

Sec. 107-3 Definitions.

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Yard means an unoccupied space on a lot which:

- (1) Is open and unobstructed from the ground upward to the sky; ~~except for fencing, walls, or permitted projections, such as cornices, eaves, porches or landscaping;~~
- (2) Extends between a main building and the lines of the lot upon which the main building is located; and
- (3) Has a depth between the front, side or rear lot lines and the main building as required for the district in which the lot is located.

Yard, front, means a yard which faces a street, is located between the main building on a lot and the street easement or front line of the lot, and extends across the front of a lot between the side lot lines.

Yard, rear, means a yard which is located between the main building on a lot and the rear line of the lot, and extends across the rear of the lot between the side lot lines.

Yard, side, means a yard which is located between the main building on a lot and the side lines of the lot, and extends across the side of a lot between the front yard and the rear yard.

Sec. 107-76. - Minimum required depth and width of yards.

(a) In order to determine compliance with the minimum yard depth and width requirements of this section, measurements shall be made from the closest point ~~on the foundation line~~ of a "qualified building," as the term is defined in this subsection, to either the lot line or street right-of-way line, whichever results in the shortest distance. For purposes of this subsection, "qualified building" means a main building, a garage, carport, an accessory building, a covered porch, patio or terrace, or any projection of any such structure.

(b) The front yard of each lot shall have a minimum depth of 30 feet. ~~For purposes of this subsection, "qualified building" means either a main building, a garage, or a covered front porch or covered front terrace.~~

(c) The side yard of each lot shall have a minimum width of:

- (1) Ten feet, when the lot abuts another lot, except that the sum total of the two side yards of any lot shall not be less than 25 feet;
- (2) Thirty feet, when the lot borders a street other than described in subsection (c)(3) of this section;
- (3) Twenty feet, when two lots extend the length of one block and have abutting rear lot lines.

~~For purposes of this section, the term "qualified building" means a main building or accessory building.~~

(d) The rear yard of each lot shall have a minimum depth of 20 feet. ~~For purposes of this subsection, "qualified building" means an accessory building, or a main building or any projection thereof other than a projection of uncovered steps, unenclosed balconies or unenclosed porches.~~

(e) No part of a qualified building or other structure may overhang, extend into or be cantilevered into a required yard unless expressly permitted in this Division II – Residential Zoning District; provided however, that a roof, eave, cornice, above ground balcony or patio, sill, or bay window, or chimney of a qualified building may overhang or be cantilevered into a required yard a maximum of two feet."

(f) Extensions into required yards for accessory buildings, temporary buildings, fences, swimming pools and tennis courts are as expressly permitted in other sections of this Division, and nothing in this subsection, including the definition of "qualified building," alters such requirements.

(g) Landscaping, uncovered patios at ground level, terraces at ground level, retaining walls, uncovered steps, ramps, walks, driveways, playscapes and mailboxes may encroach into a required yard.

COMMENTS

1. New Section 107-3 removes the "projections" language from the definition of "yard". This language permitted unlimited projections into a "yard". New 107-76 (e) permits defined projections up to two feet into a required yard, as discussed at the Council meeting. New (f) retains existing sections that allow extensions into a side or rear yard for accessory buildings, etc., as listed in (f). New (g) lists things that may be located in a required yard.

2. New Section removes the three different definitions of "qualified building" and substitutes one single definition of "qualified building". The defined term for "qualified building" names what structures are counted for purposes of measuring whether the required yard depth and width is met. This changed definition eliminates some drafting issues with the previous language (e.g.: if a structure wasn't listed as a "qualified building", then it didn't count for purposes of measuring the required yard and, consequently it could be argued that an unnamed structure could be placed in a required yard), and where previous language was intended to permit certain structures in side or rear yards, those exceptions are now expressly referred to in the proviso to (e), and new (f) and (g).