

## SETBACK REQUIREMENTS

While the term Setback occurs numerous times within the zoning ordinance, the terms Setback or set back are not defined within the ordinance. Terms not defined within the ordinance are to be construed from Webster's New World Dictionary, Third College Edition (see 8.32). Setback (one word) has no land use definitions and set back (two words) is not defined.

The following citations provide insight to the setback requirements and what the term means.

### **3.13.Y. Frontage, Yard:**

A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building or any projection of permitted uncovered steps, unenclosed balconies or unenclosed porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. (*NOTE: from the definitions associated with Signs and Billboards*)

### **3.16 BUILDING LINE**

A line defining the front, side, and rear yard requirements outside of which no building or structure may be located. It will be that line that coincides with any portion of the building nearest the lot line that includes sun porches, porches, and foundations, but not steps.

### **3.70 STRUCTURE**

Anything constructed or erected, the use of which requires permanent location on the ground or anything attached to something having permanent location on the ground.

### **3.78 YARD**

A required open space unoccupied and unobstructed by any structure or portion thereof from the ground upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

A. Front Yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building, excepting steps and unenclosed porches.

B. Rear Yard: A space unoccupied, except for an accessory building, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

C. Side Yard: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of the main building.

## Conclusions

The ordinance refers to three types of setbacks; Front, Side, and Rear. Setback areas are synonymous with Yards, and the Building Line is also synonymous with setback and establishes the front, side and rear yards. In general, setbacks are measured to any point on the structure. 3.78 establishes a yard as an “unoccupied and unobstructed” open space. Structures are defined to include anything with permanent location on the ground or anything attached to it. The “Building Line” includes porches, sun rooms and foundations, but not steps. Therefore, in general eaves and overhangs and any portion of the structure are to be setback from.

There are exceptions to this, and in fact only one yard, the side yard, is subject to anything attached to the structure. At 3.78.A, the front yard specifically excludes steps and unenclosed porches even though these features would be considered as part of the structure per 3.70. Furthermore, the eaves and overhangs are essentially excluded at the front yard as 3.78.A specifies the front yard is the distance between the front lot line and “the main wall of the building.” In a similar fashion, 3.78.B indicates the rear yard setback is measured from rear lotline to “the rear wall.”