proposed Main Building shall be the average of the Actual Front Yard

Dimensions of the closest existing Main Buildings located on either side of the proposed structure.

- (b) When the proposed Main Building is located on a Corner Lot, the minimum Front Yard dimension of the proposed Main Building shall be the average of the Actual Front Yard Dimensions of the two closest existing Main Buildings fronting on the same street as the proposed structure.

(2) Side:

- (a) Least one: 15 feet.

- (b) Total of two: 40 feet.

(3) Rear: 40 feet.