

§ 154.141 GENERAL MODIFICATION TO YARD REGULATIONS.

A) *Yards to be open.* When yards (also referred to as setbacks) are required in a district, every part of a required yard shall be unobstructed by a building, structure or use except that:

- (1) Off-street parking spaces are permitted in a front, side or rear yard, provided that no parking space shall create a visual obstruction or hindrance to traffic on any abutting street;
- (2) Accessory buildings are permitted in a rear or side yard, but not within five (5) feet of a property line unless otherwise specified in this Chapter;
- (3) Above-ground architectural features such as cornices, eaves, fire escapes, stairs, landings, bay windows, chimneys, but not walls or porches, may protrude into any required yard a distance not to exceed one-fifth (1/5) of the required yard or six (6) feet, whichever is the lesser distance.
- (4) For any structure regulated by the Americans with Disabilities Act (ADA) being added to an existing structure, any property line setback may be reduced up to a maximum of zero (0) feet if the Zoning Administrator determines that there is no location for such structure on the site that will comply with the required setback. If there is a location on the site for the ADA-compliant structure that will meet the required property line setback, that location must be utilized. If an ADA structure must encroach into the required setbacks, the rear setback will be considered first and the side setbacks second. Encroachment

into the front setback will only be allowed when the first and second options will not accommodate the placement of the ADA structure, or if two (2) ADA structures are required for safe and adequate access. Structural features of the existing primary structure and safety issues will be considered in determining the appropriate location of any ADA structure.

- (5) Shoreline structures such as bulkheads, groins, revetments and breakwaters regulated by the Northampton County Wetlands Board shall be permitted within the side, rear and shoreline setback and within all resource protection area components.
- (6) Piers, board walks and beach access stairs regulated by the Northampton County Wetlands Board shall be permitted within the rear and shoreline setback and within all resource protection area components.
- (7) Statues, monuments and flagpoles shall be allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets.
- (8) Heating, cooling and other mechanical structures 100 square feet each or less in size shall be permitted within the front, rear side and shoreline setbacks.
- (9) Utility structures associated with communications, sanitation, electric, gas and water shall be permitted within the front, rear, side and shoreline setbacks. These structures may be allowed within resource protection area components through a waiver, exception or exemption process

and within areas regulation by the Northampton County Wetlands Board through the appropriate approval or permitting process.

B) *Uncovered porches and other projections into yards.* Terraces, uncovered porches, platforms and ornamental features which are no higher than three (3) feet above the floor level of the ground (first) story may project up to six (6) feet into a required side or rear yard, except in a Chesapeake/Atlantic Preservation Area buffer, provided that these projections are not within six (6) feet of the adjacent lot lines.

C) *Open fire escapes, balconies, chimneys.* Open lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues may project into the required rear yard not more than five (5) feet..

D) *Multiple buildings on lot.*

(1) *Multiple buildings used for commercial, institutional, or industrial purposes.* Where a lot is lawfully used for a commercial, institutional, or industrial purpose, more than one (1) main building may be located upon the lot but only when each separate building has independent open space equivalent to the yard requirements of the district in which the lot is located.

(2) *Multiple buildings used for multi-family dwelling purposes.* Where a lot is used for multi-family residential or institutional purposes, there may be more than one (1) multi-family building on the lot if permitted in the district. In such cases, there shall be provided between buildings that are parallel, or within 45 degrees of being parallel, a minimum of 20 feet for one-story (1-story)

buildings, 30 feet for two-story (2-story) buildings and 40 feet for three-story (3-story) buildings. No dimension between any two buildings shall be less than fifteen (15) feet. When such buildings are of varying height, the buildings with the greater height shall be used for determining and applying separation regulations.