

§ 85-371 Yard encroachments

Every part of a required yard shall be open and unobstructed by any building or structure from its lowest point upwards, except as follows:

- A. Accessory buildings and structures are permitted in the rear yards in those districts in which they are specifically permitted.
- B. Awnings, sills, cornices, buttresses and eaves may project not more than two feet over or into any required yard.
- C. Walks, strips for negotiating ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas which are not roofed over and are unenclosed except for an open guardrail not over three feet in height, all accessory to and customarily incidental to the principal use, are permitted in yards; provided, however, that a strip four feet in width adjoining the lot shall be unobstructed by any structure or feature that is higher than two feet above the ground level, except a fence, hedge or natural growth or retaining wall.
- D. Unenclosed one-story porches and steps to building entrances may extend not more than four feet into any required yard. However, such unenclosed porches and steps may extend an additional five feet into the required front yard where it can be demonstrated that said additional encroachment is necessitated due to the height of the door above the surrounding grade or due to unusual topographical features. The applicant must demonstrate that the porch and/or steps cannot be arranged within the permitted encroachment distance. For purposes of this section, a handicap accessibility ramp shall be a permitted encroachment in a side yard or rear yard and shall be permitted to encroach into any required front yard.
- E. Openwork fire balconies and fire escapes may extend not more than five feet into a required yard.
- F. Chimneys and flues may extend not more than two feet, for a length not exceeding 10 feet, into a required yard.
- G. Unenclosed ground-level or first-story decks may extend into the required side yard or rear yard, but may not exceed the setback requirements for accessory structures. No part of any deck greater than four feet in height above the surrounding ground level may be located closer than 15 feet to a side or rear property line. **[Added 9-18-1990, effective 10-7-1990]**